

**LIBERTY TOWNSHIP ZONING RESOLUTION**

**FAIRFIELD COUNTY**

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## **ARTICLE I**

### **TITLE, PURPOSE, AND CONFORMANCE**

#### **1.1 TITLE**

This Zoning Resolution shall be known as and shall be cited and referred to as the “Zoning Resolution of Liberty Township, Fairfield County, Ohio.” (“Zoning Resolution”)

#### **1.2 PURPOSE**

This Zoning Resolution is enacted in accordance with the Ohio Revised Code Section 519.01 et seq.

Except as otherwise provided in ORC Section 519.01 – 519.99, in the interest of the public health, safety, convenience, comfort, prosperity, or general welfare, the Liberty Township Board of Trustees in accordance with the Fairfield County Development Strategy and Land Use Plan regulate by resolution the location, height, bulk, number of stories, and size of Buildings and other Structures, including tents, cabins, and trailer coaches, percentages of Lot Areas that may be occupied, Set Back building lines, sizes of Yards, Courts, and other Open Spaces, the Density of population, the Uses of Buildings and other Structures, including tents, cabins, and trailer coaches, and the Uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the township, and establish reasonable residential Landscaping standards and residential architectural standards, excluding exterior Building materials, for the unincorporated territory of the township; and for all these purposes, the Board of Trustees may divide all or any part of the unincorporated territory of the township into Districts or zones of such number, shape, and area as the Board of Trustees determines. All such regulations shall be uniform for each class or kind of Building or other Structure or Use throughout any District or zones, but the regulations in one District or zone may differ from those in other Districts or zones.

For any activities permitted and regulated under Chapter 1513 or 1514 of the Revised Code and any related processing activities, the Board of Township Trustees may regulate under the authority conferred by this section only in the interest of public health and safety. ORC Section 519.02

#### **1.3 USE OF CAPITALIZED WORDS AND PHRASES**

Words and phrases capitalized throughout this Zoning Resolution are defined in Article III.

#### **1.4 CONFORMANCE**

No Building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or Used, and no land shall be Used in violation of any resolution, or amendment or supplement to such resolution adopted by any Township Board of Trustees under Sections 519.02 to 519.25, inclusive, of the Ohio Revised Code. Each day of continuation in violation of this section may be deemed a separate offense. ORC Section 519.23

## **ARTICLE II**

### **INTERPRETATION OF STANDARDS – EXEMPTIONS AND LIMITATIONS**

#### **2.1 INTERPRETATION AND APPLICATION**

The provisions of this Zoning Resolution shall be held to be minimum requirements. Where this Zoning Resolution imposes a greater restriction than is imposed by other provisions of law, or by other rules or regulations or resolutions, the provisions of this Zoning Resolution shall control.

It is not intended by this Zoning Resolution to interfere with, abrogate, or annul any easements, covenants or other agreements between parties that do not violate this Zoning Resolution. Where any specific provisions of this Zoning Resolution conflict or conflicts with any other lawfully adopted rules, regulations, or resolutions, the most restrictive or those imposing a higher standard shall apply.

#### **2.2 SEPARABILITY CLAUSE**

The invalidation of any clause, sentence, paragraph or section of this Zoning Resolution by a court of competent jurisdiction shall not affect the validity of the remainder of this Zoning Resolution either in whole or in part.

#### **2.3 ADOPTION**

This Zoning Resolution shall become effective upon approval by the Liberty Township Zoning Commission and the Liberty Township Board of Trustees as set forth in Section 519.12 of the Ohio Revised Code. Upon approval and effective date of this Zoning Resolution by the Liberty Township Zoning Commission and the Liberty Township Board of Trustees as set forth in Section 519.12 of the Revised Code all previous zoning resolutions in effect shall be deemed to be repealed.

#### **2.4 USES EXEMPT OR LIMITED FROM TOWNSHIP CONTROL**

##### **A. Agricultural Exemption**

1. Except as otherwise provided in Section 2.4(A)(2) of this section, Sections 519.02 to 519.25, inclusive, of the Ohio Revised Code confer no power on any Township Board of Trustees, Township Zoning Commission, or Board of Zoning Appeals to prohibit the Use of any 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 Buildings or Structures are located, including Buildings or Structures that are Used primarily for vinting and selling wine and that are located on land any part of which is



Used for viticulture, and no Zoning Permit shall be required for any such Building or Structures. ORC Section 519.21

2. As permitted by ORC Section 519.21(B), for any Platted subdivision approved under Sections 711.05, 711.09, and 711.10 of the ORC, or in any area consisting of fifteen (15) or more Lots approved under Section 711.131 of the ORC that are contiguous to one another, or some of which 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, this Zoning Resolution hereby regulates:
  - a. Agriculture on Lots of one acre or less.
  - b. Buildings or Structures incident to the Use of land for agricultural purposes on Lots greater than one acre but not greater than five acres by: Setback building lines, height and size. Such Buildings or Structures shall comply with the requirements within the applicable zoning District.
  - c. Dairying and animal and poultry husbandry on Lots greater than one acre but not greater than five acres when at least 35 percent of the Lots in the subdivision are developed with at least one Building, Structure, or improvements that is subject to real property taxation or that is subject to the tax on Manufactured Homes under Section 4503.06 of the Revised Code. After 35 percent of the Lots are so developed, dairying and animal and poultry husbandry shall be considered Nonconforming Uses of land and Buildings or Structures pursuant to Section 519.19 of the Revised Code and subject to the restrictions in Article V of this Zoning Resolution.
3. Section 2.4(A)(2) confers no power on any Township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals to regulate Agriculture, Buildings or Structures, and dairying and animal and poultry husbandry on Lots greater than five acres.
4. Such sections confer no power on any Township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals to prohibit in a District zoned for agricultural, industrial, residential, or commercial Uses, the Use of any land for a Farm Market where fifty (50) percent 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. However, a board of township trustees, as provided in section 519.02 of the Revised Code, may regulate such factors pertaining to farm markets as

size of the structure, size of parking areas that may be required, set back building lines, and egress or ingress, where such regulation is necessary to protect the public health and safety.

**B. Public Utilities and Railroads**

Except as otherwise provided in ORC Section 519.211(B), Section 519.211 (C) and Section 519.213, such sections confer no power on any Township Board of Trustees or Board of Zoning Appeals 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 land by any public utility or railroad, for the operation of its business. Per ORC 519.21, "public utility" does not include a Person that owns or operates a Solid Waste Facility or a Solid Waste transfer facility, other than a publicly owned Solid Waste Facility or a publicly owned Solid Waste transfer facility that has been issued a permit under Chapter 3734 of the Revised Code or a Construction/Demolition Facility that has been issued a permit under Chapter 3714 of the Revised Code. (ORC Section 519.21)

As provided in ORC Section 519.211(B), Telecommunication Towers shall be regulated as a Conditional Use in the RR District and subject to the provisions of Section 11.1 of this Zoning Resolution.

As provided in ORC Section 519.213, Individual Wind Energy Conversion Systems and Small Wind Farms (as defined in Article III), whether publicly or privately owned, shall hereby be regulated as set forth within this Zoning Resolution.

**C. Retail Establishments and Alcoholic Beverages**

Such sections confer no power on any Board of County Commissioners, Board of Township Trustees, or Board of Zoning Appeals to 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. ORC Section 519.211(D).

**D. Outdoor Advertising**

For the purpose of Sections 519.02 to 519.25, inclusive, of the Ohio Revised Code, outdoor advertising shall be classified as a business use and be permitted in all districts zoned for industry, business, or trade, or lands used for agricultural purposes. (See Section 10.8 (C) for Outdoor Advertising Regulations).

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## **ARTICLE III**

### **DEFINITIONS**

For the purpose of this Zoning Resolution, certain terms are herein defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "shall" is mandatory and not directory; the word "Used" shall include the words "arranged," "designed," "constructed," "altered," "converted" or "intended to be Used," and a "person" shall mean, in addition to any individual, a firm, corporation, Association, or any legal entity which may own and/or Use land or Buildings.

There may be some definitions within this Article that are referenced as definitions from the Ohio Revised Code (ORC). Provided the state law should be changed which would affect one or more of these definitions said change shall be made a part of this Zoning Resolution the same as if adopted by the Liberty Township Board of Trustees.

**ACREAGE** – Any tract of or parcel of land, which has not been subdivided and/or Platted.

**ACCESSORY STRUCTURE** – A Structure detached from the Principal Building and subordinate to the principal Use of a Building on the Lot or tract and serving a purpose customarily incidental to the Use of the Principal Building. Accessory Structures are located on the same Lot as the Principal Building and are not designed for human occupancy as a Dwelling. Examples of Accessory Structures are detached private garages, sheds, pool houses, storage Buildings, and other similar type Buildings.

**ACCESSORY STRUCTURE ADDITION** – A structure attached to an existing Accessory Structure serving a purpose customarily incidental to the Use of the Accessory Structure. Accessory Structure additions are not designed for human occupancy as a Dwelling.

**ACCESSORY USE** – A subordinate Use which is incidental to and customary in connection with the primary Building and which is located on the same Lot with such primary Building or Use. An example of an Accessory Use would be an attached garage within a residential Dwelling Unit.

**ACTIVE RECREATION** – Leisure time activities characterized by repeated and concentrated Use of land, often requiring equipment and taking place at prescribed places, sites or fields. Examples of Active Recreation facilities include golf courses, tennis courts, swimming pools, softball, baseball, and soccer fields. For the purpose of this Zoning Resolution, Active Recreation does not include paths for bike riding, hiking, or walking and picnic areas.

**ADULT ARCADE** – Any place to which the public is permitted or invited 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 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 “specified sexually activities” or “Specified Anatomical Areas.”

**ADULT BOOKSTORE OR ADULT VIDEO STORE** – A commercial establishment, which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which depict or describe “Specified Sexual Activities” or “Specified Anatomical Areas” or
2. Instruments, devices, or paraphernalia which are designed for use in connection with “Specified Sexual Activities.”

**ADULT CABARET** – A nightclub, bar, Restaurant, or similar commercial establishment which regularly features:

1. Persons who appear in a State of Nudity; or
2. Live performances which are characterized by the exposure of “Specified Anatomical Areas” or by “Specified Sexual Activities”; or
3. Films, motion pictures, videocassettes, slides, or other photographic reproductions, which are characterized by the depiction or description of “Specified Sexual Activities” or “Specified Anatomical Areas.”

**ADULT FAMILY HOME** – A residence or facility that provides accommodations to three (3) to five (5) unrelated adults and provides supervision and personal care services to at least three (3) of those adults (ORC Section 3722.01(7)).

**ADULT GROUP HOME** – A residence or facility that provides accommodations to six (6) to sixteen (16) unrelated adults and provides supervision and personal care services to at least three (3) of the unrelated adults (ORC Section 3722.01(8)).

**ADULT MOTEL** – A Hotel, Motel or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides 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
2. Offers a sleeping room for rent for a period of time that is less than 10 hours; or
  3. Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than 10 hours.

**ADULT MOTION PICTURE THEATER** – A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “Specified Sexual Activities” or Specified Anatomical Areas.”

**ADULT THEATER** – A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a State of Nudity or live performances which are characterized by the exposure of “Specified Anatomical Areas” or by “Specified Sexual Activities.”

**AGRICULTURE** – The Use of land for any of the following purposes: 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 husbandry and the production of 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 foregoing; the processing, drying, storing, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production (ORC Section 519.01).

**ALLEY** – A public or private right-of-way affording secondary means of access to abutting property.

**ASSOCIATION** – A legal entity operating under recorded land agreements or contracts through which each unit owner within a Conservation Development or Planned Unit Development is subject to charges for a proportionate share of the expenses of the organization’s activities such as maintaining common Open Space and other Common Areas and providing services needed for the development. An Association can take the form of a homeowners’ Association, community Association, property owners’ association, condominium Association or other similar entity.

**AUTOMOBILE OR TRAILER SALES AREA** – An open area, other than a Street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition.

**AUTOMOBILE-ORIENTED BUSINESS** – See Business, Automobile Oriented.

**BANK, STREAM OR RIVER** – The ordinary high water mark of the stream or river, otherwise known as the bankfull stage of the stream or river channel. Indicators used in determining the bankfull stage may include changes in vegetation, slope or bank materials, evidence of scouring or stain lines.

**BASEMENT** – That portion of a Building, the floor of which is more than two (2) feet below and the ceiling of which is less than four (4) feet six (6) inches above the average grade.

**BED AND BREAKFAST FACILITY** – Any place of lodging that provides four (4) or fewer rooms for rent on a temporary basis, is the Owner’s personal residence, is occupied by the Owner at the time of rental, and where meals may be served to guests.

**BUFFER** – A designated area between Uses or adjacent to the perimeter of Natural Features designed and intended to provide protection and which shall be permanently maintained.

**BUFFER, LAND USE** – Land area Used to separate or visibly shield and/or screen one Use from another.

**BUILDABLE AREA (OF A LOT)** – The space within a Lot that is remaining after the minimum Yard Setback requirements have been complied with.

**BUILDING** – Any Structure having a roof supported by columns or walls, designed, built, or occupied for the shelter, support, or enclosure of persons, property or animals and Used for residential, commercial, industrial, institutional, assembly, educational, recreational purposes or other similar Uses.

**BUILDING ENVELOPE** – An area within a Conservation Development that is designated as a location within which a Dwelling Unit is to be placed in compliance with the Yard Setback and spacing requirements. A Building Envelope may or may not be located within a subplot and may or may not have Frontage on a Public Street.

**BUILDING HEIGHT** – The vertical distance from the average contact ground level at the front wall of the Building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

**BUSINESS, AUTOMOBILE-ORIENTED** – A facility where a service is rendered or a sales transaction is made while the patron is typically not required to exit his/her vehicle that includes services rendered directly on, to, or for vehicles. Automobile Oriented Business facilities include, but are not limited to, drive-through Restaurants, drive-in Restaurants, automated teller machines (ATMs), drive-thru banks, drive-in movie theaters, car washes (all types), gas stations, facilities specializing in oil changes, car repair, establishments installing car accessories, other similar automobile service facilities

and stand alone parking lots. The sale of new or used vehicles is not included within this definition.

**BUSINESS, RETAIL** – A Use primarily engaged in the selling of merchandise and the rendering of services that is incidental to the sale of the goods.

**BUSINESS, HOME BASED RETAIL** – A Retail Business where goods are sold in the home of the retail operator either using the Internet, a magazine, catalog or other similar mechanism, and in which the consumer is typically not required to visit the operator’s home to choose, order, purchase or pick up the goods. Such Uses do not involve delivery trucks other than normal parcel delivery services.

**BUSINESS, NEIGHBORHOOD RETAIL** – A Retail or Wholesale business that is less than ten thousand (10,000) square feet in area and typically services nearby neighborhoods.

**BUSINESS, MEDIUM RETAIL** – A Retail or Wholesale business that is at least ten thousand (10,000) square feet in area, but less than twenty (20,000) square feet in area.

**BUSINESS, LARGE RETAIL** – A Retail or Wholesale business that is twenty thousand (20,000) square feet or larger.

**BUSINESS, SERVICES PERSONAL** – Uses that primarily provide services to a person or provide for the care and maintenance of personal goods. Such Uses include, but are not limited to, beauty shops, barber shops, salons, shoe repair shops, tailoring services, or garment repair services. This does not include laundry or dry cleaning services.

**BUSINESS, WHOLE SALE** – A Use that generally sells commodities in large quantities or by the piece to the general public, business members, retailers or other wholesale establishments.

**CARPORT** – A covered automobile parking space not completely enclosed by walls or doors. A Carport shall be subject to all provisions in these regulations for an Accessory Structure.

**CEMETERY** – Land Used for or intended to be Used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries, operated in connection with and within the boundaries of the cemetery.

**CENTRAL SEWER SYSTEM** – A system where individual Lots are connected to a common sewerage system whether publicly or privately owned and operated.



**CERTIFICATE OF ZONING COMPLIANCE** – A certificate issued by the Zoning Inspector confirming that the requirements of this Zoning Resolution have been met and the Building can be occupied or the property can be utilized for the purpose stated in the Zoning Permit.

**CHILD DAY-CARE CENTER** – Any place in which child care or publicly funded child care is provided for thirteen (13) or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven (7) to twelve (12) children at one time. In counting children for purposes of this code, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted. Any facility listed in ORC Section 5104.01(L)(1)–(3) shall not be considered a Child Day-Care Center (ORC Section 5104.01(L)).

**CLINIC** – Any Building or other Structure devoted to the medical diagnosis, treatment, and care of outpatients.

**CONDITIONAL USE** – A desirable Use within a zoning District that may more intensely affect the surrounding area than would a permitted Use in said District. Such Uses may require supplementary conditions and safeguards to ensure the Use of the land blends with the surrounding area.

**COMMENCE (WORK)** – The time at which physical improvements begin to be made to a Building or Structure so that it may be utilized for its intended purpose stated in the Zoning Permit.

**COMMENCE (CONSTRUCTION)** – The time at which physical improvements begin to be made to a property (excluding the clearing of the land) to comply with the requirements of an approved Development Plan within a Planned Unit Development District, Planned Rural Business/Community Service District, or a Planned Residential Conservation Overlay District.

**COMMERCIAL ENTERTAINMENT FACILITY** – Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, dance halls, pools halls, bowling alleys, skating rinks, and similar entertainment activities.

**COMMON AREA** – Any land area and associated facilities, within a Conservation Development or Planned Unit Development that is held in common ownership by the residents or Lot Owners of the development through a Homeowners' Association, Community Association or other legal entity, or which is held by the individual members of a Condominium Association as tenants-in-common.

**COMMON DRIVE** – A private way which provides vehicular access to at least two, but not more than three, Dwelling Units.

**CONSERVATION DEVELOPMENT** – A contiguous area of land to be planned and developed as a single entity, in which housing units are accommodated under more flexible standards, such as Building arrangements and Setbacks, than those that would normally apply under single-family district regulations, allowing for the flexible grouping of houses in order to conserve Open Space and existing natural features.

**CONSERVATION EASEMENT** – A legal interest in land which restricts development and other Uses of the property in perpetuity for the public purpose of preserving the rural, open, natural, or agricultural qualities of the property as authorized by ORC Section 5301.67 through Section 5301.70.

**CONSTRUCTION/DEMOLITION FACILITY** – Any site, location, tract of land, or Building Used for the disposal of materials resulting from the alteration, construction, destruction, or repair of any physical Structure that is built by humans including, but not limited to houses, Buildings, industrial or commercial facilities, or roadways. A Construction/Demolition Facility also includes the particles and dust from the demolition activities, but does not include materials identified as Solid Waste or hazardous waste.

**COURT** – An open, unoccupied space other than a Yard, on the same Lot with a Building, unobstructed from the lowest level to the sky.

**CUL-DE-SAC** – A short minor Street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turn around.

**DAY-CARE HOME, FAMILY (TYPE A)** – A permanent residence of the administrator in which child care or publicly funded child care is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which child care is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age. In counting children for the purposes of this division, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. “Type A Family Day-Care Home” and “Type A home” do not include any child day camp (ORC Section 5104.01(RR)).

**DAY-CARE HOME, FAMILY (TYPE B)** – A permanent residence of the provider in which child care is provided for one (1) to six (6) children at one time and in which no more than three (3) children under two (2) years of age at one time. In counting children for the purposes of this division, any children under six (6) years of age who are related to the provider and who are on the premises of the Type B home shall be counted. “Type B Family Day-Care Home” and “Type B home” do not include any child day camp (ORC Section 5104.01(SS)).

**DECK** – Any structure with a floor composed of wood, metal, stone, plastic, or other natural material not containing a roof or walls of which the Use is customarily incidental to that of the Principal Use or Building.

**DECK, COVERED** – Any structure with a floor and roof but no walls composed of wood, metal, stone, plastic, or other natural material of which the Use is customarily incidental to that of the Principal Use or Building.

**DENSITY (OFFICE)** – The total amount of office space (measured in square feet) on an acre of land. If the office has more than one floor, the square footage of all the floors shall be added together to obtain the total amount of office space.

**DENSITY (RESIDENTIAL)** – The number of Dwelling Units developed on an acre of land.

**DENSITY (RESIDENTIAL), GROSS** – The number of Dwelling Units developed on a gross acre of land.

**DENSITY (RESIDENTIAL), NET** – The number of Dwelling Units developed on a net acre of land. A net acre of land is the total Acreage minus any wetlands, water bodies, public parks, Open Spaces, and roads.

**DEVELOPER** – an individual, subdivider, firm, association, syndicate, partnership, corporation, trust or any other legal entity developing land.

**DEVELOPMENT PLAN** – A proposal including drawing(s) and map(s) for a Conservation Development, Planned Unit Development, or planned rural business/community service development, prepared in accordance with these regulations, illustrating the proposed design, layout and other features for the development.

**DISTRICT** – A section or sections of the unincorporated territory of the Township governing the development and Use of Buildings and Use of premises or the height and area of Buildings.

**DWELLING** – A Building or portion thereof, conforming to all requirements applicable to the District in which it is located and that it is Used exclusively for residential occupancy, including single-family Dwelling Units, Single-Family Cluster Dwellings, single family attached Dwellings, two-family Dwelling Units, and Multi-Family Dwelling Units, but excluding Hotels, and Motels.

**DWELLING – ATTACHED SINGLE FAMILY** – Dwelling Units that are structurally attached to one another, side by side, and erected as a single Building, each Dwelling Unit being separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof with each unit including separate ground floor entrances, services, and attached garages.

**DWELLING – CLUSTER SINGLE FAMILY** – A Building that is designed and Used exclusively by one family and separated from all other Dwelling Units by air space from ground to sky, which is grouped with other Dwellings on a site and which may be located on its own subdivided Lot without a Front, Side and/or Rear Yard in accordance with the standard zoning District regulations.

**DWELLING – DETACHED SINGLE FAMILY** – A Building designed for or Used exclusively for residence purposes by one family situated on a parcel having a Front, Side and Rear Yard.

**DWELLING, MULTI-FAMILY** – A Building or portion thereof occupied or designed to be occupied by more than two families or housekeeping units.

**DWELLING – TWO FAMILY** – A separate Building occupied or designed to be occupied exclusively as a residence by two families or housekeeping units.

**DWELLING, UNIT** – One or more rooms providing complete living facilities for one family including equipment for cooking or provisions for the same and including room or rooms for living, sleeping, and eating.

**DWELLING, UNIT ADDITION** – One or more rooms attached to an existing Dwelling Unit for human occupancy that includes a roof, floor and walls.

**EROSION** – The wearing away of land surface caused by running water, wind, ice, or other geological agents, including such processes as gravitational creep. Detachment and movement of soil and rock fragments by wind, water, ice or gravity.

**EROSION AND SEDIMENT CONTROL PLAN** – A set of plans indicating the specific measures and sequencing to be used in controlling Sediment and Erosion on a development site both during and after construction.

**ESCORT** – A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to model privately lingerie or to perform privately a striptease for another person.

**ESCORT AGENCY** – A person or business association who furnishes, offers to furnish, or advertises to furnish Escorts as one of its primary business purposes for a fee, tip, or other consideration.

**EXCAVATION** – Any act by which organic matter, earth, sand, gravel, rock, and any other similar material is cut into, dug, quarried, uncovered, removed, displaced, or bulldozed, and shall include the conditions resulting therefrom.

**FARM MARKET** – A temporary vehicle or temporary stand without foundation used for the sale of agricultural produce where fifty (50) percent or more of the gross income received from the market is derived from produce raised on farm(s) owned or operated by the market operator in a normal crop year, in accordance with Ohio Revised Code Section 519.21.

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)** – The agency with the overall responsibility for administering the National Flood Insurance Program.

**FENCE** – Any structure composed of wood, metal, stone, plastic, or other natural material erected in such a manner and positioned as to enclose or partially enclose a lot or any portion of a lot.

**FILL** – Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved by man to a new location and shall include the conditions resulting therefrom.

**FLOOD HAZARD AREA** – An area defined on the Flood Insurance Rate Map as having a one percent or greater chance of flooding in a given year.

**FLOOD INSURANCE RATE MAP** – An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazards within Liberty Township.

**FLOOD FRINGE** – The portion of the regulatory floodplain outside the floodway. May also be referred to as the floodway fringe.

**FLOODWAY** – A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood resulting from development in the floodplain is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community. The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

**FLOOR AREA** – The sum of the gross horizontal areas of the one or several floors of a Building, measured from the exterior faces of the exterior walls or from the centerline of common walls separating two Buildings.

**FLOOR AREA, LIVABLE** – The portion of Floor Area of a Dwelling Unit that is constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, entertainment, common space, areas for personal hygiene, or combination thereof. Unheated rooms, unfinished garages, basements, attic

space or rooms Used exclusively for utilities or storage shall not be considered as Livable Floor Area. Breezeways, open porches and uncovered steps shall also not be considered as Livable Floor Area. In no case shall an area less than 6 feet in height be considered Livable Floor Area.

**FOOTCANDLE** – A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

**FRONTAGE** – The portion of a Lot that directly abuts a Public Street or Street right-of-way and provides primary access to the property. For Through Lots or Lots with two (2) or more segments that abut the same Public Street or Street right-of-way but are not contiguous, the segments of Street or Street Right-of-way shall not be totaled together when calculating Lot Frontage. Rather the Lot Frontage will be measured from only the segment that directly abuts the Public Street or Street Right-of-way and provides access to the Lot. Property lines that abut limited access roads shall not be construed to be included within any calculation of Lot Frontage. Frontage for Cul-de-Sac Lots shall be measured at the Building Setback line.

**FULL SHIELDED OR FULL CUT-OFF TYPE FIXTURE** – An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture.

**GARAGE, PRIVATE** – An Accessory Structure (detached from the Principal Building) or an accessory portion of the Principal Building enclosed on all sides and designed or Used for the shelter or storage of passenger vehicles and located on the same Lot as the Dwelling for which it is accessory.

**GARAGE, PUBLIC** – A Structure or portion of a Structure in which more than two motor vehicles are or are intended to be housed under arrangements made with patrons for renting or leasing such space and accommodation in which no repair work is carried on.

**GLARE** – Direct light that causes annoyance, discomfort or loss in visual performance and visibility.

**GRADE** – The ground elevation established for the purpose of regulating the number of stories and the height of Buildings or Structures (including towers). The Building Grade shall be the level of the ground adjacent to the walls of the Building if the Final Grade is level. If the Final Grade is not entirely level, the Building Grade shall be determined by averaging the elevation of the ground for each face of the Building or Structure.

**GRADE, FINAL** – The vertical location of the ground or pavement surface after the grading work is completed and in accordance with any applicable Master Grading Plan (if applicable).

**HAZARDOUS WASTE** – Any waste or combination of wastes in solid, liquid, semisolid, or contained gaseous form that in the determination of the director of environmental protection (see ORC 3134.01(B)), because of its quantity, concentration, or physical or chemical characteristics, may do either of the following:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness;
- (2) Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of, or otherwise managed.

Hazardous Waste includes any substance identified by regulation as hazardous waste under the “Resource Conservation and Recovery Act of 1976,” 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and does not include any substance that is subject to the “Atomic Energy Act of 1954,” 68 Stat. 919, 42 U.S.C.A. 2011, as amended. (ORC 3134.01(J)).

**HEDGE ROW** – A row of bushes planted close together to form a screen or boundary.

**HOMES FOR THE AGING** –A home that provides services as a Residential Care Facility and a Nursing Home, except that the home provides its services only to individuals who are dependent on the services of others by reason of both age and physical or mental impairment (ORC Section 3721.01(A)(8)).

**HOME OCCUPATION** – An Accessory Use which is an activity, profession, occupation, service, craft or revenue enhancing hobby conducted by a person on the same premises as the principal place of residence which is clearly subordinate and incidental to the Use of the premises for residential purposes. Home occupations may include, but are not limited to, home offices for insurance agents, financial planners, real estate agents, consultants, lawyers, architects, engineers, accountants, or other similar professional services, sewing, tailoring, teaching of music or dance lessons, or tutoring, or other similar Uses that do not change the character of the residential neighborhood. Family Day-Care Homes, Types A and B shall not be considered to be home occupations and shall be treated as permitted and Conditional Uses as listed in the applicable zoning District.

Home Occupations are permitted as Accessory Uses within the RR Zoning District, provided they comply with the requirements of Section 10.6. If a proposed Home Occupation does not comply with the requirements of Section 10.6, then the homeowner may pursue a rezoning to the Planned Rural Business/Community Service District (PRB/CS) where more intense home occupations may be permitted and controlled through the Development Plan review process.

**HOSPITAL** – An institution providing health and services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility. The term Hospital shall specifically not include tuberculosis, mental, or penal hospitals, rest homes, or Nursing Homes.

**HOTEL** – A Building in which temporary lodging for boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge. Compensation is usually assessed on a day-to-day basis.

**ILLUMINANCE** – The quantity of light arriving at a surface divided by the area of that surface, measured in Footcandles.

**INDUSTRIALIZED UNIT** – A Building unit or assembly of closed construction fabrication in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater Structure, and that requires transportation to the site of intended Use, including units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity, but does not include a Permanently Sited Manufactured Home or Mobile Home as defined in Article III of the Liberty Township Zoning Resolution (ORC Section 3781.06(C)(3)).

**INFECTIOUS WASTE** – Any of the substances or categories of substances listed in ORC 3734.01(R)(1) – (8).

**INVASIVE SPECIES** – Organisms that harm, or have potential to harm, the environment, economy, or human health; species so listed shall be as defined by the Ohio Department of Natural Resources.

**ISOLATED LAND** – Any portion of parcel that is separated from the remainder of the parcel by an excessively steep slope, water body, or other feature that would not support a road under normal building standards, rendering the portion unbuildable.

**JUNK** – As defined by ORC Section 4737.05, any old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, iron, steel, and other old or scrap ferrous or nonferrous materials, but does not include scrap tires as defined in Section 3734.01 of the Revised Code.

**JUNK YARD** – An establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, selling or exchanging old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, iron, steel, or other old or scrap materials and where such business or operation is not completely conducted within an enclosed Building.



**KENNEL** – Any facility where a fee is charged for keeping and caring for dogs or other small animals on an overnight basis.

**LAND-DISTURBING ACTIVITY** – Any land change which may result in soil Erosion from water or wind and the movement of soil into water or onto lands, or increased runoff of waters including, but not limited to, clearing, grading, excavating, transporting, and Filling of land, but not including the following:

1. Normal lawn and Landscaping maintenance.
2. Any agricultural operation that is exempt from zoning in accordance with Section 2.4.
3. Grading of land in a uniform manner, provided the elevation of land is not altered by more than three (3) inches, the normal flow of surface water at the property lines is not altered, and upon completion of the grading, the exposed surfaces are permanently stabilized with vegetation.
4. Alteration of the exterior of a Building.
5. Installation, renovation, or replacement of a septic system to service an existing Dwelling or Structure.
6. Any emergency activity that is immediately necessary to the protection of life, property, or natural resources.
7. Installation of public utilities.
8. Installation of water and sewer service lines.

**LANDSCAPING** – The improvements of a Lot with grass, shrubs, trees, and other vegetation.

**LAND TRUST** – A non-profit, tax exempt entity whose primary purpose includes the preservation of Open Space, wooded land, natural land, rural land, or agricultural land, and which is permitted to hold Conservation Easements under ORC Section 5301.68.

**LIGHT TRESPASS** – Light emitted by a lighting fixture that falls beyond the boundaries of the property on which the fixture is installed.

**LOADING SPACE** – An off-street space on the same Lot with a Building or contiguous group of Buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts a Street, Alley, or other appropriate means of access.

**LOT** – A parcel of land intended as a unit for transfer of ownership or for Building development together with the required Open Spaces and having Frontage on a Public Street. For purposes of only the Planned Residential Conservation Development District regulations, a Lot (or subplot) shall be a parcel of land owned fee simple and intended for single Dwelling Unit whether or not such Lot (or subplot) is located with Frontage on a dedicated Public Street.

**LOT AREA** – The computed area contained within the Lot Lines. Where the Lot has been conveyed to the center of the Street, the area of the Lot lying within the established right-of-way shall be included as part of the Lot Area for the purpose of these regulations.

**LOT CORNER** – A Lot situated at the intersection of two Streets or which fronts a Street on two or more sides forming an interior angle of less than 135 degrees.

**LOT COVERAGE** – The cumulative area of a Lot occupied by the primary Building, any Accessory Structures and any additional impervious surfaces divided by the total Lot Area.

**LOT DEPTH** – The average horizontal distance between the Front and Rear Lot Lines.

**LOT, FLAG** – A Lot that is only accessible by a long narrow strip of land not less than 60 feet in width leading from the Public Street. Such lots sometimes resemble the shape of a flag or the letter T.

**LOT INTERIOR** – A Lot that abuts no more than one (1) Street and that fronts a Street on no more than one side.

**LOT LINE** – A line bounding or demarcating a parcel of land or ground.

**LOT LINE, FRONT** –

1. For an Interior or Through Lot: the line marking the boundary between the Lot and the single abutting Street.
2. For a Corner Lot: the line marking the boundary between the Lot and each of the abutting Streets.
3. For a Flag Lot: the line that is closest to the Street Right-of-way and that is  
(a) most parallel to the Street Right-of-way and (b) excludes the Lot Frontage. In such cases, this line typically marks the boundary between the Flag Lot and an adjacent Lot.

**LOT LINE, REAR** – The line opposite and most distant from the Front Lot Line.

**LOT, LINE SIDE** – A Lot boundary line other than a Front or Rear Lot Line.

**LOT, THROUGH** – A Lot fronting on two parallel or approximately parallel Streets, or abutting two Streets which do not intersect at the boundaries of the Lot.

**LOT WIDTH** – The average horizontal distance between Side Lot Lines.

**MANUFACTURE** – The process of making something from raw or semi-finished materials whether by hand or by mechanized process. Making in these regulations also includes producing, assembling, fabricating, alloying, metal and chrome plating.

**MANUFACTURED HOME** – A Building unit or assembly of closed construction 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 label or tag permanently affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards (ORC Section 3781.06(C)(4)).

**MANUFACTURED HOME PARK** – Per ORC Section 3733.01(A), any tract of land upon which three (3) or more Manufactured or Mobile Homes Used for habitation are parked, either free of charge or for revenue purposes, and include any roadway, Building, Structure, vehicle, or enclosure Used or intended for Use as a part of the facilities of such park. Per Section ORC Section 3733.01(A), Manufactured Home Park does not include any of the following:

1. A tract of land Used solely for the storage or display for sale of Manufactured or Mobile Homes or solely as a temporary park-camp as defined in section 3729.01 of the Ohio Revised Code;
2. A tract of land that is subdivided and the individual Lots are for sale or sold for the purpose of installation of Manufactured or Mobile Homes Used for habitation and the roadways are dedicated to the local government authority;
3. A tract of land within an area that is subject to local zoning authority and subdivision requirements and is subdivided, and the individual Lots are for sale or sold for the purpose of installation of Manufactured or Mobile Homes for habitation.

**MANUFACTURED HOME, PERMANENTLY SITED** – Per ORC Section 3781.06(C)(6), a Manufactured Home, as defined herein, that meets all of the following criteria:

1. The Structure is affixed to a permanent foundation such as masonry or concrete and is connected to appropriate facilities.

2. The Structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of least twenty-two (22) feet at one point, and a total living area of at least nine hundred (900) square feet, excluding garages, porches, or attachments.
3. The Structure has a minimum 3:12 roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering.
4. The Structure was manufactured after January 1, 1995.
5. The Structure is not located within a Manufactured Home Park as defined in ORC Section 3733.01(A).

**MASTER GRADING PLAN** – A grading plan that reflects changes in before and after contours that has been approved for a subdivision by the Fairfield County Regional Planning Commission. Elevations shall be based on the mean sea level datum (United States Geological Service).

**MINERAL EXTRACTION** – Any operation involving mining, quarrying, or the removal of top soil, and the storage, separation, cleaning and/or processing of top soil, clay, gravel, limestone, shale or other mineral resource, including accessory buildings, roads or structures Used for such an operation. Such an operation shall include all land or property that is Used or owned in reserve by the Person, firm, or corporation involved in such operation. This does not involve the removal of top soil when done in the conjunction with a permitted constructed project provided the soil is not processed on the construction site (including screening or mixing of soil).

**MINI-WAREHOUSE UNITS or STORAGE FACILITY** – A Building or group of Buildings in a controlled access and/or fenced compound containing individual storage compartments, stalls, or lockers for the storage of customers' goods or wares.

**MOBILE HOME** – A Building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length, or, when erected on site, is three hundred twenty (320) or more square feet, that is built on a permanent chassis and is transportable in one (1) or more sections, and does not qualify as a Permanently Sited Manufactured Home or industrialized unit as defined by Article III of the Liberty Zoning Resolution (ORC Section 4501.01(O)).

**MONOPOLE** – A support Structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

**MOTEL** – Any Building or group of Buildings containing sleeping rooms, with or without cooking facilities, designed primarily as overnight sleeping quarters for

automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including automobile courts, motor lodges, and tourist courts.

**MOTOR VEHICLE, JUNK** – A motor vehicle that meets all of the following criteria:

- (1) Three model years old, or older;
- (2) Apparently inoperable;
- (3) Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

**MULTI-USE PATH** – A pathway physically separated from the Street or roadway and intended for multiple Uses including walking, roller blading, bicycling, strolling, and other similar activities.

**NATURAL FEATURE** – An existing component of the landscape maintained as a part of the natural environment and having ecological value in contributing beneficially to air quality, Erosion control, groundwater recharge, noise abatement, visual amenities, the natural diversity of plant and animal species, human recreation, and/or reduction of climatic stress, and energy costs.

**NONCONFORMING USE** – Any Use lawfully established prior to the effective date of these regulations or any amendment or supplement thereto, which does not conform to the Regulations of the District in which it is situated.

**NONCONFORMING STRUCTURE** – Any Structure existing prior the effective date of these regulations or any amendment or supplement thereto, which does not conform to the Regulations of the District in which it is situated.

**NONCONFORMING LOT OF RECORD** – Any lot that has been lawfully established prior to the effective date of these regulations or amendment or supplement thereto, which does not conform to the Regulations of the District in which it is situated.

**NUDE MODEL STUDIO** – Any place where a person who appears in a State of Nudity or displays “Specified Anatomical Areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by another person who pays money or any other form of consideration.

**NUDITY OR A STATE OF NUDITY** – The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.

**NURSING HOME** – A home Used for the reception and care of individuals who by reason of illness or physical impairment require skilled nursing care and of individuals

who require personal care services but not skilled nursing. A Nursing Home is licensed to provide personal care services and skilled nursing care (ORC Section 3721.01(A)(6)).

**OPEN SPACE** – An area that is intended to provide light and air. Open Space may include, but is not limited to, meadows, agricultural land, wooded areas, and water bodies.

**OPEN SPACE, RESTRICTED** – Open Space within the Planned Rural Conservation District that is of sufficient size and shape to meet the minimum zoning requirements, and that is restricted from further development according to the provisions of Section 9.3.

**ORC** – Ohio Revised Code.

**OWNER** – Owner of record of real property according to records filed in the County Recorder’s office.

**PARKING AREA** – An open area other than a Street or other public way that is Used for the parking of vehicles.

**PARKING SPACE, OFF STREET** – Any parking space located wholly off any Street, Alley, or sidewalk, either in an enclosed Building or on an open Lot and where each parking space conforms to the standards specified in this Zoning Resolution.

**PATIO** – An uncovered area, other than a parking space, surfaced or constructed, the Use of which is customarily incidental to that of the Principal Use or Building.

**PATIO, COVERED** – A covered area, other than a parking space, surfaced or constructed, the Use of which is customarily incidental to that of the Principal Use or Building.

**PERENNIAL STREAM** – A natural waterway that contains water throughout the year except in severe drought as identified on the U.S. Geological Survey maps.

**PERMANENT VEGETATION** – Ground cover mature enough to control soil and Erosion satisfactorily and to survive severe weather conditions.

**PERSON** – An individual, proprietorship, partnership, corporation, Association, trust, or other legal entity.

**PLANNED UNIT DEVELOPMENT (PUD)** – A zoning District which provides greater design flexibility and encourages a more efficient land–use pattern by reducing the amount of public infrastructure, creating usable Open Space, preserving existing Natural Features, and providing for a variety of Building styles, types and Uses (see Section 9.9).

**PLANNED INTEGRATED COMMERCIAL DEVELOPMENT** – A grouping of two or more Buildings for commercial Uses located on the same Lot of record or a grouping of two or more commercial Uses within a single Building whereby each use is within its own unit separated from the adjoining unit(s) by a common wall. Such developments function as a common commercial facility, may have common vehicular parking facilities and controlled access to abutting Streets, and are developed under a unified site plan.

**PLAT** – A map of a tract or parcel of land made by a professional surveyor that shows a division of land and/or the layout for subdivisions and is intended to be filed for record.

**PORCH** – a covered area adjoining an entrance to a building and usually having a separate roof.

**PORTABLE HOME STORAGE UNIT** – Any assembly of materials which is designed, constructed or reconstructed to make it portable and capable of movement from one site to another and designed to be Used without a permanent foundation. Such structures are typically utilized for temporarily storing household goods or other such materials on a residential property. A portable home storage unit shall not be considered an accessory structure as defined in this Article due to its temporary nature.

**PRIME AGRICULTURAL LAND** – Land recommended for preservation by the Fairfield County Development Strategy and Land Use Plan, which employed the Land Evaluation and Site Assessment (LESA) process developed by the U.S. Department of Agriculture’s Natural Resource Conservation Service (formerly Conservation Service).

**PRINCIPAL BUILDING** – The Building on a Lot Used to accommodate the primary Use to which the premises are devoted.

**PRIVATE STREET** – See Street, Private.

**PROJECT BOUNDARY** – The boundary defining the tract(s) of land that is included in a development project to meet the minimum required project area for a Planned Residential Conservation Development or a Planned Unit Development. The term “Project Boundary” shall also mean “development boundary.”

**PUBLIC BUILDINGS** – Any Structure owned and operated by a governmental agency or public school or school that is certified and/or licensed by the State of Ohio.

**PUBLIC IMPROVEMENT** – Any roadway, sidewalk, pedestrian way, tree lawn, Lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or that may affect an improvement for which responsibility by the local government is established.

**RECESSED CEILING FIXTURE** – An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

**RECREATIONAL VEHICLE** – Any vehicle Used for recreational purposes, including all-terrain vehicles, boats, boat trailers, camper trailers, jet skis, motor homes, and snowmobiles.

**RECYCLING TRANSFER FACILITY** – A facility for the collection of waste products, such as paper, glass, and metals.

**RESIDENTIAL CARE FACILITY – TYPE A** – Accommodations for three (3) or more unrelated individuals, supervision or personal care services for at least three (3) of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and to at least one (1) of those individuals, skilled nursing care as authorized by Section 3721.011 of the ORC (ORC Section 3721.01(A)(7)(b)).

**RESIDENTIAL CARE FACILITY – TYPE B** – Accommodations for seventeen (17) or more unrelated individuals and supervision and personal care services for three (3) or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment (ORC Section 3721.01(A)(7)(b)).

**RESIDENTIAL FACILITY** – A home or facility in which a mentally retarded or developmentally disabled person resides, except the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under Section 5126.05 of the ORC, a county home or District home operating pursuant to Chapter 5155 of the ORC, or a Dwelling in which the only mentally retarded or developmentally disabled residents are in the independent living arrangement or are being provided supported living (ORC Section 5123.19(A)(1)(a)).

**RESIDENTIAL FACILITY – TYPE A** – A licensed Residential Facility as defined herein that provides room and board, personal care, habilitation services and supervision in a family setting for at least six (6) but not more than eight (8) persons with mental retardation or developmental disability.

**RESIDENTIAL FACILITY – TYPE B** – A licensed Residential Facility as defined herein that provides room and board, personal care, habilitation services and supervision in a family setting for at least nine (9) but not more than sixteen (16) persons with mental retardation or developmental disability.

**RESTAURANT** – A facility primarily engaged in the selling of food that is prepared and cooked within such facility and includes establishments commonly known as grills, cafes, and fast food establishments.

**RESOLUTION, ZONING** – This Resolution, which shall be known as and shall be cited and referred to as the “Zoning Resolution of Liberty Township, Fairfield County, Ohio (“Zoning Resolution”).



**SCRAP METAL PROCESSING FACILITY** – An establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remodeling or re-melting purposes.

**SEDIMENT** – Solid material, both mineral and organic, that is or was suspended, is being or has been transported, or has been removed from its site of origin by air, water, gravity, or ice and has come to rest on the earth’s surface either above or below water.

**SEMI-NUDE** – A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

**SETBACK** – The minimum required distance between a Structure and a Lot Line, Street Right-of-way, pavement, stream or riverbank, Wetland, or other delineated site feature.

**SETBACK, FRONT YARD** – The minimum distance required (measured horizontally and in accordance with Section 10.2) between any part of a Building and the Street Right-of-way line.

**SETBACK, REAR YARD** – The minimum distance required (measured horizontally and in accordance with Section 10.2) between any part of a Building and the Rear Lot Line.

**SETBACK, RIPARIAN** – A naturally vegetated area located adjacent to streams and rivers that is intended to stabilize banks and limit Erosion.

**SETBACK, SIDE YARD** – The minimum distance required (measured horizontally and in accordance with Section 10.2) between any part of a Building and the nearest Side Lot Line.

**SETBACK, WETLANDS** – An area of undisturbed natural vegetation located adjacent to the perimeter of the Wetlands.

**SEXUAL ENCOUNTER CENTER** – A business or commercial enterprise that as one of its primary business purposes offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a State of Nudity or Semi-Nude.

**SEXUALLY ORIENTED BUSINESS** – An Adult Arcade, Adult Bookstore or Adult Video Store, Adult Cabaret, Adult Motel, Adult Motion Picture Theater, Adult Theater, Escort Agency, Nude Model Studio, or Sexual Encounter Center.

**SIGN** – Any device for visual communication which is designed, intended, or used to convey a message, advertise, inform or otherwise direct attention to a person, institution, organization, activity, business, place, object, or product.

**SIGN, ANIMATED** – Any Sign that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene.

**SIGN, GROUND** – Any Sign which is physically attached to a foundation. These are commonly known as pole, pylon, or Monument Signs.

**SIGN, MONUMENT** – Any Sign which is physically attached to a base constructed specifically for the display of the Sign.

**SIGN, OUTDOOR ADVERTISING (BILLBOARD)** – Any Sign that exceeds sixty (60) square feet in area. Such Structures are only permitted within the B-1 and I-1 Districts and are regulated by Section 10.8(C).

**SIGN, TEMPORARY** – A display, banner, or type of Sign constructed of cloth, canvas, fabric, wood, or other temporary material, with or without a structural frame, including but not limited to portable Signs, political Signs, development Signs, community event Signs, garage sale Signs, real estate Signs, sandwich type Signs, sidewalk or curb Signs, and balloon or other air or gas filled figures.

**SIGN, WALL** – Any Sign attached to a Building face, with the exposed face in a plane parallel to the plane of the wall. Wall Signs include painted murals, messages, graphics, and other designs painted along with any letters or numerals mounted directly on Buildings.

**SITE DEVELOPMENT** – The altering of terrain and/or vegetation and constructing improvements.

**SOIL STABILIZATION** – Measures which protect soil from the erosive forces of raindrop impact and flowing water and include, but are not limited to, vegetation establishment, mulching, and the early application of gravel base on areas to be paved.

**SOLID WASTE** – Any unwanted residual solid or semi-solid material that results from industrial, commercial, or community operations. Solid Waste includes but is not limited to garbage, scrap tires, combustible and noncombustible materials, Street dirt, and debris. Solid Waste does not include earth material from construction, mining, demolition operations (or other waste material that would normally be included in demolition debris), or material that is an infectious waste or hazardous waste.

**SOLID WASTE FACILITY** – Any site, location, tract of land, installation, or Building Used for incineration, composting, sanitary landfilling, or other methods of disposal of

solid wastes, or if the solid wastes consists of scrap tires, for the collection, storage, or processing of solid wastes; or for the transferring of solid wastes.

**SPECIFIED ANATOMICAL AREAS** – Human genitalia in a state of sexual arousal.

**SPECIFIED SEXUAL ACTIVITIES** – Any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

**STANDARD SUBDIVISION** – A subdivision as defined by the ORC, in which property is subdivided into Lots having the minimum Front, Side, and Rear yard Setbacks as specified in this Zoning Resolution and with each Lot having the requisite Frontage on a dedicated Public Street.

**STORAGE YARD** – An area not fully enclosed by solid walls and a roof that is Used for the storage of contractors' equipment, heavy machinery, repair equipment, motor vehicles, trucks or other similar pieces of equipment or machinery.

**STORY** – That portion of a Building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

**STORY, FIRST** – The lowest Story or the ground Story of any Building the floor of which is not more than two (2) feet below the average grade.

**STORY, HALF** – A space under a sloping or pitched roof (i.e. gable, hip, gambrel) which has the line of intersection of the roof and wall face not more than four (4) feet above the top floor level.

**STREET** – A right-of-way which provides a means of access to abutting property. The term Street shall include avenue, drive, circle, road, lane, Court, parkway, boulevard, highway, thoroughfare, or any other similar term.

**STREET, COLLECTOR** – A Street providing traffic movement between the Major Arterials and local Streets, and direct access to abutting property. This facility provides for the internal traffic movement within an area of the county.

**STREET, MAJOR OR ARTERIAL** – A general term denoting a highway primarily for through traffic usually on a continuous route. This facility provides for through traffic, movement between areas, across the county, and to and from expressways. An Arterial also provides access to abutting property, but parking and loading may be restricted to improve the capacity of moving traffic. A Major Street shall be any Street so designated on the approved Fairfield County Thoroughfare Plan.

**STREET, PRIVATE** – A local private way which provides vehicular access to abutting property that has not been dedicated to the public or subject to any public easements.

**STREET, PUBLIC** – A thoroughfare subject to public easements thereof, and which affords the principal means of access to abutting property.

**STREET, RIGHT-OF-WAY** – A strip of land occupied or intended to be occupied by transportation facilities, public utilities, street drainage ditches or other special public uses.

**STRUCTURE** – A combination of materials constructed or erected which requires location on the ground or attachment to something having a location on the ground, including but not limited to Buildings, Accessory Structures, garages, fences, etc. The term “Building” is one type of “Structure.”

**STRUCTURAL ALTERATIONS** – Any change in the supporting members of a Structure, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical contents of a Building.

**SUBSTANTIALLY COMPLETE** – The stage in which the work, described in the Zoning Permit, is finished to a point that the applicant/Owner can occupy or utilize the land or Building for its intended purpose.

**SURFACE MINING** – All or any part of a process followed in the production of minerals from the earth or from the surface of the land by surface Excavation methods, such as open pit mining, dredging, placering, or quarrying, and includes the removal of overburden for the purpose of determining the location, quantity, or quality of mineral deposits, and the incidental removal of coal at a rate of less than one-sixth the total weight of minerals and coal removed during the year, but does not include: test or exploration boring; mining operations carried out beneath the surface by means of shafts, tunnels, or similar mine openings, the extraction of minerals, other than coal, by a landowner for the landowner’s own noncommercial Use where such materials is extracted and used in an unprocessed form on the same tract of land; the extraction of minerals, other than coal, from borrow pits for highway construction purposes, provided that the extraction is performed under a bond, a contract and specifications that substantially

provide for and require reclamation practices consistent with the requirements of ORC 1514; the removal of minerals incidental to construction work, provided that the Owner or person having control of the land upon which the construction occurs, the contractor, or the construction firm possesses a valid Building permit; the removal of minerals to a depth of not more than five feet, measured from the highest original surface elevation of the area to be excavated, where not more than one acre of land is excavated during twelve successive calendar months; routine dredging of a watercourse for purely navigational or flood control purposes during which materials are removed for noncommercial purposes, or the extraction or movements of soil or minerals within a Solid Waste Facility, as defined in section 3734.01 of the Revised Code, that is a sanitary landfill when the soil or minerals are used exclusively for the construction, operation, closure, and post-closure of the facility or for the maintenance activities at the facility. (ORC 1514.01)

**SWIMMING POOL** – A pool, pond, lake or any body of water in an artificial or natural receptacle or other container capable of containing at least three (3) feet of water at any point and which is Used or intended to be Used for swimming by adults and/or children. This definition does not include portable Swimming Pools with a diameter of less than twelve (12) feet or with an area of less than one hundred (100) square feet or farm ponds.

**SWIMMING POOL, PRIVATE RESIDENTIAL** – Any Swimming Pool exclusively used by the Owner or lessee of a residential property and the family and friends invited to use it without a payment of any fee.

**SWIMMING POOL, COMMUNITY** – Any Swimming Pool used by members of a property owners Association or lessees of a Multi-Family development without paying an additional charge for admission.

**SWIMMING POOL, COMMERCIAL** – Any Swimming Pool used in conjunction with or by clubs, Motels, or Hotels or any Swimming Pool that is operated with a charge for admission.

**TELECOMMUNICATION TOWER** – Per ORC Section 519.211(B)(1), any Free Standing Structure, or any Structure to be attached to a Building or Structure, that meets all of the following criteria:

- a. The free-standing or attached Structure is proposed to be constructed on or after October 31, 1996.
- b. The free-standing or attached Structure is proposed to be owned or principally used by a public utility (or equivalent provider) engaged in the provision of telecommunication services.
- c. The free-standing or attached Structure is proposed to be located in the unincorporated area of a township, in an area zoned for residential Use.

- d(i). The free-standing Structure is proposed to top at a height that is greater than either the maximum allowable height of residential Structures within the zoned area as set forth in the applicable zoning regulations, or the maximum allowable height of such a free-standing Structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996 or as those regulations subsequently are amended.
- d(ii). The attached Structure is proposed to top at a height that is greater than either the height of the Building or other Structure to which it is to be attached, or the maximum allowable height of such an attached Structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.
- e. The free-standing or attached Structure is proposed to have attached to it radio frequency transmission or reception equipment.

**TELECOMMUNICATION TOWER, ATTACHED** – Any Structure that will be attached to a Building or other Structure that meets the criteria for a Telecommunication Tower, as defined herein.

**TELECOMMUNICATION TOWER, CO-LOCATION** – The use of a Telecommunication Tower by more than one (1) telecommunications provider.

**TELECOMMUNICATIONS TOWER, FREE STANDING** – Any free-standing Structure that meets the criteria for a Telecommunication Tower, as defined herein.

**TELECOMMUNICATION TOWER, FREESTANDING (HEIGHT OF)** – The distance measured from the base of the tower, at grade, to the highest point of the tower, including the antenna.

**THOROUGHFARE PLAN** – The official Thoroughfare Plan as adopted and as amended from time to time by the Fairfield County Regional Planning Commission establishing the general location and official right-of-way widths of the major and secondary highways and thoroughfares.

**TYPE A FAMILY DAY-CARE HOME** – See Day-Care Home, Family (Type A)

**TYPE B FAMILY DAY-CARE HOME** – See Day-Care Home, Family (Type B)

**UPLIGHTING** – Any lighting source that distributes illumination above a 90-degree horizontal plane.

**USE** – The purpose for which land, a Building or premises is or may be utilized or occupied. In the classification of Uses, a "Use" may be a Use as commonly understood or

the name of an occupation, business, activity, or operation carried on, or intended to be carried on, in a Building or on premises, or the name of a Building, place, or thing which name indicates the Use or intended Use.

**VARIANCE** – A modification of the strict terms of this Zoning Resolution strict enforcement of these regulations would result in an unnecessary hardship. Such modification will not be contrary to the public interest and such hardship must be a result of a condition to the property and not the result of actions by the applicant.

**VEGETATIVE STRIPPING** – Any activity which removes the vegetative surface cover including tree removal, clearing, and storage or removal of topsoil.

**WALKWAY** – A public way, four or more feet in width, for pedestrian use only, which may or may not be located within the Street Right-of-way.

**WETLAND** – An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The three criteria that must exist on a site for an area to be designated a Wetland are hydric soils, hydrophytic vegetation, and Wetland hydrology.

**WIND ENERGY CONVERSION SYSTEM** – An energy system consisting of a wind turbine, a tower, and associated control or conversion electronics.

**WIND ENERGY CONVERSION SYSTEM, INDIVIDUAL** – A Wind Energy Conversion System consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a single interconnection to the electrical grid, an aggregate rated capacity of not more than 100 kilowatts, and is intended to primarily reduce on-site consumption of utility power.

**WIND ENERGY CONVERSION SYSTEM, TOWER** – The support structure to which the nacelle and the rotor are attached.

**WIND ENERGY CONVERSION SYSTEM, TOWER HEIGHT OF** – The distance from the rotor blade at its highest point to the top surface of the tower foundation.

**WIND FARM, SMALL** – A Wind Energy Conversion System consisting of wind turbine(s), tower(s) and associated control or conversion electronics, which have an aggregate rated capacity of 100kW or more, but less than 5 megawatts and has a single interconnection to the electrical grid. Any Wind Energy Conversion System that is 5 megawatts or larger shall be reviewed by the Ohio Power Siting Board and shall not be subject to the regulations within this Zoning Resolution.

**YARD** – An open space on the same Lot with a Building, unoccupied and unobstructed by any portion of a Structure from the ground upward, except as otherwise provided herein.

**YARD, FRONT** – A yard extending across the full width of a Lot and being the perpendicular distance between the Street Right-of-way line and the nearest portion of any Building or Structure existing or proposed for construction on said Lot.

**YARD, REAR** – A yard extending across the full width of a Lot between the Side Lot Lines and being the perpendicular distance between the Rear Lot Line and the nearest portions of any Building or Structure existing or proposed to be constructed on said Lot. In both Corner Lots and Interior Lots the rear yard shall be in all cases at the opposite end of the Lot from the front yard.

**YARD, SIDE** – An open area extending from the nearest portion of a Building or Structure existing or proposed to be constructed on a Lot and side lines of said Lot and extending from the front yard to the rear yard, unoccupied and unobstructed from the ground upward.

**ZONING INSPECTOR** – The Zoning Inspector, Zoning Administrator, or other authorized representative appointed by the Township Board of Trustees.

**ZONING MAP** – The zoning maps of Liberty Township, Fairfield County, Ohio, dated as of the Zoning Resolution date, together with all amendments subsequently adopted.

**ZONING PERMIT** – A document issued by the Zoning Inspector authorizing the construction or alteration of a Building, Structure, or Use consistent with the terms of this Zoning Resolution.



## **ARTICLE IV**

### **ENFORCEMENT, PENALTIES, AND FEES**

#### **4.1 ENFORCEMENT**

It shall be the duty of the Zoning Inspector, as provided under Section 519.02 et. seq. of the Ohio Revised Code to enforce this Zoning Resolution in accordance with the administrative and other provisions of this Zoning Resolution.

All officials and public employees of Liberty Township shall conform to the provisions of this Zoning Resolution and shall issue no permit or license for any Use, Building, or purpose in conflict with the provisions of this Zoning Resolution. Any permit or license, issued in conflict with the provisions of this Zoning Resolution shall be null and void.

#### **4.2 ZONING PERMIT REQUIRED**

No Building or other Structure, unless specifically exempted pursuant to Section 2.4 of this Zoning Resolution, shall be erected, moved, added to, structurally altered, nor shall any Building, Structure, or land be established or changed in Use without a permit therefore issued by the Zoning Inspector. The Zoning Inspector shall not issue a permit unless such conforms to the provisions of this Zoning Resolution or a written order is received from the Board of Zoning Appeals deciding an appeal, Conditional Use, or Variance as provided by this Zoning Resolution. Furthermore, the Zoning Inspector shall not issue a Zoning Permit unless the applicant provides an Erosion and Sediment Control Plan showing that all Land Disturbing Activities associated with the work described in the Zoning Permit application will comply with the requirements of Section 10.11.

#### **4.3 NUMBER AND CONTENT OF ZONING PERMIT APPLICATION**

One (1) copy of any application for a Zoning Permit shall be signed by the Owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not Commenced (as defined in Article III) within one year or Substantially Completed (as defined in Article III) within two and one-half (2 1/2) years. No application shall be considered complete until such time all applicable information required in Section 4.3 A – C has been submitted by the applicant.

**A.** The Zoning Permit application shall include the current application fee and shall list the following information:

1. Name, address, and phone number of the applicant;

2. the existing Use;
  3. the proposed Use.
  4. the Zoning District in which the property is located;
  5. the height of proposed Buildings or alterations;
  6. the number of Off Street Parking Spaces or Loading Spaces (both existing and proposed);
  7. the number of existing and proposed Dwelling Units; and
  8. any other information requested by the Zoning Inspector to determine conformance with or provide for the enforcement of this Zoning Resolution.
- B.** The Zoning Permit application shall be accompanied by the following information:
1. A legal description of the property prepared by a Professional Surveyor licensed in the State of Ohio.
  2. For new homes, an approval by the Fairfield Department of Health (for residential Uses) or the Ohio Environmental Protection Agency (for non-residential Uses) of the proposed methods of water supply and disposal of sanitary wastes (if public water and sanitary sewers are not proposed).
  3. A vicinity map in sufficient detail to locate easily, in the field, the site for which the permit is sought, including boundary line and approximate Acreage for the site, and legend and scale.
  4. For new homes on lots less than five (5) acres, this must be prepared by a Professional Surveyor licensed in the State of Ohio. One (1) copy of a site plan showing all Lot Lines (with actual dimensions) and the following information:
    - a. The exact size and location of existing Buildings, Structures, sidewalks, and other features on the site.
    - b. The location and dimensions of the proposed Building(s) or alteration.
    - c. Any easements, Setbacks, rights-of-way or reserves.

- d. All vehicular use areas (including the dimensions of all parking spaces, driveways and for non-residential Uses also the Loading Spaces, and maneuvering lanes).
- e. An affidavit, by the Owner attesting that:
  - i. in the case of a Structure, the Structure will not be used in violation of this Zoning Resolution.
  - ii. in the case of a Swimming Pool, that the Owner indemnifies and holds harmless Liberty Township with respect to the use of the pool.
- f. A topographic map, of the parcel of land which, at a minimum depicts contour intervals drawn at no greater than two (2) feet (1 foot preferred).
- g. Any other information as requested by the Zoning Inspector to determine conformance with or provide for the enforcement of this Zoning Resolution.

**C.** Any Zoning Permit application that includes any Land Disturbing Activities, as defined in Article III, shall also include five (5) copies of an Erosion and Sediment Control Plan that shows the following:

- 1. Existing topography of the site and adjacent land within approximately 100 feet of the boundaries, drawn at no greater than two (2) feet (1 foot preferred) contour intervals clearly portraying the conformation and drainage pattern of the area.
- 2. A description of the predominant soil types on the site, their location, and their limitations for the proposed Use.
- 3. Areas of Excavation, grading, and filling; proposed contours, finished grades, concrete washout, and Street profiles; provisions for storm drainage, including the control of accelerated runoff with a drainage area map and computations; kinds and locations of utilities, and areas and Acreages proposed to be paved, covered, sodded or seeded, vegetatively stabilized or left undisturbed.
- 4. All Erosion and Sediment control measures necessary to meet the objectives of Section 10.11 throughout all phases of construction and, permanently, after completion of development of the site.
- 5. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and

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kind and quantity of mulching for both temporary and permanent vegetative control measures.

6. Identification of the Person(s) or entity which will have the responsibility for maintenance of Erosion and Sediment control for Structures and measures during the work described in the Zoning Permit and the contact information for such Person(s) or entity.
7. The proposed phasing of the development of the site, including Vegetative Stripping, clearing, rough grading and construction, and final grading and Landscaping. Phasing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, and the sequence of clearing, installation of temporary Sediment control measures, installation of storm drainage, paving of Streets and Parking Areas, and establishment of permanent vegetative cover.

The Erosion and Sediment Control Plan shall be prepared in accordance with the standards and requirements contained in the Rainwater and Land Development – Ohio’s Standards for Stormwater Management Land Development and Urban Stream Protection (most current version) and/or Fairfield County Construction and Material Specifications (most current version), which standards and requirements are hereby incorporated by reference.

The Zoning Inspector or designee may waive specific requirements for the contents of the Erosion and Sediment Control Plan upon finding that the information submitted is sufficient to show that the work will comply with the objectives and standards of Section 10.11.

#### **4.4 ZONING PERMIT APPROVAL**

Within 30 days after the receipt of a completed application, the Zoning Inspector shall either approve or disprove the application, unless the provisions of Section 4.5 or other specific sections of this Zoning Resolution apply. All approved Zoning Permits shall be conditional upon the Commencement of Work, as defined in Article III, within one (1) year of the date that the Zoning Inspector approves the application. The Zoning Permit shall expire within one (1) year of the date that the Zoning Inspector approved the application if there has not be a Commencement of Work within that one (1) year period.

The Zoning Inspector shall return one (1) copy of the application/plans to the applicant after the Zoning Inspector or designated agent certifies by signature the application/plans as either approved or disapproved. In the case of disapproval, the Zoning Inspector shall state on the returned application/plans the specific reasons for disapproval. The Zoning Inspector shall retain two (2) copies of

application/plans similarly marked. The Zoning Inspector shall forward one (1) of the retained copies to the County Auditor upon issuance of a Certificate of Zoning Compliance.

Notwithstanding the above, this Zoning Resolution reserves to the Zoning Inspector the right to reject or deny incomplete applications or to return incomplete applications without acting upon them. In no event shall an applicant for a Zoning Permit be entitled to reimbursement of the applicant's application fee.

#### **4.5 SUBMISSION TO THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION**

Before any Zoning Permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by certified mail, to the Director of Transportation, and shall not issue a Zoning Permit for one hundred twenty (120) days from the date the notice is received by such office. If notified that the State is proceeding to acquire the land needed, then a Zoning Permit shall not be issued. If notified that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any agreed-upon extension thereof, a permit shall be granted if the application is in conformance with all provisions of this Zoning Resolution (ORC 5511.01).

#### **4.6 EXPIRATION OF ZONING PERMIT**

If the work described in any Zoning Permit has not Commenced (as defined in Article III) within one (1) year from the date of Zoning Permit approval, or has not been Substantially Completed, as defined in Article III, within two and one half (2 1/2) years from the date of Zoning Permit approval, then said permit shall expire. In either of such events, the Zoning Inspector shall give written notice to the Persons affected that the Zoning Permit has expired, which notice shall include the date on which the expiration became effective. The notice shall indicate that from and after the date of expiration of the Zoning Permit that further work as described in the expired permit shall not proceed unless and until a new Zoning Permit has been obtained.

#### **4.7 CERTIFICATE OF ZONING COMPLIANCE**

##### **A. Certificate of Zoning Compliance Required**

1. It shall be unlawful to use or occupy (or permit the Use or occupancy of) any portion of a Building and/or premises created, erected, changed,

converted, altered or enlarged in its Use or Structure until a Certificate of Zoning Compliance has been issued by the Zoning Inspector. The Certificate of Zoning Compliance shall state that the work authorized in the Zoning Permit has been completed and conforms to the requirements of this Zoning Resolution.

2. Certificates of Zoning Compliance shall be applied for simultaneously with the application for a Zoning Permit and shall be issued or denied within ten (10) days after notice by the applicant that the work authorized in the Zoning Permit has been completed and conforms to the requirements of this Zoning Resolution.

**B. Temporary Certificate of Zoning Compliance**

A temporary Certificate of Zoning Compliance may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a Building pending its completion.

**C. Record of Certificate of Zoning Compliance**

The Zoning Inspector shall maintain a record of all Certificates of Zoning Compliance and a copy of any individual certificate shall be furnished upon request.

**4.8 VIOLATION**

**A. Failure to Obtain a Zoning Permit or Certificate of Zoning Compliance**

Failure to obtain a Zoning Permit or Certificate of Zoning Compliance shall be a violation of this Zoning Resolution and punishable under Section 4.8(D) of this Zoning Resolution.

**B. Construction and Use**

Zoning Permits and certificates of zoning compliance are issued on the basis of plans and applications approved by the Zoning Inspector and authorize only the Use and arrangement set forth in such approved plans and applications or amendments thereto. Any Use, arrangement, alteration or construction at variance with that authorized shall be deemed a violation of this Zoning Resolution and punishable as provided in Section 4.8(D).

**C. Complaints Regarding Violations**

Any Person may file a written complaint alleging a violation of this Zoning Resolution by completing the applicable zoning complaint form that may be

obtained from the Zoning Inspector. Such zoning complaint form shall be filed with the Zoning Inspector and shall fully state the causes and basis of the complaint. The Zoning Inspector shall properly record such complaint, and within 30 days from the date the complaint was filed, investigate and take such appropriate action thereof as may be necessary and as provided by this Zoning Resolution.

**D. Penalties for Violation**

Any Person who violates this Zoning Resolution or fails to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Zoning Resolution) upon conviction, shall be fined the up to the greater of \$500 or the maximum amount permitted under Section 519.99 of the ORC, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The Owner or tenant of any Building, contractor, agent, or other Person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and shall be subject to the above stated penalties. Nothing within this Zoning Resolution shall prevent the Township Board of Trustees from taking such other lawful action as is necessary to prevent or remedy any violations.

**4.9 SCHEDULE OF FEES, CHARGES, AND EXPENSES**

The Board of Township Trustees shall establish a schedule and collection procedure for fees, charges, and expenses and for Zoning Permits, Certificates of Zoning Compliance, appeals, and other matters pertaining to this Zoning Resolution. The schedule of fees shall be posted in the office of the Zoning Inspector and may be altered or amended only by the Board of Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

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## ARTICLE V

### NON-CONFORMING USES

#### 5.1 INTENT

The purpose of this Article is to provide for the continuation of uses that do not conform to the existing zoning, but which were in operation prior to the enactment of this Zoning Resolution or amendments thereto.

#### 5.2 GRACE PERIOD

Any property purchased or acquired prior to the adoption of this Zoning Resolution, (a) upon which existed a Nonconforming Use at the time the property was purchased or acquired and (b) upon which the work of the changing or remodeling or construction of such Nonconforming Use(s) has been legally commenced prior to at the time of adoption of this Zoning Resolution, may in accordance with the provisions of this Zoning Resolution be used for the Nonconforming Use for which such changing, remodeling, or construction was undertaken provided that the work of changing, remodeling, or construction that was in process prior to or at the time of adoption of this Zoning Resolution is completed within two (2) years of the date of adoption of this Zoning Resolution or amendment thereto making said use Nonconforming.

#### 5.3 CONFORMANCE REQUIRED.

Except as hereinafter specified, no land, Building, Structure or premises shall hereafter be Used, and no Building or part thereof, or other Structure, shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the District in which it is located.

#### 5.4 NON-CONFORMING LOTS.

- A. In any district in which single-family dwellings are permitted, one single family dwelling may be erected on any Nonconforming Lot of Record. This provision shall apply even though such lot may not comply with the minimum Lot Area, Lot Width, or Lot Frontage requirements that are generally applicable in the district. All other requirements, including Yard Setback requirements, of the applicable district shall apply. Variances from the required Yard Setback standards shall be obtained only through action of the Board of Zoning Appeals.
- B. Notwithstanding Section 5.4A, if there are two or more Lots with contiguous Frontage under the same ownership at the effective date of this Resolution or amendment thereto that either separately or together, do not comply with the

applicable Lot Area, Lot Frontage or Lot Width requirements, then such lots shall be considered one Nonconforming Lot of Record for purposes of this Zoning Resolution. Only one single family dwelling will be permitted on said lots. All other requirements, including Yard Setback requirements, of the applicable zoning district shall apply. Variances from the required Yard Setback standards shall be obtained only through action of the Board of Zoning Appeals. All such Lots shall be required to be replatted, resurveyed or otherwise combined prior for a Zoning Permit for the intended use being issued. No portion of said Lots shall be used or sold in a manner which diminishes compliance with the Lot Width, Frontage or Lot Area requirements established by this Zoning Resolution.

- C. No Nonconforming Lot of Record shall be divided in a manner that would further reduce the Lot Frontage, Lot Width or Lot Area below the requirements stated in this Zoning Resolution.

## **5.5 NONCONFORMING STRUCTURES.**

### **A. Continuation**

Any Structure which is devoted to a Use which is permitted in the zoning District in which it is located, but which is located on a Lot which does not comply with the applicable Lot size requirements and/or development standards, may be continued, so long as it remains otherwise lawful, subject to the restrictions of Sections 5.5(B), 5.5(C) and 5.7.

### **B. Enlargement, Repair, Alterations**

Any such Structure described in Subsection 5.5(A) may be enlarged, maintained, repaired, or structurally altered; provided, however, that no such enlargement, maintenance, repair, or structural alteration shall either create any additional non-conformity or increase or extend the degree of existing non-conformity of all or any part of such Structures.

### **C. Moving**

No Structure described in Subsection 5.5(A) shall be moved in whole or in part for any distance whatsoever, to any other location on the same or any other Lot unless the entire Structure shall thereafter conform to the regulations of the zoning District in which it will be located after being moved. A Zoning Permit shall be required prior to moving such Structure.

## **5.6 NONCONFORMING USES.**

### **A. Continuation**

Any lawfully existing Nonconforming Use of part or all of a Structure or any lawfully existing Nonconforming Use of land, not involving a Structure, may be continued, so long as otherwise lawful, subject to the restrictions of Sections 5.6(B) – 5.6(F).

### **B. Substitution**

A Nonconforming Use may be changed to another Nonconforming Use only by the Board of Zoning Appeals, provided that the Board of Zoning Appeals finds that the proposed Use is equally appropriate or more appropriate to the District than the existing Nonconforming Use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this Zoning Resolution, which if violated are punishable under Section 4.8(D) of this Zoning Resolution.

### **C. Extension**

Except as hereinafter specifically provided, or except when otherwise required by law, a Nonconforming Use shall not be enlarged, extended, reconstructed or structurally altered.

1. The Board of Zoning Appeals may permit, on a once-only basis, a Building containing a Nonconforming Use to be enlarged to an extent not exceeding twenty-five (25) percent of the ground Floor Area of the existing Building or Buildings devoted to a Nonconforming Use at the time of enactment of this Zoning Resolution or at the time of its amendment making a Use Nonconforming. The Board of Zoning Appeals shall not authorize any enlargement which would result in a violation of the provisions of this Zoning Resolution with respect to any adjoining premises, or which would occupy ground space required for meeting the Yard Setback or other requirements of this Zoning Resolution.
2. The Board of Zoning Appeals may authorize the expansion of Nonconforming Uses not involving a Structure or Building at the effective date of this Zoning Resolution or the date of any amendments making such Use nonconforming, provided that such extension is necessary and incidental to the existing properties and shall involve no Structure or Buildings.

**D. Moving**

No Structure devoted in whole or in part to a Nonconforming Use shall be moved to any other location on the same Lot or any other Lot unless the entire Structure and the Use thereof shall thereafter conform to the regulations of the District in which it will be located after being so moved. Moreover, no Non-conforming Use of land shall be relocated, in whole or in part, to any other location on the same or any other Lot unless such Use shall thereafter conform to the regulations of the District in which it is located after being moved. A Zoning Permit shall be required prior to moving such Structure.

**E. Repair and Maintenance**

Any Structure devoted to a Nonconforming Use may be maintained, repaired, or structurally altered, provided, however, that no such maintenance, repair, or structural alteration shall either create any additional Non-conforming Use or any non-conformity or increase or extend the size, amount, quantity or degree of the existing Nonconforming Use.

**F. Abandonment or Replacement**

1. A Nonconforming Use shall be considered abandoned when there is intent either express or implied to cease the Nonconforming Use for a period of two (2) years. Abandonment may be evidenced by an overt act or failure to act indicating that the Owner has not been using the Nonconforming Use for said time period.
2. A Nonconforming Use shall be considered replaced when either one of the following conditions exists:
  - a. When a Nonconforming Use has been changed to a permitted use in the applicable district.
  - b. When it has been changed to another Nonconforming Use under permit from the Board of Zoning Appeals.
3. A Nonconforming Use which has been replaced or abandoned shall not thereafter be returned to a Nonconforming Use.

**5.7 DAMAGE OR DESTRUCTION.**

In the event that any non-conforming Building or other Nonconforming Structures or any Building or Structure devoted in whole or in part to a Nonconforming Use is damaged or destroyed by any means, to the extent of more than fifty (50) percent of its fair market value at the time of damage, such

Building or other Structure shall not be restored unless such Building or other Structure and the Use thereof conform to the regulations of the District in which it is located. If such damage is fifty (50) percent or less of its current fair market value, it may be restored or reconstructed to its previous size, shape, and dimensional characteristics and the previous Use may be permitted, if (1) a Zoning Permit is obtained, (2) restoration actually commences within one year after the date of such partial destruction, and (3) the restoration is Substantially Completed within 2 ½ years from when the Zoning Permit is issued.

## **ARTICLE VI**

### **ADMINISTRATIVE BODIES AND THEIR RESPONSIBILITIES**

#### **6.1 ZONING INSPECTOR**

The Board of Township Trustees shall appoint a Zoning Inspector who shall be responsible for administering and enforcing this Zoning Resolution. The Board of Township Trustees may direct other Persons to assist the Zoning Inspector in his/her duties. The Zoning Inspector, before entering upon his/her duties, shall give bond as specified in Section 519.161 of the Ohio Revised Code. The duties of the Zoning Inspector shall be to:

- A.** Issue Zoning Permits and Certificates of Zoning Compliance when the provisions of this Zoning Resolution have been met.
- B.** Upon finding that any of the provisions of this Zoning Resolution are being violated, the Zoning Inspector shall notify in writing the Owner and order such action as is necessary to correct such violation(s) which actions shall include the following:
  - 1. Ordering the discontinuance of illegal Uses of lands, Building, or Structures.
  - 2. Ordering the removal of illegal Buildings or Structures or illegal additions or Structural Alterations.
  - 3. Ordering the discontinuance of any illegal work being done.
  - 4. Taking any other action authorized by this Zoning Resolution to ensure compliance with or to prevent violation(s) of this Zoning Resolution.
- C.** The Zoning Inspector shall make and keep records necessary and appropriate to the Zoning Inspector's office including records of issuance and denial of Zoning Permits; collecting designated fees for Zoning Permits, rezoning applications, appeals, Variances, and Conditional Uses; and such similar administrative duties as are permissible under the law.

## **6.2 TOWNSHIP ZONING COMMISSION**

### **A. Establishment**

The Board of Township Trustees of any township proceeding under sections 519.01 to 519.99 of the Revised Code, shall create and establish a township Zoning Commission. The commission shall be composed of five members who reside in the unincorporated area of the township, to be appointed by the Board of Trustees. The Board of Trustees may appoint two alternate members to the township Zoning Commission, for terms to be determined by the Board of Trustees. An alternate member shall take the place of an absent regular member at any meeting of the township Zoning Commission, according to the procedures outlined in the adopted rules and regulations for the Zoning Commission. An alternate member shall meet the same appointment criteria as a regular member. The terms of the regular members shall be of such length and so arranged that the term of one member will expire each year. Where there is a county or regional planning commission the Board of Trustees may appoint qualified members of such commission to serve on the township Zoning Commission. Each regular or alternate member shall serve until the member's successor is appointed and qualified. Members of the Zoning Commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the Board of Trustees, upon written charges being filed with the Board of Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by certified mail, or by leaving such copy at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board of Trustees and shall be for the unexpired term.

### **B. Organization**

The Zoning Commission shall elect a chairman from its membership and shall adopt written rules and regulations for the conduct of its affairs as stated in ORC 519.05. The Zoning Commission shall file such rules with its secretary (who is appointed by the Board of Trustees) and the Zoning Inspector and shall make the rules available to the public.

### **C. Quorum**

Per the written by-laws of the Zoning Commission. The quorum requirements shall be three (3) Members of the Zoning Commission for the conduct of business. When a quorum is not present, no official action of the Zoning Commission, except for the adjourning or closing the meeting and rescheduling may take place. The Zoning Commission shall not engage in the discussion of any matter during any time in which a quorum of the Commission is not present for the conduct of

business. Four (4) members are to be present for a roll call vote to be taken on a Zoning Amendment or Rezoning application, and a majority is required for approval. An applicant/amendment sponsor has the right to request a postponement of vote on their application or amendment until a total of five (5) members or alternates are present.

**D. Meetings**

The Zoning Commission shall meet at the call of its chairman or two (2) other members and at such other times as the Zoning Commission may determine by resolution. Notwithstanding anything else contained herein, any meeting of the Zoning Commission may be adjourned on the vote of a majority of the members present. All meetings of the Commission shall be open to the public.

**E. Records**

The Zoning Commission's secretary shall keep minutes of each meeting and a record of all proceedings and other official actions. The minutes of each meeting shall show the vote of each member (including abstentions) upon each question and shall also show any absent members. The minutes shall be approved by the Zoning Commission at the next available meeting after the minutes have been completed by the secretary. Upon the approval of the minutes of meetings involving matters described in Section 6.2F, the Zoning Commission's secretary shall mail a copy of the approved minutes to the applicant. Minutes and any other records required by this Section shall be considered public records, and the secretary shall file such records in the office of the Board of Trustees.

**F. Duties of Zoning Commission**

For the purpose of this Zoning Resolution, the Zoning Commission shall have the following duties:

1. Initiate amendments to this Zoning Resolution, pursuant to Section 7.1(B)(2) and ORC 519.12.
2. Review all proposed amendments to this Zoning Resolution in accordance with Section 7.1 and ORC 519.12 and make recommendations to the Board of Trustees.
3. Review all Planned Unit Developments and Planned Rural Business and Community Service Districts and make related recommendations to the Board of Trustees.
4. Review and approve Development Plans for the Planned Residential Conservation District.



## **6.3 BOARD OF ZONING APPEALS**

### **A. Establishment**

A Board of Zoning Appeals is hereby established in accordance with ORC 519.13 and 519.14. Said Board of Zoning Appeals shall consist of five (5) members appointed by the Board of Trustees. Every member shall be a legal resident of the unincorporated territory of Liberty Township included in the area zoned. Members shall be appointed for a term of five (5) years and shall be arranged so that the term of one member will expire each year.

The Board of Trustees may appoint two (2) alternate members to the Board of Zoning Appeals for the terms to be determined by the Board of Trustees. An alternate member shall meet the same appointment criteria as a regular member. An alternate member shall take the place of an absent regular member at any meeting of the Board of Zoning Appeals, according to the procedures outlined in the adopted by-laws for the Board of Zoning Appeals. Each regular or alternate member shall serve until the member's successor is appointed and qualified.

Members of the Board of Zoning Appeals shall be removable for nonperformance of duty, misconduct in office, or other cause by the Board of Trustees, upon written charges being filed with the Board of Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by certified mail, or by leaving such copy at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges.

### **B. Organization**

The Board of Zoning Appeals (BZA) shall elect a chairman from its membership and shall adopt written by laws for the conduct of its affairs. The Board of Zoning Appeals shall file such rules with its secretary (who is appointed by the Board of Trustees) and the Zoning Inspector and shall make the rules available to the public.

### **C. Quorum.**

Per the written by-laws of the Board of Zoning Appeals. The quorum requirements shall be five (5) members of the Board for the conduct of business. It shall be necessary to have a minimum of four (4) members present and voting in the affirmative to approve a variance, approve a conditional use, or overrule the Zoning Inspector's interpretation. When a quorum is not present, no official action of the Board, except for closing of the meeting and rescheduling, may take place.

**D. Meetings**

The Board of Zoning Appeals shall meet at the call of its chairman or two (2) other members and at such other times as the Board of Zoning Appeals may by resolution determine. All meetings of the Board of Zoning Appeals shall be open to the public. During the meetings, the chair, or in his/her absence the acting chair, may administer oaths, and the Board of Zoning Appeals may compel the attendance of witnesses. Notwithstanding anything else contained herein, any meeting of the Board of Zoning Appeals may be adjourned on the vote of a majority of the members present.

**E. Records**

The secretary of the Board of Zoning Appeals shall keep minutes of each meeting and a record of all proceedings and other official actions. The minutes of each meeting shall show the vote of each member (including abstentions) upon each question and shall also show any absent members. The minutes shall be approved by the Board of Zoning Appeals at the next available meeting after the minutes have been completed by the secretary. Minutes and other records required by this Section shall be considered public records, and the secretary shall file such records in the office of the Board of Trustees.

**F. Duties of the Board of Zoning Appeals**

As long as such action is in conformity with the terms of this Zoning Resolution, the Board of Zoning Appeals may reverse, affirm wholly or partly, or modify the order, requirement, decision, or determination being appealed and may make such order, requirement, decision, or determination as ought to be made. To that end, it shall have the powers of the Zoning Inspector from whom the appeal is taken. For the purpose of this Zoning Resolution the Board of Zoning Appeals has the following specific responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the Zoning Inspector.
2. To authorize such Variance from the terms of this Zoning Resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Zoning Resolution will result in an unnecessary hardship in accordance with the provisions of Section 7.2 of this Zoning Resolution.
3. To grant Conditional Use permits as listed in each District in Article 7.3 and under conditions specified in Article XI as well as additional

safeguards specified by the Board of Zoning Appeals in order to uphold the intent of this Zoning Resolution.

4. To authorize the substitution of Nonconforming Uses in accordance with Section 5.6(B) or the extension of a Nonconforming Use in accordance with Section 5.6(C).
5. To determine similar Uses in conformance with the provisions of Section 8.5.

#### **6.4 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal**

It is the intent of this Zoning Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decision of the Board of Zoning Appeals shall be to the courts as provided by law. It is further the intent of this Zoning Resolution that the duties of the Board of Trustees in connection with this Zoning Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Zoning Resolution. Under this Zoning Resolution the Board of Trustees shall have only the duties of considering and adopting or rejecting proposed amendments or repealing all or part of this Zoning Resolution as provided by law, and of establishing a schedule of fees and charges as stated in Section 4.9 of this Zoning Resolution.

## **ARTICLE VII**

### **ADMINISTRATIVE PROCEDURES**

#### **7.1 PROCEDURES FOR AMENDMENT OR DISTRICT CHANGES**

This Zoning Resolution may be amended by using the procedure specified in Section 7.1A through 7.1O. See Section 7.4 if a map amendment to a Planned Rural Business/Community Service (PRB/CS) District is proposed and Section 7.5 if a map amendment to a Planned Unit Development (PUD) District is proposed. Per Section 7.5(B), a sketch plan is required prior to submitting an application for a zoning amendment to a PUD.

**A.** Whenever the public necessity, general welfare or good zoning practice requires, the Board of Trustees may by resolution amend, supplement, change or repeal the regulations, restrictions, boundaries or classifications of property, subject to the procedures required by law. The Board of Trustees must obtain the recommendation from the Zoning Commission before taking any action on a proposed zoning amendment.

#### **B. Initiation of Zoning Amendments**

Initiation of Zoning Amendments may be done in one of the following ways:

1. By adoption of a resolution by the Board of Trustees and certification of that resolution to the Zoning Commission.
2. By adoption of a motion by the Township Zoning Commission.
3. By a filing with the Zoning Commission of an application by at least one (1) or more Owners or lessees of the property proposed to be changed by such amendment. If a lessee of a property files an application for rezoning, the application shall include the signature of the Owner.

#### **C. Number and Contents of Application for Zoning Amendment**

Eleven (11) copies of the application a zoning amendment shall be submitted. All applications for zoning amendments shall contain at a minimum the following information:

1. Name, address, and phone number of such Owners for any parcel to be rezoned.
2. The language of any proposed amendment to the text of the Zoning Resolution, if applicable.

3. A statement as to how the proposed amendment relates to the Liberty Township Comprehensive Land Use Plan, when and if adopted, or in the absence of such plan, to the Fairfield County Comprehensive Plan, when and if adopted, and to the neighborhood properties.

In addition to the items listed above, an application for a proposed map amendment shall include the following:

1. The legal description of the parcel(s) to be rezoned prepared by a Professional Surveyor in the State of Ohio.
2. Current Use and current zoning classification.
3. Proposed Use and proposed zoning classification.
4. A vicinity map at a scale approved by the Zoning Inspector showing property lines, Streets, existing and proposed zoning, and such other items as the Zoning Inspector may require.
5. A list of all Owners within, contiguous to, and directly across the Street from the parcel(s) to be rezoned and their respective addresses as appearing on the County Auditor's current tax list. The requirement for addresses may be waived by the Zoning Inspector when more than ten (10) parcels are proposed to be rezoned.
6. Any fee established by the Board of Trustees (see Section 4.9) to defray the cost of advertising, mailing, filing with the county recorder, and other expenses.

**D. Transmittal to Zoning Commission**

Immediately after the adoption of a resolution by the Board of Trustees, said resolution shall be certified to the Zoning Commission (Reference: ORC 519.12(A)(2)).

**E. Submission to the Regional Planning Commission**

Within five (5) days after action taken in 7.1(B), the Zoning Commission shall transmit a copy of such documents together with the text and map pertaining to the case to the Fairfield County Regional Planning Commission. The Regional Planning Commission shall recommend approval, denial or approval with some modification of the proposed amendment and shall submit such recommendation to the Zoning Commission. The Zoning Commission shall consider the recommendation of the Regional Planning Commission at a public hearing.

**F. Submission to the Director of the Department of Transportation**

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of the Department of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice by certified mail to the Director of the Department of Transportation. The Zoning Commission may proceed as required by law, however, the Board of Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of the Department of Transportation. In accordance with ORC Section 5511.01, upon being notified that the Director of the Department of Transportation has purchased or initiated proceedings to appropriate the land, the Board of Township Trustees shall not rezone the land that includes the land which the Director has purchased or has initiated proceedings to appropriate. If the Director of the Department of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of the Department of Transportation and the property Owner, the Board of Trustees shall proceed in accordance with law (Reference: ORC 5511.01).

**G. Public Hearing by Zoning Commission**

The Zoning Commission shall schedule a public hearing upon the initiation of a zoning amendment in accordance with Section 7.1(B). Such hearing shall be not be less than twenty (20) days nor more than forty (40) days from the date the zoning amendment was initiated in accordance with Section 7.1(B).

**H. Notice of Public Hearing in Newspaper**

Before holding the public hearing required in Section 7.1(G), notice of such hearing shall be given by the Zoning Commission in one (1) or more newspapers of general circulation in the township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing by the Liberty Township Zoning Commission, the nature of the proposed amendment, the name of the Person giving notice of the public hearing, the time and place where the proposed amendment will be available for examination for a period of at least ten (10) days before the public hearing, and a statement that after the conclusion of such public hearing, the matter will be referred to the township Board of Trustees for further determination. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels, the notice shall also include a list of the names and addresses of all properties to be rezoned or redistricted by the

proposed amendment as such appear on the County Auditor's then current tax list, as well as the present zoning classification of the subject property.

**I. Notice of to Property Owners by Zoning Commission**

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the county auditor's current tax list, the Zoning Commission secretary shall give written notice of the hearing, by first class mail, at least ten (10) days before the date of the public hearing to all Owners of property within, contiguous to, and directly across the Street from such area proposed to be rezoned or redistricted. The address of such Owners as appearing on the county auditor's current tax list shall be used. The failure of delivery of the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 7.1(H).

**J. Recommendation by Zoning Commission to the Board of Trustees**

Within thirty (30) days after the public hearing required by Section 7.1(G), the Zoning Commission shall recommend to the Board of Trustees that the proposed zoning amendment be approved, approved with some modification, or denied. The Zoning Commission shall submit concurrently to the Board of Trustees the following:

1. the Zoning Commission's recommendation on the proposed amendment;
2. the motion, application, or resolution involved;
3. the text and map pertaining to the proposed amendment;
4. the Regional Planning Commission's recommendation on the proposed amendment; and
5. any required Development Plan (if a map amendment to the PRB/CS or PUD District is proposed).

**K. Public Hearing by the Board of Trustees**

Upon receipt of the Zoning Commission's recommendation, the Board of Trustees shall schedule a public hearing. The date of said hearing shall be not more than thirty (30) days from the date of receipt of the Zoning Commission's recommendation.



**L. Notice of Public Hearing by Board of Trustees**

Notice of the public hearing required in Section 7.1(K) shall be given by the Board of Trustees in one (1) or more newspapers of general circulation in the township. Said notice shall be published at least ten (10) days before the date of the required hearing. The published notice shall set forth the date, time and place of the public hearing by the Liberty Township Board of Trustees, the nature of the proposed rezoning, the name of the Board of Township Trustees that will be conducting the hearing, a statement indicating that the motion, application, or resolution is an amendment to the Liberty Township Zoning Resolution, and the time and place where the texts and maps of the proposed amendment will be available for examination for a period of at least ten (10) days before the public hearing. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels, the notice shall also include a list of the names and addresses of all properties to be rezoned or redistricted by the proposed amendment, as they appear on the County Auditor's then current tax list, as well as the present zoning classification and the proposed zoning classification of the subject property.

**M. Notice to Owners by Township Board of Trustees**

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing may be mailed by the Fiscal Officer of the Township Board of Trustees, by first class mail, at least ten (10) days before the day of the public hearing to all Owners of property within, contiguous to, and directly across the Street from such area proposed to be rezoned or redistricted to the address of such Owners appearing on the County Auditor's current tax list and to such other list or lists that may be specified by the Township Board of Trustees. The notice shall contain the same information as required of notices published in newspapers as specified in Section 7.1(L).

**N. Action by Board of Trustees**

Within twenty (20) days after the public hearing required in Section 7.1(K), the Board of Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof.

**O. Effective Date and Referendum**

Such amendment adopted by the Township Board of Trustees shall become effective thirty (30) days after the date of such adoption unless, within thirty (30) days after the adoption of the amendment, there is presented to the Board of Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total votes cast for all candidates for

Governor in such area at the last preceding general election at which a Governor was elected. Such petition shall request the Board of Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

## **7.2 PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES**

Appeals and Variances shall conform to the procedures and requirements of Section A – J inclusive.

### **A. Appeals**

1. Any Person aggrieved by a decision of the Zoning Inspector may appeal such decision to the Board of Zoning Appeals. Such appeal shall be made by filing an application that complies with Section 7.2(C) and (D) within twenty (20) calendar days of the decision that is being appealed. The application for appeal shall be submitted to the Zoning Inspector who shall transmit it, along with all the papers constituting the record upon which the appeal is made, to the Board of Zoning Appeals.
2. An appeal shall stay all proceedings in furtherance of the action being appealed. However, by reason of facts stated within the application, the Zoning Inspector may certify to the Board of Zoning Appeals that a stay would cause imminent peril to life or property in the Zoning Inspector's opinion. In such case, proceedings shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Board of Zoning Appeals after notice to the Zoning Inspector, or by judicial proceedings.

### **B. Variances**

Upon appeal in specific cases, the Board of Zoning Appeals shall have the power to authorize such Variances from the provisions of this Zoning Resolution. Such Variances shall only be granted in cases of exceptional conditions involving irregular, narrow, shallow, steep or other exceptional physical conditions of a Lot. Furthermore, a Variance shall only be granted if it will not be detrimental to the public interest and will not impair the intent and purpose of these regulations. The procedure for the filing and review of a Variance application shall follow Section 7.2(C) – (J). The Board of Zoning Appeals shall not grant a Variance from the strict application of any provision of this Zoning Resolution unless the Board of Zoning Appeals finds that all of the following facts and conditions exist.

1. That there are special circumstances or conditions, which are fully described in the Board of Zoning Appeal's decision applying to the land or Building for which the Variance is sought. These circumstances or conditions must be unique to the land or Buildings in question and must not apply generally to land or Buildings in the neighborhood. Furthermore, these circumstances or conditions would result in practical difficulty and unnecessary hardship and deprive the applicant of the

reasonable Use of the land and/or Building if the strict application of this Zoning Resolution were to be applied.

2. That the Variance as granted by the Board of Zoning Appeals is the minimum Variance that will accomplish the reasonable Use of the subject land or Building.
3. That the granting of the Variance will be in harmony with the general purpose and intent of this Zoning Resolution, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and Use of adjoining Buildings and those in the vicinity, the Board of Zoning Appeals, in determining its findings, shall take into account the number of persons residing or working in such Buildings or upon such land and traffic conditions in the vicinity.
4. That the condition or situation of the land or Building in question is not so general or recurrent in nature that such condition or situation should be made a part of this Zoning Resolution.

**C. Number of Copies and Procedure for Variance or Appeals Application**

Any Person owning property may file an application to obtain a Variance to the zoning requirements that apply to that Owner's property. Any Person who is aggrieved by any decision of the Zoning Inspector may file an appeal to such decision, provided the application is made within twenty (20) days of the decision that is being appealed. Seven (7) copies of the application for a Variance or an appeal shall be filed with the Zoning Inspector who shall immediately forward it to the Board of Zoning Appeals.

**D. Contents of Application**

The application for a Variance or an appeal shall contain the following information:

1. Name, address, and phone number of the applicant.
2. Legal description of the related property.
3. Reference to the specific provisions of this Zoning Resolution involved.
4. A list of Owners within, contiguous to, and directly across the Street from the parcel being considered and addresses of such Owners as appearing on the County Auditor's then current tax list.
5. Each application for a Variance also shall set forth:

- a. The Use for which special exception is sought.
  - b. Details of the requested Variance that is applied for and the grounds on which it is claimed that the Variance should be granted.
  - c. A sketch layout that includes property lines, existing Buildings, and other information related to the specific case.
  - d. How the requirements of Section 7.2(B)(1–4) will be satisfied.
6. The required fee as established in Section 4.9.
  7. The Ohio Supreme Court set forth seven factors that must be considered for purposes of determining whether a property owner seeking an area variance has encountered practical difficulties:
    1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
    2. Whether the variance is substantial;
    3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
    4. Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage);
    5. Whether the property owner purchased the property with knowledge of the zoning restriction;
    6. Whether the property owner’s predicament feasibly can be obviated through some method other than a variance;
    7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

**E. Supplementary Conditions and Safeguards**

In granting any appeal or Variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Zoning Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or Variance is granted, shall be deemed a violation of this Zoning Resolution, punishable under Section 4.8(D). Under no circumstances

shall the Board of Zoning Appeals grant an appeal or Variance to allow a Use not permissible under the terms of this Zoning Resolution in the District involved or any Use expressed or by implication prohibited by the terms of this Zoning Resolution in such District.

**F. Public Hearing by the Board of Zoning Appeals**

The Board of Zoning Appeals shall hold a public hearing within sixty (60) days from the date that the application for an appeal or Variance was submitted to the Zoning Inspector.

**G. Notice of Public Hearing in Newspaper**

Before holding the public hearing required in Section 7.2(F), notice of such hearing shall be given in one or more newspapers of general circulation in the township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or Variance.

**H. Notice of Parties of Interest**

Before holding the public hearing required in Section 7.2(F), written notice of such hearing shall be mailed by the secretary of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties of interest. The notice shall contain the same information required of notices published in newspapers as specified in Section 7.2(G). Parties of interest shall include, the Owners of: the property being considered, property contiguous to, and the property directly across the Street from the property being considered.

**I. Adjournment of Hearings**

During the public hearing for any Variance or appeal, the Board of Zoning Appeals may adjourn the hearing in order to permit additional information to be secured or to provide notice to other interested parties who were not originally notified, but who the Board of Zoning Appeals decides should be notified. In the case of an adjourned hearing, Persons previously notified and Persons already heard need not be notified of the time when the hearing will be resumed, unless the Board of Zoning Appeals so decides.

**J. Decisions of the Board of Zoning Appeals**

The Board of Zoning Appeals shall decide all applications and appeals within thirty (30) days after completion of the hearing and such decision shall become effective upon certification of the decision of the Board of Zoning Appeals. A certified copy of the Board of Zoning Appeals' decision shall be binding upon and

observed by the Zoning Inspector, and the terms and conditions of the decision shall be incorporated into the permit to the applicant or appellant whenever a permit is authorized by the Board of Zoning Appeals.

After the Board of Zoning Appeals certifies its approval or disapproval on any Variance or appeal there shall be no further hearings upon such case. If the Board of Zoning Appeals denies an appeal or Variance, the applicant has all rights of appeal as set forth in any applicable section of the Ohio Revised Code. When the Board of Zoning Appeals has denied a Variance, a new Variance application may be filed subject to the same procedure as the original application. If a new application is filed with the Board of Zoning Appeals within one (1) year of the date of the Board of Zoning Appeals' decision, the Zoning Inspector shall not schedule any hearing until the Board of Zoning Appeals has received the application and decided that there is new matter, evidence or facts to be heard by the Board of Zoning Appeals.

### **7.3 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USES.**

#### **A. Authorization**

Each District includes Conditional Uses in recognition that such Uses, although often desirable, will more intensely affect the surrounding area in which they are located than the permitted Uses of such District. The Conditional Use procedures set forth development standards and criteria for locating and developing a Conditional Use to ensure such Use will not negatively impact the surrounding area in which it is located.

#### **B. Application for Conditional Use**

Any Person owning property may file an application for one (1) or more Conditional Uses listed within the District in which the property is located. Eleven (11) copies of an application for a Conditional Use shall be filed with the Zoning Inspector who shall immediately forward the application to the Board of Zoning Appeals. The application for a Conditional Use shall include:

1. Name, address, and phone number of the applicant.
2. The legal description of the property where such Use will be located (as recorded in the Fairfield County Recorder's Office).
3. The proposed Use of the property.
4. A statement of the desirability and compatibility of the proposed Use to the surrounding neighborhood or community.
5. Eleven (11) copies of a site plan for the proposed development showing the location of proposed Buildings, parking, traffic circulation; Open Spaces; Landscaping; refuse and service areas; utilities; signs; architectural renderings; dimensions and Setbacks from the right-of-way and property lines of proposed Structures and such other information required by the Board of Zoning Appeals.
6. A list of all Owners within, contiguous to, and directly across the Street from the parcel(s) in question and their address as appearing on the County Auditor's current tax list.
7. Such other information regarding the property, proposed Use, or surrounding area as may be pertinent to the Board of Zoning Appeals.



8. The required fee as established in Section 4.9.

**C. Standards for Conditional Use**

1. In order for the Board of Zoning Appeals to grant approval of a Conditional Use, the proposed Use and development must meet the following general standards:
  - a. The proposed Use will be designed, constructed and operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and the Use will not change the essential character of the area in which it is to be located. Furthermore the proposed Use is of such design, is located and proposed to be operated so that the public health, safety, and welfare will be protected.
  - b. The proposed Use 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 the Persons or agencies responsible for the establishment of the proposed Use shall be able to (demonstrate their ability to) adequately provide any such services.
  - c. The location and size of the Conditional Use, the nature and intensity of the operation involved or conducted in connection with the proposed Use; the size of the site in relationship to the proposed Use; and the location of the site with respect to Streets giving access to the proposed Use, shall be such that it will be in harmony with the appropriate and orderly development of the District in which it is located.
  - d. The location, nature, and height of Buildings, Structures, walls, fences, and other similar features on the site and the nature and extent of Landscaping and screening on the site shall be such that the Use will not unreasonably hinder or discourage the appropriate development, Use, and enjoyment of adjacent land, Buildings or Structures.
  - e. The proposed Use will not involve activities, processes, materials, equipment and conditions of operation that will be detrimental to any Persons, property or the general welfare by reason of production of traffic, noise, smoke, dust, lights, vibration, fumes or odors.

- f. The Use will not result in the destruction, loss or damage of natural, scenic or historic features of major importance.
  - g. The proposed Use is in accordance with the general objectives and purposes of this Zoning Resolution.
2. In addition to the general standards listed above in Section 7.3(C)(1), additional conditions that are specific to a particular listed Conditional Use may also apply to ensure such Use is compatible with its surrounding areas. Such conditions are listed in Article XI. The Board of Zoning Appeals shall not grant approval of a Conditional Use unless it finds that the proposed Use complies with both the general standards in Section 7.3(C)(1) and the applicable conditions in Article XI.

**D. Supplementary Conditions and Safeguards**

In granting any Conditional Use, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards as it deems necessary to address each of the following factors to ensure that the Use will be conducted in the best interest of the District:

- 1. Traffic.
- 2. Parking.
- 3. Noise.
- 4. Smoke, fumes, and/or odors.
- 5. Dust.
- 6. External lighting not offensive to the neighborhood.
- 7. Vibration.
- 9. The preservation of natural, scenic or historic features of any major importance.
- 10. Utilities.

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 Zoning Resolution punishable under Section 4.8(D) of this Zoning Resolution.

**E. Public Hearing by the Board of Zoning Appeals**

The Board of Zoning Appeals shall hold a public hearing within sixty (60) days from the date the application required in Section 7.3(B) was submitted to the Zoning Inspector.

**F. Notice of Public Hearing in Newspaper**

Before holding the public hearing required in Section 7.3(E), notice of such hearings shall be given in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed Conditional Use.

**G. Notices to Parties of Interest**

Before holding the public hearing required in Section 7.3(E), written notice of such hearing shall be mailed by the secretary of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties of interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 7.3(F). Parties of interest shall include, Owners of property contiguous to and directly across the Street from the property being considered.

**H. Action by the Board of Zoning Appeals**

Within thirty (30) days after the public hearing required in Section 7.3(E), the Board of Zoning Appeals shall approve, approve with supplementary conditions as specified in Section 7.3(D), or disapprove the application as presented. If the application is approved or approved with modifications, the Board of Zoning Appeals shall direct the Zoning Inspector to issue a conditional Zoning Permit listing the specific conditions specified by the Board of Zoning Appeals for approval. If the application is disapproved by the Board of Zoning Appeals, the applicant has all rights of appeal as set forth in any applicable section of the Ohio Revised Code.

**I. 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.

## **7.4 PROCEDURES AND REQUIREMENTS FOR AMENDING PLANNED RURAL BUSINESS/COMMUNITY SERVICE DISTRICT**

### **A. Procedure**

A Planned Rural Business/Community Service (PRB/CS) District shall be approved as a District on the Zoning Map in accordance with the procedures set forth in this Section. The PRB/CS standards in Section 9.5 shall also apply. It is the intent of this section to incorporate the review and approval of a Development Plan with the zoning amendment process.

### **B. Number and Content of Application**

Eleven (11) copies of an application to amend a tract of land to the PRB/CS designation shall be filed with the Zoning Inspector. The application shall be signed by all Owners of parcels within the tract of land for which the PRB/CS District is proposed. The application shall include the same information required in Section 7.1(C) for a zoning amendment application and in addition the following information:

1. A Development Plan for the entire tract to be rezoned drawn to scale showing:
  - a. Boundaries of the area proposed to be zoned PRB/CS, dimensions and total Acreage.
  - b. Layout of proposed Lots and Building Setback lines, and if applicable, any existing Dwelling Units.
  - c. Layout, dimensions and names of existing and proposed Streets and rights-of-way.
  - d. Existing topography at two (2)-foot intervals.
  - e. Location, type, and size of non-residential Uses.
  - f. Utility easements, drainage easements or any other type of easement.
  - g. Any existing features on the tract of land to be rezoned, including, but not limited to, existing water bodies, Buildings, utilities, rights-of-way or Streets, Wetlands, parks, wooded areas, and other significant topographic or Natural Features.

- h. Preliminary improvement drawings including any proposed water, sewer, and drainage improvements.
  - i. Any proposed Landscaping.
  - j. Any proposed signage.
  - k. The proposed schedule of Site Development.
2. Name, address, and phone number of registered surveyor, registered engineer, and/or licensed landscape architect who prepared the Development Plan.
  3. Verification by at least one Owner of the tract of land that all information in the application is true and correct to the best of the Owner's knowledge.
  4. A written statement from the property Owner(s) setting forth the reasons why, in the applicant's opinion, the planned rural business/community service District would be in the public interest and would be consistent with the stated intent of the applicable requirements.
- C.** The application for a zoning amendment to the PRB/CS District shall follow the procedures in Section 7.1(E) – 7.1(O).
- D.** Zoning Commission Finding Required

Prior to making its recommendation to the Board of Trustees as required in Section 7.1(J), the Zoning Commission shall determine if the facts submitted with the application/Development Plan and presented at the public hearing establish that:

1. The site has been designed in the most efficient manner possible.
2. The proposed roads will be able to carry the traffic generated by the development.
3. The proposed development will not be detrimental to the existing road networks outside of the proposed District.
4. The land has been designed in a manner that protects existing critical resources.
5. Adequate water and waste disposal systems have been provided to accommodate the proposed development.

6. Adequate storm drainage improvements have been proposed.

**E. Action by Board of Trustees**

If the application for rezoning is granted per Section 7.1(N), the area of land included in the application shall be designated as a Planned Rural Business/Community Service District on the Zoning Map upon the effective date of the rezoning. The resolution passed by the Township Board of Trustees approving the rezoning application shall incorporate the Development Plan, including any conditions that may be imposed by the Township Board of Trustees. Any violation of such conditions when made part of the terms under which the Development Plan is approved, shall be deemed a violation of this Zoning Resolution and subject to the provisions of Section 4.8(D).

**F. Zoning Permit**

The Zoning Inspector shall not issue a Zoning Permit for any Structure in any portion of a PRB/CS District for which a Plat is required by the Fairfield County Subdivision Regulations until the Plat has been approved by the applicable County agencies and is recorded. Any modifications to a Development Plan approved by the Township Board of Trustees that may be required during the Platting process must be approved in accordance with Section 7.4(G).

**G. Modifications to Approved Development Plan**

The Township Zoning Commission may approve minor modifications to an approved Development Plan without a public hearing. If major modifications are proposed, such as a substantial change in Use, Density, layout of roads, or access points, the modification shall be considered through the public hearing process followed in the original application for rezoning.

**H. Expiration**

If construction has not Commenced (as defined in Article III) within two (2) years of the effective date of the rezoning, the Development Plan shall be void and a new Development Plan must be applied for and may be approved through the process followed in the original application for rezoning, unless an extension is granted by the Township Zoning Commission.

## **7.5 PROCEDURES FOR AMENDING TO A PLANNED UNIT DEVELOPMENT DISTRICT**

### **A. Procedure**

A Planned Unit Development (PUD) District may be approved as a District on the Zoning Map in accordance with the procedures set forth in this Section. The PUD standards in Section 9.9 shall also apply. It is the intent of this Section to incorporate the review and approval of a Development Plan with the zoning amendment process.

### **B. Sketch Plan Required**

Prior to submitting an application for amending to a Planned Unit Development (PUD) District, the applicant shall submit a sketch plan for an informal review by the Zoning Commission. Eleven (11) copies of the said plan shall be submitted.

### **C. Sketch Plan Contents**

1. Boundaries of the area proposed to be zoned PUD, dimensions and total Acreage;
2. A topographic map at vertical intervals of not more than 2 feet;
3. Location of Wetlands (and potential Wetlands), the floodway boundary and floodway elevations as delineated by the Federal Emergency Management Agency, rivers, streams, and their related River or Stream Bank , ponds, and water courses;
4. All existing rights-of-way and easements;
5. Existing soil classifications;
6. Location of all wooded areas, tree lines, hedgerows and specimen trees;
7. Existing drainage patterns on the property, existing wells and well sites;
8. Existing vegetation and agricultural lands by type;
9. Existing Buildings, Structures, and other significant man-made features on the site and within 200 feet of the Project Boundary;
10. All Structures and areas of known historical significance;
11. Existing view sheds and identification of unique vistas;

12. A summary of the proposed development including the total Acreage, the general description of each proposed Use, and number and type(s) of residential Dwelling Units (if any).
13. A sketch layout of proposed Lots and Building Setback lines. If applicable, Dwelling Unit types and the total number of Dwelling Units.
14. General location, type, and size of non-residential Uses.
15. The general location of proposed Open Space, community spaces, and other similar areas.
16. General location of Public Street rights-of-way;
17. Natural Features to be conserved and Natural Features that have potential to be altered.

**D. Site Visit During Sketch Plan Review**

Within 30 days of sketch plan submittal, the Zoning Commission shall, together with the applicant and the applicant's landscape architect or engineer, visit the site to gain a thorough understanding of the characteristics of the site. The Zoning Commission may invite any applicable representatives of county agencies, the Basil Joint Fire District and the local school district to attend the site visit and sketch plan review.

The applicant has the option of submitting all items required in Section 7.5(C) or submitting only items # 1 – 12 in Section 7.5(C) prior to the site visit review. If only items #1–12 are submitted, then the applicant's landscape architect or engineer would be required to sketch items #13 – 17 during or after the site visit and submit these required items at least 15 days prior to the Township Zoning Commission review required by Section 7.5(E).

**E. Review by the Zoning Commission**

Within 30 days after the site visit in Section 7.5(D), the Township Zoning Commission shall review the sketch plan during one of its regular meetings or a special meeting called for that purpose. The Zoning Commission may provide informal feedback to the applicant during this meeting. No binding decisions or votes will be made during the sketch plan review.

**F. Zoning Amendment Application.**

The applicant, having determined to proceed, shall submit eleven (11) copies of an application to amend a tract of land to the PUD designation which shall be



filed with the Zoning Inspector. The application shall be signed by all Owners of parcels within the tract of land for which the PUD District is proposed. The application shall include the same information required in Section 7.1(C) for a zoning amendment application plus the following additional information:

1. A Development Plan that includes the following information:
  - a. All information listed in Section 7.5(C)(2)–(12); and
  - b. A site plan drawn at a scale not less than 1” = 100’ indicating:
    - i. Boundaries of the area proposed for development, accurate dimensions and total Acreage.
    - ii. Layout of proposed Lots and Building Setback lines. If applicable, Dwelling Unit types and the total number of Dwelling Units shall be indicated on the proposed Development Plan.
    - iii. Layout, dimensions, and names of existing and proposed Streets and rights-of-way.
    - iv. The location, type, and size of non–residential uses.
    - v. Proposed utility easements, drainage easements, or any other type of easement
    - vi. Proposed parks, community spaces, and Open Spaces and any proposed amenities included within these areas.
    - vii. Preliminary improvement drawings including any proposed water, sewer, and drainage improvements.
    - viii. Any proposed Landscaping.
    - ix. Any proposed signage.
    - x. The proposed schedule of Site Development.
2. Name, address, and phone number of registered surveyor, registered engineer, and/or licensed landscape architect who prepared the Development Plan.
3. Verification by at least one Owner of the tract of land that all information in the application is true and correct to the best of the Owner’s knowledge.

4. A written statement from the property Owner(s) setting forth the reasons why, in the applicant's opinion, the planned unit development service District would be in the public interest and would be consistent with the stated intent of the applicable requirements.
- G.** The Zoning Amendment Application to a PUD shall follow the procedures in Section 7.1(E) – 7.1(O).

**H. Zoning Commission Finding Required**

Prior to making its recommendation to the Board of Trustees as required in Section 7.1(J), the Zoning Commission shall determine if the facts submitted with the application/Development Plan and presented at the public hearing establish that:

1. The site has been designed in the most efficient manner possible.
2. The proposed roads will be able to carry the traffic generated by the development.
3. The proposed development will not be detrimental to the existing road networks outside of the proposed District.
4. The land has been designed in a manner that protects existing critical resources.
5. Adequate water and waste disposal systems have been provided to accommodate the proposed development.
6. Adequate storm drainage improvements have been proposed.

**I. Action by Board of Trustees**

If the application for rezoning is granted per Section 7.1(N), the area of land included in the application shall be designated as a Planned Unit Development on the Zoning Map upon the effective date of the rezoning. The resolution passed by the Township Board of Trustees approving the rezoning application shall incorporate the Development Plan, including any conditions that may be imposed by the Township Board of Trustees. Any violation of such conditions when made part of the terms under which the Development Plan is approved, shall be deemed a violation of this Zoning Resolution and subject to the provisions of Section 4.8(D).

**J. Zoning Permit**

The Zoning Inspector shall not issue a Zoning Permit for any Structure in any portion of a PUD District for which a Plat is required by the Fairfield County Subdivision Regulations until the Plat has been approved by the applicable County agencies and is recorded. Any modifications to a Development Plan approved by the Township Board of Trustees that may be required during the Platting process must be approved in accordance with Section 7.5(K).

**K. Modifications to Approved Development Plan**

The Zoning Commission may approve minor modifications to an approved Development Plan without a public hearing. If major modifications are proposed, such as a substantial change in Use, Density, layout of roads, or access points, the modification shall be considered through the public hearing process followed in the original application for rezoning.

**L. Expiration**

If construction has not Commenced (as defined in Article III) within two (2) years of the effective date of the rezoning, the Development Plan shall be void and a new Development Plan must be applied for and may be approved through the process followed in the original application for rezoning, unless an extension is granted by the Township Zoning Commission.

**7.6 PROCEDURE FOR PLANNED RESIDENTIAL CONSERVATION OVERLAY DISTRICT**

**A. Establishment and Application of Overlay Area**

The Planned Residential Conservation Development (PRCD) is created pursuant to Section 519.021(C) of the Ohio Revised Code and encompasses, overlays and rezones to the PRCD the area shown as the PRCD Overlay Zoning District on the official Liberty Township Zoning Map, which map is attached hereto and incorporated herein. The existing zoning regulations in Districts for such areas continue to apply to all property within the PRCD unless the Zoning Commission approves an application of an Owner of property to subject the Owner's property to the provisions of the PRCD. Such an application shall be made in accordance with the provisions of Sections 7.6 and 9.3 of the Zoning Resolution and shall include a Development Plan in compliance with the provisions of Sections 7.6 and 9.3. Upon receiving such an application, the Zoning Commission shall determine whether the application and Development Plan comply with the provisions contained in Sections 7.6 and 9.3. If the Zoning Commission determines that the application and Development Plan comply with the provisions of Sections 7.6 and 9.3 and approves the application, Liberty Township shall cause the zoning map to be changed so that the underlying Zoning District no longer applies to such property, with the property being thenceforth located in the PRCD and subject to the regulations thereunder. The approval of the application and Development Plan and the removal of the prior zoning District from the Zoning Map is a ministerial act and shall not be considered to be an amendment to the Zoning Resolution.

If a property Owner would like to develop his/her property utilizing the conservation standards within Section 9.3, but his/her property is not within the PRCD overlay as shown on the official Liberty Township Zoning Map, the applicant must apply for a map amendment to the PRCD overlay District in accordance with the procedures set forth in Section 7.1. Once the rezoning is in effect, then the applicant shall follow the procedures in Section 7.6.

**B. Project Review Procedures**

Under the authority established in ORC Section 519.021, the Township Zoning Commission shall review and approve Development Plans for a proposed Residential Conservation Development according to the procedures set forth in this Section.

**C. Sketch Plan**

Prior to submitting a Development Plan, the applicant shall prepare a sketch plan for an informal review by the Zoning Commission. Twenty (20) copies of said plan shall be submitted.

**D. Sketch Plan Contents**

The sketch plan should include sufficient information for the Township Zoning Commission to evaluate the plan and shall include the following:

1. Boundaries of the area proposed for development, dimensions and total Acreage;
2. A topographic map at vertical intervals of not more than 2 feet, highlighting ridges, rock outcroppings, and other significant topographical features.
3. Location of Wetlands (and potential Wetlands), the floodway boundary and floodway elevations as delineated by the Federal Emergency Management Agency, rivers, streams, and their related River or Stream Bank , ponds, and water courses;
4. All existing rights-of-way and easements;
5. Existing soil classifications;
6. Locations of all wooded areas, tree lines, hedgerows, and specimen trees;
7. Existing drainage patterns on the property, existing wells and well sites;
8. Existing vegetation and agricultural lands by type;
9. Existing Buildings, Structures, and other significant man-made features on the site and within 200 feet of the Project Boundary;
10. All Structures and areas of known historical significance;
11. Existing view sheds and identification of unique vistas.
12. A summary of the proposed development including the total Acreage, number of Residential Units, types of Dwellings, Density by type of Dwelling, overall Net Density, and Acreage of Restricted Open Space to be conserved.

13. A sketch layout of the standard single-family Lots, if any;
14. The location of the Restricted Open Space and any proposed recreational facilities;
15. Natural Features to be conserved and any required Buffer areas;
16. Natural Features potentially to be altered or impacted by the development and areas where new Landscaping or other vegetative material may be installed;
17. General location of Public Street rights-of-way; and
18. General location of proposed utility easements.

**E. Review of Sketch Plan by Others.**

The Township Zoning Inspector shall distribute the sketch plan application to the following for review and request comments to be submitted within 14 days from the date distributed:

1. Regulatory agencies which have statutory authority to subsequently review and approve any aspect of the development, including but not limited to the Regional Planning Commission, the County Health District, the Soil and Water Conservation District, the County Sanitary Engineer, and the County Engineer.
2. Other agencies which, at the discretion of the township, may have appropriate technical expertise.
3. Appropriate local township administrative officials including the township's legal advisor and emergency services personnel.
4. Consultants retained by the township.

**F. Site Visit during Sketch Plan Review**

Within 30 days of sketch plan submittal, the Zoning Commission shall, together with the applicant and the applicant's landscape architect or engineer, visit the site to gain a thorough understanding of the characteristics of the site. The township may invite any applicable representatives of county agencies, the Basil Joint Fire District and the local school district to attend the site visit and sketch plan review.

The applicant has the option of submitting all items required in Section 7.6(C) or submitting only items # 1 – 12 in Section 7.6 (C) prior to the site visit review. If

only items #1–12 are submitted, then the applicant’s landscape architect or engineer would be required to sketch items #13 – 17 during or after the site visit and submit these required items at least 15 days prior to the Township Zoning Commission review required by Section 7.6(G).

**G. Review by the Zoning Commission**

Within 30 days after the site visit in Section 7.6(F), the Zoning Commission shall review the sketch plan during one of its regular meetings or a special meeting called for that purpose. The Zoning Commission may provide informal feedback to the applicant during this meeting. No binding decisions or votes will be made during the sketch plan review.

**H. Development Plan**

The applicant, having determined to proceed, shall submit twenty (20) copies of a Development Plan for review and approval. A Development Plan must be approved by the Zoning Commission to proceed with construction.

**I. Submission Requirements for Development Plan**

The final Development Plan shall include:

1. All of the information listed in Section 7.6(D)(2)–(11); and
2. A site plan drawn at a scale not less than 1” = 100’ indicating:
  - a. Boundaries of the area proposed for development, accurate dimensions and total Acreage;
  - b. A summary of the number of residential units, types of Dwellings, Density by type of Dwelling, overall Net Density, and Acreage of Restricted Open Space to be conserved.
  - c. The exact location and dimension of Private Streets, Common Drives, and Public Street rights-of-way;
  - d. Proposed utility easement locations;
  - e. Exact location of Building footprints or envelopes within which Dwelling Units are to be constructed, and Lot Lines with dimensions for all residential units for which individual ownership is proposed;
  - f. Dimensions of Buildings and Building Setbacks;

- g. The extent of environmental conservation and change and the exact location of all no cut/no disturb zones and required Buffer areas; and
  - h. Designated Restricted Open Space areas and a description of proposed Open Space improvements (including any proposed recreational facilities).
  - i. A phasing plan and estimated time frame for when each phase will be developed.
3. A grading plan drawn at a scale of 1" = 100', showing all information pertaining to surface drainage and showing compliance with the standards in Section 10.11.
  4. A detailed Landscaping plan for new Landscaping, including entry features and Signs.
  5. The Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or Code of Regulations/Deed Restrictions (for a Homeowners' Association) and any other final covenants, easements, restrictions and maintenance agreements to be imposed upon all the Use of land and pertaining to the ownership, Use, and maintenance of all Common Areas, including Restricted Open Space.
  6. Conditions imposed by other regulatory agencies.

**J. Review for Completeness of Development Plan Application.**

Within five business days of receiving the application, the Zoning Inspector shall review the application to determine that the application includes all the items required in Section 7.6(I) above. If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date.

**K. Review of Development Plan by Others**

The Zoning Inspector shall distribute the Development Plan application to the Zoning Commission, the township's legal advisor, and other appropriate administrative departments or professional consultants (as listed in Section 7.6(E) for review and comment). The Zoning Inspector shall request comments to be submitted by the agencies within 14 days from the date of distribution. Any reports, comments, or expert opinions shall be compiled by the Zoning Inspector and transmitted to the Zoning Commission prior to the time of the Commission's review.



**L. Site Visit during Development Plan Review**

The Zoning Commission shall, together with the applicant and the applicant's consultant(s), visit the site to gain a thorough understanding of the characteristics of the site. The Zoning Commission may waive this site visit if no substantial changes have been made since the sketch plan review.

**M. Review by the Township's Legal Advisor**

The township's legal advisor shall review the Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or Code of Regulations (for Homeowners' Association) and any other final covenants, easements for Restricted Open Space, restrictions, and maintenance agreements to be imposed upon the Conservation Development. He/she shall provide a written opinion to the Zoning Commission documenting that the above demonstrate full compliance with the requirements of Section 9.3.

**N. Review and Approval by the Township Zoning Commission**

The Zoning Commission shall review the Development Plan and the comments received from Sections 7.6(K) and 7.6(M) above. The Zoning Commission shall determine if the final Development Plan is in compliance with the requirements of Section 9.3 and take action on the submitted Development Plan by either:

1. Approving the Development Plan as submitted; or
2. Approving the Development Plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general Building layout or Open Space arrangements; or
3. Denying approval of the Development Plan. Failure of the Zoning Commission to act within 60 days from the date the application was determined complete, or an extended period as may be agreed upon, shall at the election of the applicant be deemed a denial of the Development Plan.

**O. Approval Period**

An approved Development Plan shall be valid for a period of two (2) years from the date the Zoning Commission approved such plan. If construction has not

Commenced (as defined in Article III) within two (2) years of the date the Zoning Commission approved the Development Plan, then the Development Plan shall be void, unless an extension is granted by the Zoning Commission.

**P. Changes in an Approved Development Plan**

Any changes in an approved Development Plan must be approved by the Township Zoning Commission.

**Q. Subdivision Plat**

No Zoning Permit shall be issued for any Structure in any portion of a PRCD for which a Plat is required by the Fairfield County Subdivision Regulations unless and until the final subdivision Plat for that portion has been approved by the Fairfield County Regional Planning Commission and recorded.

**R. Divergences**

The Zoning Commission, as part of Development Plan approval, may grant divergences from any standard or requirement in Section 9.3 with the exception of Density and the percentage of Restricted Open Space. An applicant requesting a divergence shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals with a request that the proposed divergence be approved “per plan.

**ARTICLE VIII**

**ZONING DISTRICTS AND ZONING MAPS**

**8.1 DISTRICTS.**

For the purposes of this Zoning Resolution, Liberty Township, Fairfield County, Ohio is divided into the following zoning Districts:

	<i>Reserved for future use</i>	9.1
RR	Rural Residential District	9.2
PRCD	Planned Residential Conservation Overlay District	9.3
MHP	Manufactured Home Park District	9.4
PRB/CS	Planned Rural Business and Community Service District	9.5
B-1	Small Scale Commercial District	9.6
B-2	Highway Business – Commercial District	9.7
I-1	General Industrial District	9.8
PUD	Planned Unit Development District	9.9
F-P	Flood Plain Overlay District	9.10
PR-1	Park/Recreation District	9.11

**8.2 MAP**

The boundaries of these Districts are hereby established as shown on the Zoning Map of Liberty Township, Fairfield County, Ohio. The Zoning Map and all notations and references and other matters shown hereon, shall be and are hereby made a part of this Zoning Resolution. The Zoning Map shall be and remain on file in the township zoning office.

**8.3 DISTRICT BOUNDARIES**

Except where referenced and noted on the Zoning Map by a designated line and/or dimensions, the District boundary lines are intended to follow property lines, Lot Lines, centerlines of Streets, Alleys, streams and/or railroads as they existed at the time of passage of this Zoning Resolution. The Zoning Inspector shall interpret the boundary lines from the Zoning Map. If the Zoning Inspector's interpretation of such boundary line is disputed, final interpretive authority shall rest with the Board of Zoning Appeals.

**8.4 DISTRICT USES**

Regulations pertaining to the Use of land within each District as outlined in Article IX are hereby established and land Uses are listed as either permitted or Conditional Uses within the Districts. Any unlisted Use shall be prohibited within the applicable District, unless otherwise determined by the Board of Zoning Appeals to be a similar Use in accordance with the provisions of Section 8.5 of this Zoning Resolution.

## **8.5 SIMILAR USES**

- A.** Determination as to whether a Use is similar to Uses permitted by right or Conditional Uses shall be considered as an expansion of Use regulations of the District and not as a Variance applying to a particular situation. Any Use found similar shall thereafter be considered as a permitted or Conditional Use in that District as applicable.
- B.** Applications for Zoning Permits for Uses not specifically listed in the permitted or Conditional Use classifications of the zoning District, which the applicant feels qualify as a similar Use under the provisions of this section, shall be submitted to the Board of Zoning Appeals.
- C.** Within sixty (60) days after such submittal, the Board of Zoning Appeals shall determine whether the requested Use is similar to those Uses permitted by right or as a Conditional Use in the specific District. In order to find that a Use is similar, the Board of Zoning Appeals shall find that all of the following conditions exist:
  - 1. Such Use is not listed as a permitted or Conditional Use in another District.
  - 2. Such Use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.
  - 3. Such Use creates no danger to health and safety, creates no offensive noise, vibration, dust, heat, smoke, odor, Glare, or other objectionable influences, and does not create traffic congestion to an extent greater than normally resulting from Uses listed in the classification to which it is added.

## **8.6 DEVELOPMENT STANDARDS**

Lot Area, Setback, and height requirements for each District are listed in Article IX and are hereby established. The General Development Standards as listed in Article X are hereby established and shall apply to development within the Districts as specified in this Zoning Resolution.

**ARTICLE IX**  
**USE DISTRICTS**

**9.1 Reserved for Future Use**

## **9.2 Rural Residential District (RR)**

### **A. Intent**

It is the intent of the RR Rural Residential District to provide for single family Dwellings on large tracts within areas of open land. Areas in the District will not normally be served by public sewer and water.

### **B. Permitted Uses**

The following Uses shall be permitted in the RR District:

1. Agriculture and the usual agricultural Buildings and Structures in accordance with Section 2.4.
2. One (1) Detached Single Family Dwelling per Lot, including Permanently Sited Manufactured Homes, subject to the restrictions in Section 10.1(A).
3. Adult Family Homes.
4. Residential Facilities – Type A.
5. Type B Family Day-Care Home.
6. Individual Wind Energy Conversion Systems, subject to the restrictions in Section 10.10.

### **C. Conditional Uses**

The following Uses shall be permitted as Conditional Uses and are subject to approval by the Board of Zoning Appeals as provided in Section 7.3 and Article XI.

1. Type A Family Day-Care Home, subject to the standards in Section 11.4.
2. Adult Group Homes, Residential Facilities, Type B, and Residential Care Facilities, Types A and B, subject to the conditions in Section 11.2.
3. Mineral Extractions, subject to the conditions in Section 11.12.
4. Free Standing Telecommunication Towers, subject to the conditions in Section 11.1.
5. Small Wind Farms, subject to the conditions in Section 11.13.

**D. Accessory Uses**

1. Accessory Structures, as defined in Article III and regulated in Section 10.3. A Zoning Permit must be obtained prior to the construction of an Accessory Structure.
2. Customary home occupations as permitted and regulated in Section 10.6. A Zoning Permit must be obtained prior to commencing a home occupation.
3. Attached Telecommunication Towers, provided the attached Structure does not extend more than twenty (20) feet above the highest point of the Structure to which it is attached and complies with all applicable Federal regulations. A Zoning Permit must be obtained prior to installing an Attached Telecommunication Tower.
4. Private Residential Swimming Pools, to be used primarily for the enjoyment of the occupants of the principal Use of the property on which it is located and subject to the provisions of Section 10.4 A Zoning Permit must be obtained prior to constructing a Private Residential Swimming Pool.
5. Farm Markets.
6. Recreational Vehicles, subject to the standards in Section 10.7.
7. Portable Home Storage Units, subject to the standards in Section 10.14. A Zoning Permit must be obtained prior to placing a Portable Home Storage Unit on a Lot.
8. Garage sales and other temporary sales in association with an existing structure shall be permitted in any district in which dwellings are permitted, provided the sales are conducted during daytime hours only and all signs are removed immediately upon cessation of the sale. Such sales activities on any single premises shall not be conducted for a total of more than five (5) days in any calendar year.

**E. Signs**

Signs shall be permitted in the RR District as regulated in Section 10.8.

**F. Off-Street Parking and Loading Spaces**

Off-Street parking and Loading Spaces shall be provided in accordance with the requirements of Section 10.9.

**G. Lot Area, Setback, Lot Coverage, and Height Requirements.**

1. The minimum Lot Area required shall be two (2) acres.
2. The minimum Frontage required shall be as follows:
  - a. Lots less than five (5) acres shall have a minimum of one hundred seventy five (175) feet of Frontage.
  - b. Lots between five (5) acres and 14.99 acres require a minimum of three hundred (300) feet of Frontage.
  - c. Parcels fifteen (15) acres or more shall require a minimum of sixty (60) feet of Frontage.
3. The minimum required Front Yard Setback shall be sixty (60) feet, measured in accordance with Section 10.2(A).
4. The minimum required Rear Yard Setback shall be fifty (50) feet.
5. The minimum required Side Yard Setback shall be fifteen (15) feet.
6. The maximum height shall be thirty-five (35) feet.

**H. Driveway Requirements (one permanent residential drive per parcel permitted)**

1. A separate permit is required from the Liberty Township Zoning Inspector for the installation of each temporary or permanent drive.
2. Safe sight distance shall be checked during Township sight visit, for conformance with minimum standards. If adequate sight distance is not available, a drive may not be permitted.
3. The elevation of the drive where it abuts the road shall be constructed ½ inch below the edge of the existing road and then sloped away from the road. This is to ensure that no water from the drive is forced onto the road.
4. Driveway culvert type, size and length will be established during Township site visit and specified in the permit. Driveway culvert pipes shall be a minimum of 12 inches in diameter. Residential drive pipes shall generally be a minimum of 30 feet long and a maximum of 32 feet long.
5. Final confirmation of culverts installation and position will be determined by the Township Road Supervisor.



6. Any disturbed areas shall be restored to an equal or better condition. Any disturbed road side ditches or waterways shall be restored to an original grade within 14 days from completion of project.
7. Any required valves, clean-out lids, inspection boxes, manholes, etc. will be flush with final surface grades and have traffic worth frames and lids. All service valve taps shall be located outside the road right of way.
8. All installations, lines, manholes, improvements, etc. shall be the permanent responsibility of the utility. Utility installations that must be relocated due to a Township Road or Bridge project shall be relocated at the expense of the utility.
9. Road closures will NOT be permitted unless a separate permit is issued and public advanced notice is arranged.

### **9.3 Planned Residential Conservation Overlay District (PRCD)**

#### **A. Intent**

The primary objective of the PRCD District is to promote the health, safety, and welfare of the community through the application of flexible land development techniques in the arrangement and construction of Dwelling Units and roads. Such flexibility is intended to maximize the conservation of Open Space while retaining for the Owner the development potential (the number of residential Dwelling Units) that is permitted under development within the standard residential zoning District of Liberty Township (RR District).

It is further the intent of the PRCD District to maximize protection of the community's natural purposes by avoiding development on and destruction of critical natural resource areas; reducing the quantity and improving the quality of storm water runoff from expected development; maintaining natural characteristics (such as woods, Wetlands, hedgerows, natural vegetation, meadows, slopes and streams); reducing the amount of disturbed land, the conversion of natural areas to landscaped areas for lawns and discouraging the use of plants that are non-native, Invasive Species; and conserving areas of prime agricultural soils to the extent possible.

The purpose of the PRCD District is also to conserve the rural character of Liberty Township; to encourage a more efficient Use of land; to establish development review criteria which promote creative design solutions in a manner which best conserves the area's resources; and to establish a review process which maintains local review and approval of the overall Development Plan and which results in timely application review.

#### **B. Procedure for Developing Land within the PRCD.**

The procedures for obtaining approval to develop land within the PRCD are provided in Section 7.6.

#### **C. Permitted Uses**

The following Uses shall be permitted based upon the type of development proposed:

1. Conservation Development in accordance with the regulations set forth in 9.3(D) through 9.3(I) inclusive:
  - a. Detached Single-Family Dwellings;
  - b. Single-Family Cluster Dwellings.

- c. Single-Family Attached Dwellings;
  - d. Recreation facilities for Use by residents.
  - e. Restricted Open Space as required in Section 9.3(E)(1).
- 2. Agriculture in accordance with Section 2.4.
  - 3. Individual Wind Energy Systems, subject to the standards in Section 10.10.
  - 4. Community Swimming Pools, subject to the standards in Section 10.4.

**D. Minimum Project Area for Conservation Development**

The gross area of a tract of land proposed for development according to the Conservation Development option shall be a minimum of 20 acres, but shall not include area within existing Public Street rights-of-way. The area proposed shall be in one ownership or if in multiple contiguous ownership, the application shall be filed jointly by all the Owners included in the Conservation Development.

**E. Permitted Density/Restricted Open Space**

- 1. The minimum Restricted Open Space shall be 50 percent of the total project area.
- 2. The maximum Density shall be 0.5 Dwelling Units per acre. The maximum number of Dwelling Units permitted in a conservation District shall be calculated by:
  - a. Deducting the following from the total project area:
    - i. Any public right-of-way within the Project Boundary existing at the time the Development Plan is submitted; and
    - ii. The combined area of a floodway, designated Wetlands, Isolated Land, slopes exceeding 25%, or water body that exceeds the minimum Acreage required for Restricted Open Space as set forth in Section 9.3(E)(1)above.
  - b. Multiplying the result of subsection 2a by the maximum Density permitted per acre (0.5 Dwelling Units/acre) as set forth in this Section above.

## **F. Regulations for Restricted Open Space**

The Restricted Open Space required in Section 9.3(E)(1) shall comply with the following:

1. Restricted Open Space shall be designed and located to conserve significant Natural Features and historical, archaeological, and cultural elements located on the site.
2. Areas designated for Restricted Open Space purposes may be:
  - a. Preserved in a natural state
  - b. Designated and intended for the Use and/or enjoyment of residents of the proposed development
  - c. Utilized for farming when authorized in a Conservation Easement or in the Association's covenants and restrictions
3. Where possible, Restricted Open Space shall be located adjacent to Open Space on neighboring land and shall also be connected within the applicant project.
4. Restricted Open Space and Common Areas shall be maintained so as to not allow the growth of noxious weeds and invasive plant species and shall be kept free of litter, garbage, peelings of fruits or vegetables, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil, or anything else of an unsightly or unsanitary nature.
5. Sewage service, stormwater management, and/or water supply facilities and easements and Walkway and Multi-Use Paths may be located partially or entirely within Restricted Open Space areas. Where such facilities are so located, easements satisfactory to the governing authorities shall be established to require and enable maintenance of such facilities by the appropriate parties.
6. In order to encourage the creation of large areas of contiguous Open Space, areas that shall not be considered Open Space include:
  - a. Private roads and public road rights-of-way;
  - b. Parking Areas, accessways and driveways,

- c. Required Setbacks between Buildings, Parking Areas and project boundaries;
  - d. Minimum Setbacks/spacing between Buildings and Lot Lines, and between Buildings and Parking Areas;
  - e. Private yards;
  - f. A minimum of 20 feet between Buildings and Restricted Open Space;
  - g. Other small fragmented or Isolated Land areas that have a dimension less than 50 feet in any direction.
7. Any Restricted Open Space intended to be devoted to recreational activities shall be of a usable size and shape for the intended purposes. The maximum percentage of required Restricted Open Space that may be developed for Active Recreation areas, including a community center and/or Community Swimming Pool, shall be fifteen (15) percent.
  8. Any area within the Restricted Open Space that is disturbed during construction or otherwise not preserved in its natural state, other Common Areas such as required Setback areas, and both sides of new Streets shall be landscaped with vegetation that is compatible with the natural characteristics of the site.
  9. The Restricted Open Space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the Development Plan.
  10. Restricted Open Space in a Conservation Development shall be prohibited from further development by deed restriction, Conservation Easement, or other agreement in a form acceptable to the township's legal advisor and duly recorded in the office of the Fairfield County Recorder.

**G. Ownership of Restricted Open Space**

Subject to such permanent restriction as set forth in Section 9.3(F), Restricted Open Space in a Conservation Development may be owned by an Association, the township, a Land Trust or other conservation organization recognized by the township, or by a similar entity, or may remain in private ownership. The ownership of the Restricted Open Space shall be specified in the Development Plan and shall be subject to the approval of the Township. The methods of ownership, if approved as part of the Development Plan, may be as follows:

1. Offer of Dedication

The township may, but shall not be required to, accept dedication in the form of fee simple ownership of the Restricted Open Space.

2. Associations

Restricted Open Space may be held by the individual members of a Condominium Association as tenants-in-common or may be held in common ownership by a Homeowners' Association, Community Association, or other similar legal entity (hereafter Homeowners' Association)

- a. A Condominium Association may be either an unincorporated Association or an Ohio nonprofit corporation. A Homeowners' Association shall be an Ohio nonprofit corporation.
- b. A Condominium Association shall be organized by the Developer as provided for in ORC Section 5311.08 and to the extent permitted by statute shall be operating with financial subsidization by the Developer prior to the sale of any condominium units. A Homeowners' Association shall be organized by the Developer and be operating with financial subsidization by the Developer before the sale of any Lots within the development.
- c. Required Provisions

At the time of Development Plan approval, the applicant shall provide the township's legal advisor with copies of the Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or Code of Regulations/Deed Restrictions (for a Homeowners' Association), as well as any other documents ensuring compliance with these requirements.. No Development Plan shall be approved without a written opinion by the township's legal advisor that these submitted documents demonstrate full compliance with the provisions of this Section in that these documents, read in their entirety, contain appropriate provisions implementing all of the following requirements in addition to Section 9.3(G)(2)(d)(i)-(vi).

- i. Memberships, as applicable, in the Homeowners' Association or the Condominium Association shall be mandatory for all purchasers of Lots in the development or units in the condominium. The conditions and timing of transfer of control from the Developer to the unit or Lot

owners shall be either as provided for by statute (Condominium Association) or as specified in the Association's Declaration or Code of Regulations (Homeowners' Association).

- ii. The Homeowners' or Condominium shall not authorize its dissolution or the sale, transfer or other disposal of any Restricted Open Space in the Common Area without an affirmative vote of seventy-five (75) percent of its members, having established a successor entity to take over and maintain said property pursuant to this Zoning Resolution; and the approval of the Board of Trustees.
  
- d. The Homeowners' or Condominium Association shall:
  - i. Be responsible for maintenance, control and insurance of Common Areas, including the Restricted Open Space.
  - ii. Have the right to impose assessments on members, enforceable by liens against their individual properties, in order to ensure that it will have sufficient financial resources to provide for proper care and maintenance of Common Areas, including but not limited, to the Restricted Open Space.
  - iii. Have the authority to enforce reasonable rules and regulations governing the use of and payment of assessment for maintenance, control and insurance of Common Areas by such means as reasonable monetary fines, suspension of the right to vote and the right to Use any recreational facilities in the Common Area, the right to suspend any services provided by the Association to any owner, and the right to exercise self-help to cure violations.
  - iv. It shall be the responsibility of the Association to maintain Common Areas and to make necessary improvements affecting the public health, safety, and welfare and per the provisions of Section 9.3(F)(4) of these regulations.
  - v. The Bylaws, Code of Regulations, and any other final covenants and restrictions and maintenance agreements shall give the majority of the members of the Association the right to force the Association to maintain the Common Area through any legal means available including but not limited to filing suit against and instituting removal

procedures against the Association's governing body. The failure of the Association or other organization or entity responsible for maintaining and operating the Open Space, to maintain said Open Space in reasonable order and condition in accordance with the Development Plan, shall constitute a violation of both the Development Plan and this Zoning Resolution.

- vi. The Association shall convey to the township and other appropriate governmental bodies the right, after proper notice, to enter any Common Area for emergency health and safety purposes

3. Transfer of Conservation Easements.

With the permission of the township, the owner(s) of the Restricted Open Space may, in accordance with the provisions of ORC Section 5301.67–70, grant a Conservation Easement to any of the entities listed in ORC Section 5301.68, provided that:

- a. The entity is acceptable to the township;
- b. The provisions of the Conservation Easement are acceptable to the township; and
- c. The conveyance contains appropriate provision for assignment of the Conservation Easement to another entity authorized to hold Conservation Easements under ORC Section 5301.68 in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the Conservation Easement.

4. Private Ownership of Restricted Open Space.

Restricted Open Space may be retained in Ownership by the applicant or may be transferred to other private parties subject to compliance with all standards and criteria for Restricted Open Space.

**H. Development and Site Planning Standards**

Buildings, Structures, pavement, and Streets shall be located in compliance with the following development and site planning standards.



1. Ownership.

Any Ownership arrangement, including, but not limited to, fee simple Lots and condominiums, is permitted in a Conservation Development.

Regardless of the Ownership of the land, the arrangement of the Dwelling Units shall comply with the Setback/spacing requirements of this section.

2. Lot Requirements.

a. Units are not required to be on Lots. However, when Lots for standard Detached Single-Family Dwellings or sub Lots for Single Family Cluster or Attached Dwelling Units are included as part of a Conservation Development, such Lots or sub lots shall be of sufficient size and shape to accommodate Dwelling Units in compliance with the Setback/spacing requirements of this section.

b. The applicant shall depict on the Development Plan the maximum parameters, or Building Envelopes, to indicate where Buildings shall be located, and shall demonstrate that such Building locations will be in compliance with the Setback/spacing requirements of this section.

3. Perimeter Building Regulations.

a. The minimum Setback from an existing Public Street shall meet the front Setback requirements as established in the RR – Rural Residential District.

b. The minimum Setback from the Project Boundary shall meet the applicable side or rear Setback requirements of the RR – Rural Residential District.

4. Interior Building Setback/Spacing Regulations.

a. The minimum Setback from a proposed local public right-of-way shall be 35 feet.

b. The minimum Setback from the edge of the pavement of a Private Street shall be 25 feet.

c. The minimum Setback from side and rear property lines shall be 15 feet.

d. Where no property lines exist, the minimum spacing between Dwellings shall be 30 feet.

5. Height.

The maximum Building Height shall be 35 feet.

6. Resource Protection Regulations.

a. Flood Hazard Area Protection

All development within Flood Hazard Areas shall be in conformance with the Special Purpose Flood Damage Prevention Regulations for Fairfield County. All Buildings, Structures, or land within a Flood Hazard Area shall be used and Buildings or Structures hereafter shall be erected, altered, enlarged, repaired, or rebuilt, moved, or designed to be used, in whole or in part only for a Use listed below:

- i. Agriculture;
- ii. Public or private parks and outdoor recreational facilities including Swimming Pools, riding academies, playfields, ball fields, Courts, trails, etc.;
- iii. Fencing that allows the passage of water and debris;
- iv. Off-Street Parking Areas accessory to the above Uses provided that such areas are improved with pervious pavement materials such as pervious asphalt or previous concrete or combinations of geotextiles with sand, gravel, and sod.

b. Wetland Protection

Wetlands that are required by the Army Corp of Engineers or the Ohio EPA to be retained shall be protected by the following:

- i. A Setback area having a width not less than 25 feet, measured from the edge of the designated Wetland. The area within this Buffer shall not be disturbed and shall be retained in its natural state; and
- ii. A minimum construction Setback of 35 feet, measured from the edge of the designated Wetland.

- c. Conservation of Riparian Zones
    - i. A Riparian Setback shall be provided along the entire length and on both sides of a river or Perennial Stream channel. The Setback area shall have a width not less than 50 feet on each side of the channel, measured from the River or Stream Bank .
    - ii. Walkways may be permitted to be located within Riparian Setbacks when the Zoning Commission determines that such will create minimal change to the Riparian Setback.
7. General Street Design Criteria.
- a. Street alignments shall follow natural contours and be designed to conserve Natural Features.
  - b. Locations of Streets shall be planned to avoid excessive Stormwater runoff and the need for storm sewers.
  - c. The area of the project devoted to Streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.
8. Pedestrian Circulation Systems.
- a. A pedestrian circulation system shall be included in the Conservation Development and shall be designed to ensure that pedestrians can walk safely and easily throughout the development. The pedestrian system shall provide connections between properties and activities or special features within the common Open Space system and need not always be located along Streets.
  - b. Trails for which public right of passage has been established should be incorporated in the pedestrian circulation system.
9. Sewage Disposal.

Development shall be served by individual or public sewage disposal structures consistent with the Fairfield County Requirements. Individual sewage disposal systems shall comply with all applicable regulations of the Fairfield Department of Health and may be located within common Open Space areas when approved by the township and the Fairfield Department of Health.

## **I. Development Design Criteria**

In addition to the development and site planning standards set forth in 9.3(H), all elements of a Conservation Development, particularly the Restricted Open Space areas, shall be designed in accordance with the following criteria to ensure that the project is appropriate for the site's natural, historic, agricultural and cultural features and meets the objectives of this District.

### **1. Conservation of Sloping Land.**

The road system and Buildings shall be located to minimize changes to the topography and the need for cutting and Filling.

### **2. Conservation of Woodlands, Vegetation, and other Natural Areas.**

The design and layout of the development shall conserve, maintain, and incorporate existing wooded areas, meadows, and hedgerows and tree lines between fields or meadows, especially those containing significant wildlife habitats.

### **3. Conservation of Prime Farmland.**

Farmland that is recommended for conservation by the Fairfield County Development Strategy and Land Use Plan shall be conserved.

### **4. Conservation of Existing Scenic Vistas and Visual Quality of the Environment.**

Scenic views and vistas shall be unblocked and uninterrupted to the extent possible, particularly as seen from existing and proposed Public Streets. New construction shall be hidden from view to the extent possible through the use of vegetated Land Use Buffers. Building Setbacks along the Project Boundary shall be sufficient to provide visual protection for existing residents. Buildings shall not be located on prominent hilltops and ridges.

### **5. Conservation of Cultural Resources**

Sites of historic, archeological, or cultural value and their environs shall be protected insofar as needed to safeguard the character of the feature, including features of old farmsteads, old roads, bridges, canals and burial grounds.

## **9.4 Manufactured Home Park District (MHP)**

### **A. Intent**

It is the intent of the MHP, Manufactured Home Park District, to provide an area for planned Manufactured Home Parks in accordance with Ohio Administrative Code 3701 and the Ohio Revised Code Section 3733.

### **B. Principal Permitted Uses**

1. Manufactured Homes, subject to the restrictions in Section 10.1(A).
2. Type B Family Day-Care Home.
3. Individual Wind Energy Systems, subject to the standards in Section 10.10.

### **C. Accessory Uses**

Accessory Uses, Buildings, or other Structures customarily incidental to Manufactured Homes, including Home Occupations as regulated by Section 10.6.

### **D. Approval Procedures.**

Manufactured Home Parks shall be developed according to the standards and regulations stated and referenced in Section 9.4(E). The procedure to amend the Official Zoning Map to establish the MHP District shall be that procedure for amendments specified in Section 7.1.

### **E. The Zoning Commission and Board of Trustees shall review the particular facts and circumstances of each proposed MHP District in terms of the following standards and shall find adequate evidence that such development meets the following standards:**

1. The proposed Manufactured Home Park shall contain a minimum of twenty (20) acres.
2. The proposed Manufactured Home Park will be adequately served by essential public facilities and services such as highways, Streets, drainage, water, sewage disposal, refuse disposal, schools, law enforcement and fire protection, or that the Persons or agencies proposing the establishment of the park shall be able to provide any such services adequately.

3. The vehicular approaches to the proposed Manufactured Home Park will be so designed as not to create traffic interference or congestion on surrounding Public Streets or roads.
4. The proposed Manufactured Home Park will not result in the damage, destruction, or loss of any natural, scenic or historic features of major importance.
5. The establishment of the proposed Manufactured Home Park shall not be demonstrably detrimental to the value of the surrounding properties or the character of the adjacent neighborhoods.
6. All Manufactured Home Parks shall have a twenty (20) foot landscape Buffer along all public rights-of-way and adjacent parcels, which shall be planted and maintained with a six (6) foot evergreen hedge or dense planting of evergreen shrubs not less than two (2) feet in height at the time of the planting. No Landscaping materials shall be planted in such a manner that any portion of growth extends beyond the property line. All Landscaping materials shall be installed in accordance with accepted, good construction and planting procedures. The Owner of the property shall be responsible for the continued proper maintenance of any material used to comply with these Buffer requirements.
7. All Manufactured Home Parks shall comply with all the requirements of the Ohio Administrative Code Chapter 3701 promulgated by the Ohio Public Health Council in accordance with Chapter 3733 of the Ohio Revised Code.

## **9.5 Planned Rural Business and Community Service District (PRB/CS)**

### **A. Intent**

It is the intent of the PRB/CS District to provide for planned development of small scale, limited business and/or community service activities in conjunction with or in close proximity to residential Uses. This District permits business and community service activities that could have significant and/or unique impacts on adjacent and nearby residential properties. It is the intent of this District to promote the compatibility of these Uses with the adjacent neighborhoods. The future enjoyment of nearby residential properties should be a primary consideration. It is not the intent of this District to include large scale commercial developments.

### **B. Conflict**

Whenever there is a conflict or difference between Section 9.5 and those of other sections of the Zoning Resolution, the provisions of Section 9.5 shall prevail for the development of land within the PRB/CS District. Subjects not addressed within Section 9.5 shall be governed by provisions found elsewhere in this Zoning Resolution.

### **C. Procedures for Rezoning to the PRB/CS District**

The procedures for rezoning a tract of land to a PRB/CS District are provided in Section 7.4.

### **D. Permitted Uses**

Land and Buildings within the Planned Rural Business and Community Service District shall be used only for the specified Use or Uses identified by the applicant for a zoning amendment. Permitted Uses may include Uses in conjunction with a residential Structure (i.e. more intense Home Occupation type Uses such as Landscaping and/or seeding services, tradesman occupations (i.e. welding, carpentry work, electrician, etc.); Bed and Breakfast Facilities, etc.); Neighborhood Retail Businesses; professional offices; Personal Service Businesses; and community service Uses (such as fire stations, libraries, museums, churches or other places of public assembly, schools, governmental services, cemeteries, and commercial recreational Uses). The applicant shall demonstrate that the proposed Use or Uses are appropriate to and compatible with the neighborhood where the proposed activity is to occur, and shall identify the methods to be utilized to achieve compliance with the other performance standards in Section 9.5(F)(9) below. All permitted Uses shall be approved by the Board of Trustees as part of the Development Plan that is required for zoning the site into the Planned Rural Business and Community Service District.

Permitted Uses shall run with the land as long as the PRB/CS zoning, as approved, remains in effect.

**E. Minimum Project Area and Ownership.**

Uses within the PRB/CS District should be integrated into residential neighborhoods. Therefore no minimum project area is required for a PRB/CS District. Tracts of land shall be sufficient to support the type of development proposed but shall not be so large as to distract from the character of the surrounding residential areas. Larger developments will be encouraged to explore the Planned Unit Development District.

**F. Development and Performance Standards**

The following standards shall apply to development in a PRB/CS District in addition to any requirements included in an approved Development Plan.

1. Lot Area and Setback Requirements.

The minimum Lot Area and Setback requirements shall be determined by the approved Development Plan.

2. Height

Structures shall not exceed 35 feet, except for those items listed in Section 10.2(E).

3. Parking Requirements

Off-Street parking shall comply with the requirements of Section 10.9.

4. Sign Requirements

Only those Signs approved with the Development Plan shall be permitted within the PRB/CS except for Temporary Signs, which shall be regulated by Section 10.8(A)(5).

5. Buffer Requirements

A vegetated Land Use Buffer shall be required along any Lot Line adjacent to a residential District. This Buffer shall be no less than 10 feet in width and shall be planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than two (2) feet in height at the time of planting.



6. Lighting Standards

Lighting shall comply with the Outdoor Lighting Regulations in Section 10.13.

7. Access

The proposed site shall have adequate ingress/egress for the type of vehicles required for transporting any materials, goods, or products. Proper on-site circulation shall be provided within the development.

8. Drainage, Erosion and Sediment Control

The development of any proposed Structures or any other Land Disturbing Activities as defined in Article III shall comply with the requirements of Section 10.11.

9. Other Performance Standards

In no case shall a proposed Use create any dangerous, injurious, noxious, or otherwise objectionable impact on any adjacent land. Such impacts include those related to noise, vibration, odor, dust, or heat. Statements in writing that such Uses comply or will comply with such requirements may be required from the applicant by the Zoning Commission.

a. Noise

The sound pressure level of any operation on a Lot within the PRB/CS District shall not exceed the average intensity of traffic noise in the nearest residential District, and no sound shall be objectionable due to intermittence, beat frequency, or shrillness. Noise shall comply with the Board of Township Trustees Resolution 11-C-06.

b. Vibration

No vibrations that are perceptible without the aid of instruments shall be permitted, as measured on the boundary of the property within the PRB/CS District.

c. Odor

No emission of odorous matter in any quantities so as to produce a public nuisance shall be permitted, as measured on the boundary of the property in the PRB/CS District.

d. Dust and Smoke

The emission of smoke, soot, fly ash, fumes, dust or other types of pollutants borne by the wind shall be controlled so that the rate of emission and quantity deposited do not create a public nuisance, as measured on the boundary of the property in the PRB/CS District.

## **9.6 Small Scale Commercial District (B-1)**

### **A. Intent**

It is the intent of the B-1 Small Scale Commercial District to provide an area for small, centralized commercial developments, offices, service centers and other similarly-scaled commercial Uses that serve the local population. These developments should be located in accessible areas where traffic conflicts are minimal. The size of the Buildings within this District shall be scaled to blend with adjacent residential areas.

### **B. Permitted Uses**

The following Uses shall be permitted in the B-1 District:

1. Business, professional, medical and dental office Buildings.
2. Banks, building and loan associations, credit unions, and other similar financial institutions, without drive-through facilities.
3. Neighborhood Retail Businesses, without drive-through facilities.
4. Funeral homes or mortuaries.
5. Outdoor advertising signs and billboards subject to the provisions of Section 10.8(C).
6. Personal Services Businesses.
7. Child Day – Care Centers.
8. Telecommunication Towers as regulated by ORC 519.211.
9. Individual Wind Energy Conversion Systems, subject to the standards in Section 10.10.

### **C. Conditional Uses**

The following Uses shall be permitted as Conditional Uses and are subject to approval by the Board of Zoning Appeals as provided in Section 7.3 and Article XI.

1. Automobile Oriented Business as defined in Article III and subject to the conditions in Section 11.5.
2. Small Wind Farms, subject to the conditions in Section 11.13.

3. Mineral Extractions, subject to the conditions in Section 11.12.

**D. Accessory Uses**

1. Accessory Uses, Buildings, or other Structures customarily incidental to any permitted Use.
2. Temporary Buildings for Uses incidental to construction work, which Buildings shall be removed upon completion or abandonment of the construction work.
3. Dwelling units, provided said units are located in a Building whose principal Use is first permitted in the B-1 District.

**E. Signs**

Signs shall be permitted as regulated in Section 10.8.

**F. Off-Street Parking and Loading**

Off-Street parking and Loading Spaces shall be provided in accordance with the requirements set forth in Section 10.9.

**G. Lot Area, Yard Requirements, Height Limits, and Other Development Standards.**

1. Minimum Lot Area required shall be one (1) acre.
2. Minimum Frontage shall be one hundred seventy-five (175) feet.
3. Minimum front depth shall be thirty (30) feet, measured in accordance with Section 10.2(A) of this Zoning Resolution.
4. Minimum Rear Yard Setback shall be fifty (50) feet.
5. Minimum Side Yard Setback shall be twenty-five (25) feet, unless located adjacent to a residential Use, than a fifty (50) foot Side Yard Setback shall be required.
6. Maximum height shall be forty (40) feet.
7. Maximum Lot Coverage shall be seventy (70) percent.
8. The maximum Density for office Uses shall be 10,000 square feet per acre.

## **H. Driveway Requirements (one permanent residential drive per parcel permitted)**

1. A separate permit is required from the Liberty Township Zoning Inspector for the installation of each temporary or permanent drive. Commercial drives may require a traffic study as determined by the Fairfield County Engineer.
2. Safe sight distance shall be checked during Township sight visit, for conformance with minimum standards. If adequate sight distance is not available, a drive may not be permitted.
3. The elevation of the drive where it abuts the road shall be constructed ½ inch below the edge of the existing road and then sloped away from the road. This is to ensure that no water from the drive is forced onto the road.
4. Driveway culvert type, size and length will be established during Township site visit and specified in the permit. Driveway culvert pipes shall be a minimum of 12 inches in diameter. Residential drive pipes shall generally be a minimum of 30 feet long and a maximum of 32 feet long. Commercial drive pipes generally will be 40 feet long.
5. Final confirmation of culverts installation and position will be determined by the Township Road Supervisor.
6. Any disturbed areas shall be restored to an equal or better condition. Any disturbed road side ditches or waterways shall be restored to an original grade within 14 days from completion of project.
7. Any required valves, clean-out lids, inspection boxes, manholes, etc. will be flush with final surface grades and have traffic worth frames and lids. All service valve taps shall be located outside the road right of way.
8. All installations, lines, manholes, improvements, etc. shall be the permanent responsibility of the utility. Utility installations that must be relocated due to a Township Road or Bridge project shall be relocated at the expense of the utility.
9. Road closures will NOT be permitted unless a separate permit is issued and public advanced notice is arranged.

## **9.7 Highway Business-Commercial District (B-2)**

### **A. Intent**

It is the intent of the B-2 Highway Business-Commercial District to provide for larger business clusters for highway oriented businesses. Such businesses typically provide goods and services on a larger regional basis. These larger business clusters should be located along Major Streets and highways because of the size and intensity of the Uses permitted.

### **B. Permitted Uses**

1. Institutions providing social, cultural, educational, and health services to member agencies, organizations, individuals, or to the general public, including private clubs, lodges, and meeting places for similar organizations.
2. Neighborhood and Medium Retail Businesses, without drive-through facilities.
3. Personal Service Businesses.
4. Restaurants, without drive-through facilities.
5. New and used automobile sales.
6. Hotel or Motel.
7. Veterinary offices, provided all business is conducted entirely within an enclosed Building and no animals are kept overnight.
8. Hospitals, Nursing Homes, Residential Care Facilities (Types A and B), Homes for the Aging.
9. Commercial Swimming Pools.
10. Dry-cleaning and laundry services.
11. Banks, building and loan associations, credit unions, and other similar financial institutions, without drive-through facilities.
12. Outdoor advertising signs and billboards subject to the provisions of Section 10.8(C).
13. Telecommunication Towers as regulated by ORC 519.211.

**C. Conditional Uses**

The following Uses shall be permitted as Conditional Uses and are subject to approval by the Board of Zoning Appeals as provided in Section 7.3 and Article XI.

1. Automobile Oriented Businesses, as defined in Article III, and subject to the conditions in Section 11.5.
2. Kennels, boarding of dogs or other small animals, and the overnight keeping of animals within veterinary offices, subject to the conditions in Section 11.3.
3. Large Retail Business, subject to the conditions in Section 11.15.
4. Planned Integrated Commercial Developments, subject to the conditions in Section 11.15.
5. Commercial Entertainment Facilities, subject to the conditions in Section 11.6.
6. Airports, subject to the conditions in Section 11.7.
7. Small Wind Farm, subject to the conditions in Section 11.13.
8. Mineral Extractions, subject to the conditions in Section 11.12.

**D. Accessory Uses**

1. Accessory Uses, Buildings, or other Structures customarily incidental to any aforesaid permitted Use.
2. Temporary Buildings for Uses incidental to construction work, which Buildings shall be removed upon completion or abandonment of the construction work.
3. Dwelling Units, provided said units are located in a Building whose principal Use is first permitted in the B-1 District.

**E. Signs**

Signs shall be permitted as regulated in Section 10.8.

**F. Off-Street Parking and Loading**

Off-Street Parking and Loading Spaces shall be provided in accordance with the requirements set forth in Section 10.9.

**G. Lot Area, Yard Requirements, and Height Limits**

1. Minimum Lot Area required shall be two (2) acres.
2. Minimum Frontage shall be one hundred seventy-five (175) feet.
3. Minimum front depth shall be thirty (30) feet, measured in accordance with Section 10.2(A) of this Zoning Resolution.
4. Minimum Rear Yard Setback shall be fifty (50) feet.
5. Minimum Side Yard Setback shall be twenty-five (25) feet, unless located adjacent to a residential Use, and then a fifty (50) foot Side Yard Setback shall be required.
6. Maximum height shall be forty (40) feet.
7. Maximum Lot Coverage shall be seventy (70) percent.

**H. Driveway Requirements (one permanent residential drive per parcel permitted)**

1. A separate permit is required from the Liberty Township Zoning Inspector for the installation of each temporary or permanent drive. Commercial drives may require a traffic study as determined by the Fairfield County Engineer.
2. Safe sight distance shall be checked during Township sight visit, for conformance with minimum standards. If adequate sight distance is not available, a drive may not be permitted.
3. The elevation of the drive where it abuts the road shall be constructed ½ inch below the edge of the existing road and then sloped away from the road. This is to ensure that no water from the drive is forced onto the road.
4. Driveway culvert type, size and length will be established during Township site visit and specified in the permit. Driveway culvert pipes shall be a minimum of 12 inches in diameter. Residential drive pipes shall generally be a minimum of 30 feet long and a maximum of 32 feet long. Commercial drive pipes generally will be 40 feet long.



5. Final confirmation of culverts installation and position will be determined by the Township Road Supervisor.
6. Any disturbed areas shall be restored to an equal or better condition. Any disturbed road side ditches or waterways shall be restored to an original grade within 14 days from completion of project.
7. Any required valves, clean-out lids, inspection boxes, manholes, etc. will be flush with final surface grades and have traffic worth frames and lids. All service valve taps shall be located outside the road right of way.
8. All installations, lines, manholes, improvements, etc. shall be the permanent responsibility of the utility. Utility installations that must be relocated due to a Township Road or Bridge project shall be relocated at the expense of the utility.
9. Road closures will NOT be permitted unless a separate permit is issued and public advanced notice is arranged.

## **9.8 General Industrial District (I-1)**

### **A. Intent**

It is the intent of the I-1 District to provide areas for businesses, service establishments, and industrial Uses. It is further the intent of the I-1 District to prohibit Dwelling Uses.

### **B. Permitted Uses**

The following Uses shall be permitted in the I-1 District:

1. Any Retail Business Use.
2. Warehousing and distribution centers.
3. Assembling or packaging of goods, materials, or products.
4. Administrative, professional or business offices.
5. Outdoor Advertising, subject to the requirements in Section 10.8(C).
6. Mini-Warehouse Units or Storage Facilities.
7. Telecommunication Towers as regulated by ORC 519.211.
8. Individual Wind Energy Conversion Systems, subject to the standards in Section 10.10.
9. Dangerous and wild animals as licensed and regulated by all state laws and regulations, including those under Chapter 935 of the Ohio Revised Code and the Ohio Department of Agriculture.

### **C. Conditional Uses**

The following Uses shall be permitted as Conditional Uses and are subject to approval by the Board of Zoning Appeals as provided in Section 7.3 and Article XI.

1. Any Manufacturing, compounding, processing, cleaning, servicing, testing, or repairs of materials, goods or products, when such Uses will not be materially injurious to the occupants of adjacent premises or the community at large and where the emission or creation of noise, vibration, smoke, dust, or other particular matter, toxic and noxious materials, odors, fire or explosive hazards, Glare or heat, or electromagnetic disturbances

will be minimized as much as possible, subject to the conditions in Section 11.9.

2. Printing, Publishing, or Allied Professions, subject to the conditions of Section 11.9.
3. Laboratories, subject to the conditions in Section 11.9.
4. Storage Yards for contractor's equipment, heavy machinery, repair equipment, motor vehicles, trucks, or other similar pieces of equipment or machinery, subject to the conditions in Section 11.10.
5. Junk Yards and Scrap Metal Processing Facilities, subject to the conditions in Section 11.11.
6. Solid Waste Facilities and Construction/Demolition Facilities, subject to the conditions in Section 11.11.
7. Mineral Extractions, subject to the conditions in Section 11.12.
8. Small Wind Farm, subject to the conditions in Section 11.13.
9. Sexually Oriented Businesses, subject to the conditions in Section 11.8.

**D. Accessory Uses**

Accessory Uses, Buildings, Structures, or other Structures customarily incidental to any aforesaid permitted Uses shall be allowed.

**E. Signs**

Signs shall be permitted as regulated in Section 10.8.

**F. Off-Street Parking and Loading**

Off-Street parking and Loading Spaces shall be provided in accordance with the requirements for specific Uses as set forth in Section 10.9.

**G. Lot Area, Yard Requirements, and Height Limits**

1. Minimum Lot Area required shall be two (2) acres.
2. Minimum Lot Frontage shall be one hundred seventy-five (175) feet.

3. Minimum Front Yard Setback shall be thirty (30) feet, measured in accordance with Section of this Zoning Resolution.
4. Minimum Rear Yard Setback shall be fifty (50) feet.
5. Minimum Side Yard Setback shall be twenty – five (25) feet, unless located adjacent to a residential Use, than a fifty (50) foot Side Yard Setback shall be required.
6. Maximum height shall be fifty (50) feet.

**H. Prohibited Uses**

No land, Building, area, or Structure in the I-1 District shall be used for any of the following prohibited Uses:

1. Dwellings, residences, living quarters, or other residential Uses, except for watchman quarters.
2. Motels or Hotels.
3. Schools and colleges.
4. Churches.
5. Hospitals, Clinics, and other institutions for human care, except where incidental to a permitted principal Use.

**I. Driveway Requirements (one permanent residential drive per parcel permitted)**

1. A separate permit is required from the Liberty Township Zoning Inspector for the installation of each temporary or permanent drive. Commercial drives may require a traffic study as determined by the Fairfield County Engineer.
2. Safe sight distance shall be checked during Township sight visit, for conformance with minimum standards. If adequate sight distance is not available, a drive may not be permitted.
3. The elevation of the drive where it abuts the road shall be constructed ½ inch below the edge of the existing road and then sloped away from the road. This is to ensure that no water from the drive is forced onto the road.
4. Driveway culvert type, size and length will be established during Township site visit and specified in the permit. Driveway culvert pipes shall be a minimum of 12 inches in diameter. Residential drive pipes shall generally be

a minimum of 30 feet long and a maximum of 32 feet long. Commercial drive pipes generally will be 40 feet long.

5. Final confirmation of culverts installation and position will be determined by the Township Road Supervisor.
6. Any disturbed areas shall be restored to an equal or better condition. Any disturbed road side ditches or waterways shall be restored to an original grade within 14 days from completion of project.
7. Any required valves, clean-out lids, inspection boxes, manholes, etc. will be flush with final surface grades and have traffic worth frames and lids. All service valve taps shall be located outside the road right of way.
8. All installations, lines, manholes, improvements, etc. shall be the permanent responsibility of the utility. Utility installations that must be relocated due to a Township Road or Bridge project shall be relocated at the expense of the utility.
9. Road closures will NOT be permitted unless a separate permit is issued and public advanced notice is arranged.

**9.9 PUD – Planned Unit Development District.**

**A. Intent**

The intent of the PUD, Planned Unit Development District, is to create flexible design criteria that may not be included within traditional zoning Districts. It is the purpose of the PUD District to encourage a more efficient land–use pattern by reducing the amount of public infrastructure, creating usable Open Space, preserving existing Natural Features and providing for a variety of Building styles, types, and Uses. It is further the intent of the PUD District to encourage mixed use developments. This District is also intended for large scale developments.

**B. Conflict**

Whenever there is a conflict or difference between Section 9.9 and those of other sections of the Zoning Resolution, the provisions of Section 9.9 shall prevail for the development of land within the PUD District. Subjects not addressed within Section 9.9 shall be governed by the respective provisions found elsewhere in this Zoning Resolution.

**C. Procedures for Rezoning to PUD**

The procedures for rezoning a tract of land to a PUD District are provided in Section 7.5.

**D. Permitted Uses**

Single–family; multi–family; commercial including Retail Business Uses, offices, and Personal Services Businesses; public and semi–public Uses, Open Space, recreational Uses, and Accessory Structures shall be permitted within the PUD District, provided that the proposed locations of commercial Uses do not adversely impact adjacent property or the public health and safety, and that the location of commercial Uses are limited to the specific locations approved by the Board of Trustees on the Development Plan.

**E. Minimum Project Area and Ownership**

No tract of land shall be rezoned to the PUD District unless it is a minimum of twenty (20) acres and is under joint or common Ownership or control of the applicant at the time the application is made for a PUD District. A Development Plan approved under the procedures of Section 7.5 shall be binding upon the applicant(s), successors, and assigns.

## **F. Development Standards**

The following standards shall apply to development with the PUD District in addition to any requirements included in an approved Development Plan.

### **1. Arrangement of Areas**

The location and arrangement of various densities within the PUD shall be distributed so that the more intense Uses are balanced with Open Space and less intense development. Less intense Uses and Open Spaces should be placed around critical resources areas, such as existing water bodies, drainage patterns, Wetlands, wooded areas, and other similar areas.

### **2. Open Space**

A minimum of twenty (20) percent of the gross Acreage of the tract of land shall be set aside as common Open Space. Required yard Setback areas on individual Lots, Private Streets, Public Street Rights-of-way, Parking Areas, access ways, driveways, utility corridors, private yards, or other small fragmented or Isolated Land areas that have a dimension less than 50 feet in any direction shall not count towards the Open Space requirements. Open Space shall be placed within a reserve or protected by deed, easements or covenants. Open Space shall be maintained by an Association(as defined in Article III) for the development, unless other arrangements for maintenance are made with the Board of Trustees during the rezoning process.

### **3. Lot Area**

No minimum Lot Area shall be required for an individual unit. However, the Board of Trustees shall consider the type of water and waste disposal systems proposed when determining if sufficient Lot Area has been provided for individual units.

### **4. Setbacks**

Minimum Front, Side and Rear Yard Setbacks for individual Lots within the PUD shall be determined by the approved Development Plan.

### **5. Height**

No Structure within a PUD shall exceed thirty-five (35) feet in height, except for those items listed in Section 10.2(E).

6. Utilities

Potable water and adequate sewage facilities shall be provided to accommodate the development.

7. Signs

Only those Signs approved with the Development Plan shall be permitted within the PUD, except for Temporary Signs, which shall be regulated by Section 10.8(A)(5).

8. Parking

Parking, unless otherwise approved with a Development Plan, shall be provided in accordance with Section 10.9.

9. Landscaping

The Board of Trustees, upon recommendation from the Zoning Commission, may require Landscaping for non single-family developments within the PUD. The required Landscaping shall be as approved by the Development Plan.



## **9.10 Flood Plain Overlay District (F-P)**

### **A. Purpose**

This District is hereby established in recognition that certain areas are subject to periodic inundation along natural water courses, which are defined by this Zoning Resolution as Flood Hazard Areas. The purpose of this chapter is to regulate Uses within the Flood Hazard Areas to minimize the risks and damage potential within such areas. It is further the purpose of this overlay District to operate in conjunction with the Fairfield County Special Purpose Flood Damage Prevention Regulations administered by the Fairfield County Regional Planning Commission.

### **B. Establishment of District Boundaries and Applicability**

The boundaries of this overlay District shall include those areas identified as Flood Hazard Areas having a one percent or greater chance of flooding in any given year. Such areas will include those designated by the Federal Emergency Management Agency (FEMA), as supplemented by any other appropriate and technically qualified information, including the U.S. Army Corps of Engineers, Soil Conservation District, and the Ohio Department of Natural Resources. The boundaries of the Flood Hazard Areas are approximately shown on the Liberty Zoning Map, which is a part of this Zoning Resolution.

Any Use permitted within this overlay District shall comply with the development standards for the underlying District and the Fairfield County Special Purpose Flood Damage Prevention Regulations.

### **C. Permitted Uses**

The following Uses shall be permitted within the Flood Plain Overlay District's Flood Fringe area provided such Use is allowed as a permitted or Conditional Use in the underlying District.

1. Structures designed for human habitation.
2. Agricultural Uses.
3. Accessory industrial and commercial Uses such as loading areas, Parking Areas, airport landing strips.
4. Areas associated with residential Uses such as lawns, gardens, Parking Areas, play areas.
5. Parks, picnic areas, golf courses, tennis clubs, swimming facilities, country clubs, riding academies, and other similar recreational facilities.

6. Strip mining, including sand and gravel extraction, soil and peat moss removal.
7. Accessory Structures to a principally permitted or Conditional Use.

**D. Prohibited Uses**

The following Uses shall be prohibited within the Flood Plain Overlay District's Floodway area regardless of whether such Use is considered to be a permitted or Conditional Use of the underlying District.

1. Structures designed for human habitation.
2. On-site septic systems.

**E. Permit Required**

Prior to issuance of a Zoning Permit for a Use within a Flood Hazard Area, evidence of a flood Building permit issued by the Fairfield County Regional Planning Commission must be submitted to the Zoning Inspector.

## **9.11 Park/Recreation District (PR-1)**

### **A. Intent**

It is the intent of the PR-1 Park/Recreation District to provide areas for recreational area and open spaces.

### **B. Permitted Uses**

1. Public and private recreation areas, Uses and facilities including country clubs, swimming pools and golf courses, forest and wild life preserves and other similar areas and Uses.
2. Public owned and controlled lodges and cabins.
3. Housing facilities for caretakers and other essential personnel.

### **C. Conditional Uses.** The following Uses shall be permitted as Conditional Uses and are subject to approval by the Board of Zoning Appeals as provided in Section 7.3.

1. Retail and service Uses such as snack bars, restaurants, drug stores, barber and beauty shops, and gift shops, when such Uses are located entirely within a building or structure containing primarily Principal Use or Uses permitted in the Park/Recreation District.

### **D. Accessory Uses**

Any accessory Use, building, or other structures customarily incident to any aforesaid Permitted Use shall be allowed.

### **E. Signs.**

Signs shall be permitted as regulated in Section 10.8.

### **F. Off-Street Parking and Loading**

Off-Street parking and Loading spaces shall be provided in accordance with the requirements for the specific Uses as set forth in Section 10.9.

### **G. Lot Area, Yard Requirements, & Height Limits.**

1. The minimum Lot Area required shall be five (5) acres.

2. The minimum Frontage required shall be one hundred seventy five (175) feet.
3. The minimum required Front Yard Setback shall be sixty (60) feet.
4. The minimum Rear Yard Setback shall be twenty (20) feet.
5. The minimum Side Yard Setback shall be twenty (20) feet.
6. The maximum height shall be thirty-five (35) feet.

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## ARTICLE X

### GENERAL DEVELOPMENT STANDARDS

#### 10.1 BUILDING SIZE, LOT AREA, YARD REQUIREMENTS, AND HEIGHT LIMITS

##### A. Building Size

Any Single-Family Dwelling, Manufactured Home, or Permanently Sited Manufactured Home shall contain a minimum Livable Floor Area of one thousand three hundred fifty (1,350) square feet.

##### B. Lot Area, Yard Requirements, and Height Limits

The minimum Lot Area, yard requirements and height limits shall be as established and listed within the applicable District.

#### 10.2 MEASUREMENTS

##### A. Front Yard Setback

The Front Yard Setback shall be measured from the Street Right-of-way line of the existing Street on which the Lot fronts provided there is a minimum right-of-way of sixty (60) feet. In the case where the Street Right-of-way is less than sixty (60) feet the Front Yard Setback shall be measured from a point thirty (30) feet from the centerline of the Street. Notwithstanding the above, the Front Yard Setback for a Flag Lot shall be measured from the Front Lot Line.

##### B. Side Yard Setback

The Side Yard Setback shall be measured from the nearest Side Lot Line. For Corner Lots, there shall be two Front Yard Setback (one along each right-of-way, measured in accordance with Section 10.2(A) and one Side Yard Setback measured in accordance with this Section).

##### C. Rear Yard Setback

The Rear Yard Setback shall be measured from the rear property line.

##### D. Exceptions to Yard Setback Requirements

1. A wall or fence not over six (6) feet high may be erected in any required Setback, except a Front Yard Setback in which case the height of the wall or fence shall not be over four (4) feet. If the wall is a retaining wall the

height shall be measured on the highest (Fill) side. No wall, fence, tree, or foliage shall be maintained on a Lot that will materially obstruct the view of a driver of a vehicle.

2. Eaves, cornices, window sills, bay windows, chimneys and other similar architectural features may project into any required Setback for a distance not to exceed three feet except however that such features in their aggregate do not occupy more than one-third (1/3) of the length of the Building wall on which they are located.
3. Steps, open and uncovered porches, or other similar features not over three and one-half (3 ½) feet in height above the average Finished Grade may project into a Setback for a distance not to exceed five (5) feet.
4. Driveways shall be permitted in a required Setback, but shall be three feet or more from any property line, except where such driveways are developed jointly as a Common Drive to adjoining Lots.
5. Parking Areas in accordance with Section 10.9(A)(5).

#### **E. Height Exceptions**

- a. The height limitations of this Zoning Resolution shall not apply to churches, schools, Hospitals, and such public Buildings as a library, museum, art gallery, fire station, or a public Building of a cultural, recreational, or administrative nature. However, for each two (2) feet by which the height of such Building exceeds the maximum height otherwise permitted in the District, its Side and Rear Yard Setbacks shall be increased by one-half (1/2) foot over the side and Rear Yards otherwise required in the District.
- b. Church spires, belfries, cupolas, and domes, monuments, fire and hose towers, observation towers, chimneys, smokestacks, flag poles may exceed the height limitations.
- c. The height limitations for the District in which bulkheads, water tanks, monitors, monuments, fire towers, hose towers, cooling towers, grain elevators, and gas holders are located shall not apply to such Uses.

### **10.3 ACCESSORY STRUCTURES**

Accessory Structures and Accessory Structure Additions shall be subject to the following requirements:

- A. Accessory structures shall be located on the same lot as the Primary Building to which it is subordinate. No lot shall contain an Accessory Structure without a Principal Building.
- B. Accessory Structures shall not contain or be used as a dwelling unit.
- C. Accessory Structures and uses shall be setback a minimum of fifteen (15) feet from the Principal Building or other Accessory Structure on the same lot and fifteen (15) feet from side or rear lot line. Accessory Structures and uses must conform to the Front Yard Setback of sixty (60) feet and in no case shall be located forward of the front line of the Principal Building.
- D. On lots less than 5.01 acres, one Accessory Structure shall be permitted, provided said Accessory Structure does not exceed two thousand four hundred (2,400) square feet of floor space. If the square footage exceeds two thousand four hundred (2,400) square feet, the Accessory Structure shall be considered a Conditional Use and subject to the conditions of Section 11.14.
- E. On lots 5.01 acres or larger, two Accessory Structures shall be permitted, provided the cumulative area of the floor space for both structures does not exceed three thousand two hundred (3,200) square feet shall. If the cumulative square footage exceeds 3,200 square feet, the Accessory Structure be considered a Conditional Use and subject to the conditions in Section 11.14. There must be a minimum of fifteen (15) feet between the two Accessory Structures.
- F. The height of an Accessory Structure shall not exceed eighteen (18) feet. For the purposes of this section, height is measured from the established grade to the top of the highest wall of the Accessory Structure.
- G. In addition to the Accessory Structure(s) permitted above, one storage building (shed) with floor space not to exceed one hundred sixty (160) square feet shall be permitted. Such structure shall comply with the setback requirements in 10.3(c) above, except for the minimum distance from the Principal Building.
- H. Accessory Structures larger than two hundred fifty (250) square feet shall be placed on a permanent foundation such as masonry or concrete. For purposes of this section, a permanent foundation will also include the



poles for pole barns. The placement of an Accessory Structure on skids shall not qualify as a permanent foundation.

- I. Accessory Structures shall not be located in any easement, swale or in an area designed by the Health Department for the placement of leach fields.
- J. Accessory Structures shall be maintained in good condition and kept secure from deteriorating effect of natural elements. The outdoor storage of junk, unlicensed motor vehicles, semi-trailers, commercial tool sheds, used building materials, used tires, or any other material meeting the definition of junk shall be prohibited, unless otherwise specifically permitted by these regulations in conjunction with a permitted use.
- K. Applications for Accessory Structures shall include an affidavit, signed by the Owner(s), attesting that the Accessory Structure will not be used for business or commercial purposes.

## **10.4 SWIMMING POOLS**

### **A. General Swimming Pool Requirements.**

The following requirements shall apply to all types of Swimming Pools.

1. A Zoning Permit must be obtained prior to constructing or installing a Swimming Pool or making any alteration to an existing pool.
2. All exterior lighting shall be so shaded or directed so that it does not cast light directly upon adjacent properties.

### **B. Private Residential Swimming Pools**

In addition to the requirements in 10.4A, Private Residential Swimming Pools shall comply with the following requirements.

1. A Private Residential Pool must be used or intended to be used solely for the enjoyment of the occupants of the property on which it is located and their guests.
2. The Private Residential Swimming Pool shall be located to the rear of the Principal Building and may not be located closer than fifteen (15) feet to any Lot Line or easement.
3. An in-ground Private Residential Swimming Pool, or the entire property upon which it is located, shall be fenced (separate fence permit required) in such a manner as to prevent uncontrolled access from the Street and from adjacent properties. The required fence shall be at least forty-eight (48) inches in height, have a gate and lock, and shall be maintained in good condition.
4. An above-ground Private Residential Swimming Pool shall comply with the fencing requirements in Section 10.4(B)(3) or shall have a removable and/or lockable ladder device to prevent uncontrolled access by means other than through the gate or ladder from the Street and from adjacent properties.

### **C. Community and Commercial Swimming Pools**

In addition to the requirements in 10.4A, Community and Commercial Swimming Pools shall comply with the following requirements.

1. The Community or Commercial Swimming Pool and associated Structures shall comply with the Setback requirements for the District in which it is

located, unless adjacent to a residential District boundary, for which a one hundred (100) foot Setback shall be required.

2. The Community or Commercial Swimming Pool, any associated Structures, and the entire area used by swimmers shall be fenced as to prevent uncontrolled access from the Street or adjacent properties. The fence shall be a minimum of seventy-two (72) inches in height, have a gate and lock(s), and maintained in good condition.

## **10.5 FENCES**

### **A. Applicability**

A Zoning Permit must be obtained prior to installing a fence. All fences must comply with the following requirements.

### **B. Fence Regulations**

1. Fences shall be constructed of natural materials, vinyl, or metal.
2. Any fence located to the side or rear of a principal Building shall not exceed six (6) feet in height. Any fence that extends in front of a principal Building shall not exceed four (4) feet in height. Such fences may be used to enclose the entire perimeter of a Lot.
3. An eight (8) foot fence shall be permitted only to enclose a patio and shall not be used to enclose an entire perimeter of the Lot.
4. These height requirements shall not apply to fences around Commercial Swimming Pools. In such cases, Section 10.4(C)(2) shall apply.
5. No fence shall be permitted to encroach upon a public right-of-way. No fence shall be located so as to adversely affect the vision of drivers on the Public Streets or from driveways intersecting Public Streets.
6. Fences and walls shall be kept in proper repair and maintained so as not to create conditions which endanger the health, comfort, and safety of the public.

## **10.6 HOME OCCUPATIONS**

If a Home Occupation complies with the following criteria, it shall be permitted as an Accessory Use in residential Districts. A Zoning Permit for a Home Occupation shall be obtained from the Township Zoning Inspector prior to establishing such Use within a residence.

- A. A Home Occupation shall be conducted entirely within a Dwelling Unit and shall be clearly subordinate to the Use of the Dwelling Unit. Home occupations shall not be conducted within Accessory Structures, such as garages or sheds, on the Lot.
- B. The appearance of the Dwelling Unit in which a Home Occupation is conducted shall not be altered or the occupation within the Dwelling shall be not be conducted in a manner which would cause the premises to differ from its residential character either by colors, materials, construction, or lighting.
- C. The Home Occupation shall not generate traffic greater in volume than normal for a residential District.
- D. The Home Occupation shall not include Wholesale or Retail Businesses, other than Home Based Retail Businesses.
- E. No equipment or processes shall be used in a Home Occupation which creates noise, vibration, Glare, fumes, odors, or electrical interference detectable to the normal senses on the Lot. No equipment or processes shall be used which creates visual, audible or electrical interference in any radio or television receiver or computer terminal off the premises or causes fluctuations in voltage off the premises.
- F. The Home Occupation shall not occupy more than 20 percent of the Livable Floor Area of the Dwelling Unit.
- G. No Person shall operate or be employed by a Home Occupation unless the Person is a resident of the Dwelling Unit in which the Home Occupation is conducted.
- H. No more than three vehicles, used by customers of the home occupation, may be parked at the location of the Home Occupation at one time.
- I. There shall be no outside storage of any kind related to a home occupation, including the storage of vehicles used for the home occupation. Accessory Structures shall not be used for storage of materials related to a home occupation.

- J. Signs shall be permitted only as regulated for the District in which the Home Occupation is located.

## **10.7 RECREATIONAL VEHICLES**

- A. Parked and stored boats, camping equipment and Recreational Vehicles shall not be connected to electricity, water, gas, or sanitary sewer facilities and at no time shall this equipment be used for living or housekeeping purposes.
- B. If the camping equipment or Recreation Vehicle is parked or stored outside of a garage, it shall be parked or stored to the rear of the Dwelling Unit.
- C. Notwithstanding the provisions of 10.7(A) and (B) above, Recreational Vehicles may be parked anywhere on the premises for loading and unloading purposes for a period of not more than forty-eight (48) hours.

## **10.8 SIGNS**

### **A. General Sign Regulations**

All Signs shall comply with the following general regulations and the size, height and Setback standards for the applicable District, as specified in Section 10.8B.

- 1. Sign Lighting.  

Sign lighting shall comply with the requirements of Section 10.13.
- 2. Animated Signs are prohibited.
- 3. No permanent Sign shall contain or consist of banners, pennants, ribbons, streamers, balloons or similar devices.
- 4. Roof Signs are prohibited.
- 5. Temporary Signs are permitted in all Districts provided such Signs are less than sixteen (16) square feet in area and four (4) feet in height, provided such Signs are not displayed for more than sixty (60) calendar days within any 180-day period. Such Signs must also be located at least six (6) feet from the right-of-way line. Temporary Signs that are seven (7) square feet in area or less and three (3) feet in height or less shall not be subject to the 60 day time limit.

6. Permanent Signs identifying a residential development shall be limited to Wall Signs only, with placement on walls entrance columns or similar landscape features used to denote the entrance to the development. There shall be no more than one residential development identification Sign per development entrance. Each Sign shall not exceed six (6) feet in height and twenty (20) square feet in area. Each Sign shall be Setback a minimum of 15 feet from the right-of-way.
7. Construction – All Signs and parts thereof, including any electrical wiring, shall be erected, constructed, and maintained so as to not constitute a safety hazard.

**B. Size, Height, and Setback Requirements**

All Signs shall comply with the size, height and Setback requirements for the District in which the Sign is located. These requirements are listed in the following table:

District	Permitted Types	Max. # of Signs Per Lot	Max. Sign Height* (Ft.)	Max. Sign Area (Sq. Ft.)* for each permitted Sign	Min. Setback from R.O.W (Monument Signs)
RR	Wall	1	8	2	NA
PRCD	Wall	1	8	2	NA
MHP	Wall	1	8	2	NA
PRB/CS	Per Approved Development Plan				
B – 1, B-2**	Wall or Ground	2 with no more than 1 Ground Sign	35 feet (Wall) 6 feet (Ground)	1 square foot per 1 lineal foot of width of the Building face or part thereof, not to exceed 60 square feet.	20
I – 1 **	Wall or Ground	2 with no more than 1 Ground Sign	35 feet (Wall) 6 feet (Ground)	1 square foot per 1 lineal foot of width of the Building face or part thereof, not to exceed 60 square feet.	20
PUD	Per Approved Development Plan				
F-P	Per Underlying Zoning District				
C-1	Wall or Ground	1	35 feet (Wall) 6 feet (Ground)	10	20

\*Maximum Sign Area and Maximum Sign Height applies to each permitted Sign and shall be measured in accordance with Section 10.8D.

\*\*In addition to permitted signs, outdoor advertising signs (Billboards) are permitted in the B – 1 and I – 1 Districts per the regulations in Section 10.8C.

### C. Outdoor Advertising Signs (Billboards)

Outdoor advertising signs (Billboards) shall be permitted only in the B – 1, B-2 and I – 1 Districts in addition to any signs permitted in Section 10.8B. All

outdoor advertising signs (Billboards) shall comply with the following requirements:

1. The maximum height of an outdoor advertising sign shall be 35 feet.
2. All outdoor advertising signs shall be Setback a minimum 100 feet from any right-of-way and shall otherwise comply with the Setback requirements for the District in which such sign is located.
3. The maximum sign area for each face of an outdoor advertising sign shall be three hundred sixty (360) square feet.
4. No outdoor advertising sign shall be located within one thousand (1,000) feet of a residential zoning District or one thousand (1,000) feet from any other outdoor advertising sign.

#### **D. Measurement of Signs**

For purposes of this Zoning Resolution, the measurement of Sign area shall comply with the following standards:

1. Sign area shall include the face of all the display area of the Sign not including bracing, framing and structural supports of the Sign, unless such support members are made part of the message or face of the design.
2. Where a Sign has two or more display faces, the area of all faces of the Sign shall be included in determining the area of the Sign, unless otherwise noted. For spherical Signs, the sphere shall be bisected by an imaginary line through the center of the sphere, and the surface area of the half sphere shall be counted as the Sign face. For cubical Signs, the area of all display faces shall be included in determining the area of the Sign.
3. The area of the letters, numbers or emblems mounted on a Building wall or wall extension shall be computed by enclosing such Sign with the smallest single continuous perimeter consisting of rectangular or series of rectangles around the letters, number or emblems, and determining the area.
4. The height of a Wall Sign is measured from the established grade line to the top of the sign. The height of a Ground Sign is measured from the established grade line to the highest point of the sign or its frame/support and cannot be artificially increased by the use of mounding.



## **10.9 OFF STREET PARKING AND LOADING SPACES**

### **A. General Requirements**

Unless otherwise noted, the following requirements apply to all Off Street Parking Spaces and areas, regardless of the District in which they are located.

1. No Structure or land shall be utilized and no Structure or part thereof shall be erected, constructed, or enlarged unless permanently maintained Off Street Parking is provided as required by this section.
2. All Off Street Parking Areas including parking spaces, driveways, maneuvering aisles and circulation drives shall be graded and maintained with proper drainage so that water does not unreasonably accumulate on such areas or drain onto adjacent public or private property.
3. All Off Street Parking Areas shall have access to a publicly dedicated street. If an Off Street Parking Area will require a shared driveway with an adjacent Lot, in order to provide access to a publicly dedicated road, then evidence of a shared driveway easement and maintenance agreement shall be provided.
4. All Off Street Parking Spaces, except those required for Single-Family Dwelling Units, shall have access to a Public Street in such a manner that any vehicle leaving or entering the Parking Area from or into a Public Street shall be traveling in a forward motion.
5. Off-Street Parking Areas may encroach a required Side or Rear Yard Setback, but in no case shall the Off Street Parking Area be closer than 5 feet from a property line. Open and uncovered Off Street Parking Spaces for Single and Two Family Dwellings may encroach a Front Yard Setback. Off Street Parking Areas for all other Uses may encroach a Front Yard Setback for a distance not to exceed one-half the required Front Yard Setback.
6. The required Off Street Parking Spaces shall be provided on the same Lot as the Use for which the spaces serve.

### **B. Dimensional Requirements**

All Off Street Parking Spaces for all Uses shall be a minimum of 9 feet in width and 18 feet in length. Maneuvering aisles shall be a minimum of 24 feet in width.

**C. Parking Lot Lighting**

Parking lot lighting must comply with Section 10.13.

**D. Required Number of Off Street Parking Spaces**

1. The required number of Off Street Parking Spaces shall be determined by the following table.
2. In the case of mixed uses, the total requirements for Off Street Parking facilities shall be the sum of the requirements for the various Uses, computed separately. Off-Street Parking facilities for one Use shall not be considered as providing required parking facilities for any other Use.

## REQUIRED OFF STREET PARKING SPACES

Use	Number of Parking Off Street Spaces	Use	Number of Off Street Parking Spaces
Automobile or Machine Sale Service	One (1) space for each eight hundred (800) square feet of Floor Area	Dwellings	Two (2) spaces for each family or Dwelling Unit
Banks, business, and professional offices except medical and dental offices or Clinics	One (1) space for each four hundred (400) square feet of Floor Area	Funeral Home, Mortuaries	Four (4) spaces for each parlor or one (1) space for each fifty (50) square feet of Floor Area, whichever is greater
Bowling Alleys	Five (5) spaces for each alley plus the necessary space as set forth in this section for affiliated Uses such as bars, Restaurants, and the like	Furniture and Appliance Stores, Household Equipment, or Furniture Repair Shop, over on thousand (1,000) square feet of Floor Area	Four (4) spaces plus one (1) space for every four hundred (400) square feet of Floor Area over one thousand six hundred (1,600) square feet
Churches and Schools	One (1) space for each eight (8) seats in an auditorium or one (1) space for each six (6) seats in places of worship or one (1) space for each seventeen (17) classroom seats, whichever is greater	Hospitals, Nursing Homes, Adult Care, Residential Care, and Residential Facilities, Homes for the Aging, and other similar Uses.	One (1) space for every two (2) beds
Dance Halls and Assembly Halls without fixed seats; Exhibition Halls, except church assembly rooms in conjunction with auditoriums	One (1) space for each one hundred (100) square feet of Floor Area used for assembly or dancing	Hotels, Motels, and Bed and Breakfast Facilities	One (1) space for each bedroom
		Libraries, Museums, or Galleries	One (1) space for each six hundred (600) square feet of floor space

<u>Use</u>	<u>Number of Off Street Parking Spaces</u>
Manufacturing Plants, Research or Testing Laboratories, Assembly Plants	One (1) space for each one thousand two hundred (1,200) square feet of area
Medical and Dental Offices or Clinics	One (1) space for each one hundred (100) square feet of Floor Area
Restaurants, Bars, and Night Clubs	One (1) space for each one hundred (100) square feet of Floor Area
Retail Stores, Shops, Etc.	One (1) space for each two hundred (200) square feet of Floor Area
Sports Arenas, Auditoriums, Assembly Halls, other than Schools	One (1) space for each six (6) seats
Wholesale Businesses or Warehouses	Five (5) spaces plus one (1) space for every three thousand (3,000) square feet of Floor Area over five thousand (5,000) square feet

**E. Loading Space Requirements**

Loading Spaces shall be provided and maintained on the same premises to which they serve in accordance with the specifications within this Section.

1. Such space shall be adequate for standing, loading, and unloading services, in order to avoid undue interference with public use of the Streets or Alleys.
2. Loading and unloading spaces shall not be occupied or considered as any part of the required Off Street Parking.
3. Each loading space shall be a 10-foot by 25-foot Loading Space with a 14-foot height clearance. The number of Loading Spaces for a particular Use shall be as follows:
  - a. Buildings used for Manufacturing, storage, warehouses, goods display, Retail Businesses, Hospital, dry cleaning, or other similar Uses.

Square Feet	Number
3,000 – 20,000	1 space
Each additional 20,000	1 space

- b. Buildings used for offices or Hotels.

Square Feet	Number
3,000 – 149,999	1 space
150,000 – 399,999	2 spaces
400,000 – 649,999	3 spaces
Each additional 250,000	1 space

- c. All other Uses.

Square Feet	Number
1,000– 9,999	1 space
10,000– 39,999	2 spaces
40,000 or more	3 spaces

(plus one space for each 30,000 square feet over 40,000 square feet of Building area.)

**F. Parking within Residential Districts**

Parking within any Residential District shall be subject to the following regulations.

1. Any truck (other than a pickup truck, van or light truck which has operating characteristics similar to those of a passenger car) shall be parked in an enclosed Structure or screened from view from any adjacent Lot or Street.
2. Inoperable motor-powered vehicles, dismantled vehicles, or trailers, unlicensed vehicles, or junk motor vehicles (as defined in Article III) shall be stored in an enclosed Structure.
3. No trailer or dismantled vehicle shall be utilized as a Structure.

## **10.10 INDIVIDUAL WIND ENERGY CONVERSION SYSTEMS**

Liberty Township recognizes the importance of clean, sustainable and renewable energy sources. To that end, Liberty Township permits the Use of Individual Wind Energy Conversion Systems under the following regulations to ensure the safety and welfare of all township residents is met. Individual Wind Energy Conversion Systems shall comply with the following standards:

### **A. Maximum Height**

The tower height of an Individual Wind Energy Conversion System shall not exceed 100 feet.

### **B. Setback Requirements**

An Individual Wind Energy Conversion System shall be located in such a manner where its tower will have a “clear fall zone” from all neighboring property lines, Structures, as well as any inhabited Structures. An Individual Wind Energy Conversion System will need to be erected and placed in such a manner that if its tower were to fall, whatever direction the fall occurs would be contained solely on the property where the system is located and would not strike any Structures, including a Principal Building or any inhabited Structures.

### **C. Maintenance**

Individual Wind Energy Conversion Systems must be maintained in good working order. Individual Wind Energy Conversion Systems that become inoperable for more than twenty-four (24) months must be removed by the Owner within thirty (30) days of the issuance of a zoning violation. Removal includes the removal of all apparatuses, supports, and other hardware associated with the existing Individual Wind Energy Conversion System.

### **D. Decibel Levels**

Individual Wind Energy Conversion Systems shall operate within a decibel range of 50 to 70 decibels. This information shall be obtained from the manufacturer of the residential wind turbine and all decibel readings, if necessary, shall be taken from the nearest neighboring property line.

### **E. Wiring and electrical apparatuses**

All wires and electrical apparatuses associated with the operation of an Individual Wind Energy Conversion System shall be located underground.

**F. Anti-Climb Devices**

All towers within an Individual Wind Energy Conversion System must be designed to be unclimbable or protected by anti-climbing devices.

**G. Permit Required**

No Person shall construct or install an Individual Wind Energy Conversion System without having received an approved Zoning Permit from the Zoning Inspector (unless otherwise exempted by state or federal laws). In addition to the general submittal requirements for a Zoning Permit listed in Section 4.3, an engineering report that shows the following must be submitted:

1. The number and height of each tower within the Individual Wind Energy Conversion System.
2. The total size and depth of the concrete mounting pad for each tower, as well as soil and bedrock data.
3. A list or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection.
4. Data specifying the kilowatt size and generating capacity of each tower.
5. The maximum decibel level of the Individual Wind Energy Conversion System. This information must be obtained from the manufacturer of the tower(s).
6. A site drawing showing the location of the tower(s) to existing Structures on the property, roads, and other public rights-of-way and neighboring property.
7. Evidence of a “clear fall zone” with manufacturer’s recommendation must be attached to the engineering report.
8. A maintenance schedule as well as a dismantling plan that outlines how the Individual wind energy system will be dismantled.



## **10.11 DRAINAGE, EROSION, AND SEDIMENT CONTROL**

The purpose of the Drainage, Erosion and Sediment Control Regulations is to safeguard Person, project property, prevent damage to the environment, and promote public safety by guiding, regulating, and controlling the design, construction, Use, and maintenance of any development or other activity which disturbs or breaks the topsoil or results in the movement of earth on land situated in Liberty Township. It is further the purpose of the Drainage, Erosion, and Sediment Control Regulations to bring Liberty Township in compliance with the National Pollutant Discharge Elimination System's Phase II requirements of the current Ohio EPA Construction Storm Water General Construction Permit.

These requirements shall apply to all Land Disturbing Activities as defined in Article IV associated with any work described in a Zoning Permit application.

### **A. General Standards**

1. All construction shall comply with the Ohio Environmental Protection Agency's then current General Permit authorization for Storm Water Discharges Associated with Construction Activity under the national Pollutant Discharge Elimination System" referred to as the General Construction Permit(GCP) , a copy of which is attached hereto and incorporated herein as Appendix 12-2 ,effective April 21, 2013, expiration April 20, 2018. If there is a conflict or ambiguity between zoning code and the GCP, the terms and conditions of the GCP shall control. If the GCP expires, it shall remain in effect and part of zoning code until a new GCP becomes effective. Upon the effective date of the new GCP, such new GCP is hereby incorporated herein, by reference, to the zoning code. Any person or entity utilizing this zoning code shall be responsible for determining then-effective GCP, a copy of which may be obtained from the Ohio Environmental Protection Agency.
2. Existing Drainage Ditches, Channels and Swales  
  
Drainage ditches, channels, and swales that are within drainage easements, or which are installed by the Developer of a subdivision shall not be disturbed during home construction. Damage to such facilities which is caused by building the Dwelling Structure or by grading the property shall be in conformance with the original design of such drainage channel, ditch or swale.
3. Driveway Culverts

Driveway culverts shall comply with Section 9.2H, 9.6H, 9.7H, 9.I. Culvert pipes which are damaged during construction shall be repaired or replaced and approved by the Liberty Township Trustees.

4. Maintenance

All temporary and permanent Erosion and Sediment control practices shall be designed and constructed to minimize maintenance requirements. They must be maintained and repaired as needed to assure continued performance of their intended function throughout the maintenance period. The Person or entity responsible for continued maintenance of permanent and temporary Erosion controls shall be identified to the satisfaction of the Zoning Inspector or designee prior to any Land Disturbing Activities.

5. Deviations from Master Grading Plan

If a subdivision has been approved by the Fairfield County Regional Planning Commission, then any deviations from the Master Grading Plan by the applicant shall require review and approval by the engineer who designed the Master Grading Plan prior to review by the Zoning Inspector or designee. Any proposed revisions to the Grades shown on the Master Grading Plan shall be limited to no more than one (1) foot. Not every proposed Grade change will be approved. Grade changes recommended by the design engineer shall be coordinated with the Grades on adjacent Lots and properties, respecting existing and proposed Building Heights. Field adjustments of any approved Grades shall be limited to no more than six (6) inches, and must be approved by the Zoning Inspector or designee prior to implementing the change.

6. Post-Construction Storm Water Management Requirements

A Post – Construction Storm Water Management Plan shall be prepared for all developments covered by these regulations in Districts PRB/CS, B-1, B-2, I-1, PUD, F-P, C-1 which require improvements to more than one acre of land. The Post – Construction Storm Water Management Plan shall conform to The Ohio Environmental Protection Agency’s current General Permit authorization for Storm Water Discharges Associated with Construction Activity under the national Pollutant Discharge Elimination System” referred to as the General Construction Permit (GCP), a copy of which is attached hereto and incorporated herein as Appendix 12-2, effective April 21, 2013, expiration April 20, 2018. If there is a conflict or ambiguity between zoning code and the GCP, the terms and conditions of the GCP shall control. If the GCP expires, it shall remain in effect and part of zoning code until a new GCP becomes effective. Upon the effective date of the new GCP, such new GCP is hereby incorporated herein, by reference, to the zoning code. Any person or entity utilizing this zoning code shall be responsible

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**General Development Standards**

for determining then-effective GCP, a copy of which may be obtained from the Ohio Environmental Protection Agency. Prior to issuing the certificate of zoning compliance in Section 4.7, the applicant shall enter into a Storm Water Management/BMP Facilities Maintenance Agreement (example in Appendix) with the township to ensure the long term maintenance of these facilities. A template of the Liberty Township Storm Water Management/BMP Facilities Maintenance Agreement is attached hereto and incorporated in Appendix 12-3.

**B. Permit Required**

The Zoning Inspector shall not issue a Zoning Permit unless the applicant provides an Erosion and Sediment Control Plan showing that all Land Disturbing Activities as defined in Article III associated with the work described in the Zoning Permit application will comply with the requirements of Section 10.11A.

**C. Responsibility**

An applicant shall not be relieved of responsibility for damage to Persons or property otherwise imposed by law, and neither Liberty Township, nor its officials will be made liable for such damage by (1) issuance of a Zoning Permit, (2) compliance with the provisions of that permit or with conditions attached to it, (3) failure of officials to observe or recognize hazardous or unsightly conditions, (4) failure of officials to recommend denial of, or to deny a permit, or (5) exemptions from a Zoning Permit.

**D. Violations**

Any violations of the Erosion control plan approved with the Zoning Permit shall be deemed a violation of this Zoning Resolution and shall be punishable in accordance with Section 4.8(D). The following procedures shall take place prior to applying Section 4.8(D) of this zoning resolution.

- 1) If the Liberty Township Zoning Inspector or its duly authorized representative determines that a violation of the rules adopted by Liberty Township Board of Trustees exists, he or she may issue an **immediate stop work** order if the violator failed to obtain any federal, state, or local permit necessary for sediment and erosion control, earth movement, clearing, or cut and fill activity.
- 2) In addition, if the Liberty Township Zoning Inspector or duly authorized representative determines such a rule violation exists, regardless of whether or not the violator has obtained the proper permits, the Liberty Township Board of Trustees or representative may **authorize the issuance of a notice of violation**.

- 3) If, after a period of not less than **thirty days** has elapsed following the issuance of the notice of violation, the violation continues, the Zoning Inspector or its duly authorized representative shall **issue a second notice of violation.**
- 4) If the violation continues after a period of not less than fifteen days following the issuance of the second notice, the Zoning Inspector or its duly authorized representative may issue a stop work order after first obtaining the written approval of the prosecuting attorney of the county if, in the opinion of the prosecuting attorney, the violation is egregious.
- 5) Once a stop work order is issued, Liberty Township Zoning Inspector or its duly authorized representative shall request, in writing, the Liberty Township Board of Trustees legal counsel to seek an injunction or other appropriate relief in the court of common pleas to abate excessive erosion or sedimentation and secure compliance with the rules adopted under this section. If the Liberty Township Board of Trustees legal counsel seeks an injunction or other appropriate relief, then, in granting relief, the court of common pleas may order the construction of sediment control improvements or implementation of other control measures and may assess a civil fine of not less than one hundred or more than five hundred dollars. Each day of violation of a rule or stop work order issued under this section shall be considered a separate violation subject to a civil fine in the amount of five hundred dollars as per Section 4.8.
- 6) No stop work orders shall be issued under this section against any public highway, transportation, or drainage improvement or maintenance project undertaken by a government agency or political subdivision in accordance with a statement of its standard sediment control
- 7) The person to whom a stop work order is issued under this section may appeal the order to the court of common pleas of the county in which it was issued, seeking any equitable or other appropriate relief from that order.
- 8) If the Liberty Township Board of Trustees determines that a violation of any rule adopted or administrative order issued under this section exists, the Liberty Township Board of Trustees may request, in writing, Liberty Township Board of Trustees legal counsel to seek an injunction or other appropriate relief in the court of common pleas to abate excessive erosion or sedimentation and secure compliance with the rules or order. In granting relief, the court of common pleas may order the construction of sediment control improvements or implementation of other control measures and may assess a civil fine of not less than one hundred or more than five hundred dollars. Each day of violation of a rule adopted or administrative order issued under this section shall be considered a separate violation subject to a civil fine.

## **10.12 SCREENING AND BUFFERING REQUIREMENTS**

- A.** The intent of this section is to improve the appearance of parking lots and property abutting public rights-of-way; to require Buffering between different land Uses, to preserve and promote the appeal, character, and value of the surrounding neighborhoods, and to promote public health and safety through by minimizing noise, air and/or visual pollution and artificial Glare.
- B.** The standards in this Section shall apply to all development within the B-1, B-2 and I-1 Districts. Screening and Buffering requirements for development within the PRB/CS and PUD Districts shall be determined by the approved Development Plan.
- C. Development Standards**
1. Buffer Between Uses
    - a. Whenever a proposed Use within B-1, B-2, or I-1 District abuts a residential District, a Buffer shall be provided along the Lot Line abutting the residential District. The Buffer shall consist of walls, landscaped earthen mounds, solid fences, natural vegetation or an acceptable combination of these elements, provided that the screening must be at least six (6) feet in height. The use of year-round vegetation, such as pines or evergreens, is required.
    - b. Landscaping materials used to meet the requirements of this Section should complement the form of existing trees and plantings, as well as the general design and architecture of the developed area. The type of sun or shade should be considered in selecting plant material.
  2. Parking Lot Screening.

A three and half (3.5) foot average height continuous Hedge Row shall be established along the perimeter of parking lots located adjacent to public rights-of-way. Landscaping shall be placed and maintained in a manner that does not conflict with safe sight distance at corners and intersections.
- D. Buffering and Screening Materials and Maintenance Requirements.** All material utilized to comply with the Buffer and screening requirements in Section 10.12(C) shall comply with the following requirements:
1. No Landscaping materials shall be planted in such a manner that any portion of growth extends beyond the property line. All Landscaping materials used to comply with the Buffer or screening requirements shall be installed in accordance

with accepted, good construction and planting procedures. The Owner of the property shall be responsible for the continued proper maintenance of any material used to comply with these Buffer and/or screening requirements.

2. Landscaping materials used to meet the requirements of Section 10.12(C)(1) and (2) shall be living plants. Artificial plants are prohibited. All landscape materials shall meet the following requirements:
  - a. Deciduous Trees – Trees which normally shed their leaves in the fall, shall be species having an average mature crown spread of greater than fifteen (15) feet and having trunks which can be maintained with over five feet of clear wood in areas which have visibility requirements. A minimum of ten (10) feet overall height, or a minimum caliper (trunk diameter as measured six (6) inches above the ground) of at least two (2) inches immediately after planting shall be required. The following species of trees (whose roots are known to have undesirable effects to public roadways or other public infrastructure) shall not be planted closer than 15 feet to the easement for such infrastructure.
    - i. Box–Elder (*Acer negundo*)
    - ii. Silver Maple (*Acer saccharinum*)
    - iii. Catalpa (*Catalpa speciosa*)
    - iv. Tulip Tree (*Liriodendrum tulipifera*)
    - v. Mulberry (*Morus alba*)
    - vi. Poplars (all kinds) (*Populus*)
    - vii. Willows (all kinds) (*Salix*)
    - viii. Siberian Elm (*Ulmas pumila*)
  - b. Evergreen Trees – Evergreen trees shall be a minimum of three (3) feet high with a minimum caliper of one (1) inch immediately after planting.
  - c. Hedges – Hedges shall be planted at least two (2) feet in average height when planted and shall conform to specified requirements within four (4) years after planting.

## **10.13 OUTDOOR LIGHTING REGULATIONS**

- A.** The intent of this section is to regulate the placement, orientation, distribution patterns and fixture types of outdoor lighting in Liberty Township. These regulations have been created to preserve, protect, and enhance the character of the Township and the nighttime Use and enjoyment of property located within the Township. Appropriate site lighting, including lights for Signs, Parking Areas, and Buildings shall be arranged so as to provide safety, utility and security; control Light Trespass and Glare on adjacent properties and public roadways; and reduce atmospheric light pollution.
- B.** These standards shall apply to any light source that is visible from any property line, or beyond, for the site from which the light is emanating. The Zoning Inspector may review any Building or site to determine compliance with the requirements of this section.
- C. General requirements**
1. All outdoor lighting fixtures regulated according to this section, including but not limited to those used for Parking Areas, Buildings, building overhangs, canopies, Signs, displays and Landscaping, shall be Full Cut-Off Type Fixtures.
  2. Sodium/yellow or equal lighting shall be required for all outdoor lighting fixtures. Mercury lighting shall be prohibited.
  3. All on-site lighting shall be designed so as not to shine onto any adjacent property or building, or to cause Glare onto any public Street or vehicle thereon. Such lighting shall not be a nuisance to adjacent residential Structures.
  4. Light Trespass shall be limited to no more than 0.5 Footcandles at the property line.
  5. Measurement
    - a. Light levels shall be measured in Footcandles with a direct reading, portable light meter. Readings shall be taken only after the cell has been exposed long enough to take a constant reading.
    - b. Measurements shall be taken at the property line, along a horizontal plane at a height of three and one-half (3.5) feet above the ground.
    - c. All non-essential outdoor lighting fixtures for business Uses, including lighting for Parking Areas, Signs, displays and aesthetic lighting, shall be turned off after business hours. Only lighting needed for safety or security

may remain lit after close of business, in which case the lighting shall be reduced to the minimum level necessary.

- d. Any Automobile Oriented Business shall install Recessed Ceiling Fixtures in any canopy.

**D. Sign Lighting**

1. Sign lighting shall be consistent, understated, and properly disguised. Sign lighting shall consist of a white, steady, stationary light that does not Glare onto surrounding areas and must be directed solely at the Sign. Signs that are externally illuminated with an exposed incandescent lamp not exceeding 25 watts do not require shielding. Internal illumination of a Sign shall be prohibited.
2. Light fixtures shall be screened from view by site grading or evergreen shrubs.

**E. Parking lot lighting**

1. Any lighting used to illuminate any off-street Parking Area shall be so arranged as to reflect light away from any adjoining premises. In addition, such lighting shall be so arranged as to not interfere with traffic on any adjoining Street or to be confused with any traffic control lighting.
2. Light poles shall not exceed a height of twenty-eight (28) feet (including any pole base). Lights for Parking Areas must be placed within a landscape island or on a 36" high pole base to protect both the lights and vehicles from damage.

**F. Exemptions**

1. Decorative outdoor lighting fixtures with bulbs of less than 25 watts, installed seasonally, are exempt from the requirements of this section.
2. Temporary construction or emergency lighting is exempt from the requirements of this section. Such lighting shall be discontinued immediately upon completion of the construction work or abatement of the emergency necessitating such lighting.
3. All outdoor lighting fixtures existing and legally installed prior to the effective date of this section of this Zoning Resolution shall be exempt from the requirements of this section. When existing lighting fixtures become inoperative, their replacements are subject to the provision of this section.
4. Nothing in this section shall apply to lighting required by the FAA or any other state/federal regulatory authority.



#### **10.14 PORTABLE HOME STORAGE UNITS**

Portable Home Storage Units shall be permitted as Accessory Uses within any residential district, provided the following regulations are met. A zoning permit shall be obtained for any Portable Home Storage Unit.

- A. Portable Home Storage Units shall be prohibited from being located within any right-of-way.
- B. Portable Home Storage Units shall be kept in the driveway of the property at the furthest accessible point from the street.
- C. Only two (2) Portable Home Storage Units shall be permitted on any residential property at any one time.
- D. Portable Home Storage Units shall be permitted for 90 calendar days within any 365 calendar day period.
- E. Portable Home Storage Units shall not be utilized for living purposes.

## ARTICLE XI

### CONDITIONAL USE REGULATIONS

#### 11.1 Free Standing Telecommunication Towers

##### A. Intent

The intent of this section is to regulate the placement and construction of Telecommunication Towers in residential Districts in order to protect the public health, safety, and morals without interfering with the competitiveness in the telecommunications industry. It is further the purpose of this section to encourage Co-Location of antennas on existing towers in order to minimize tower locations and to protect residential areas through the use of height, Setback, and Lot Area requirements.

##### B. Applicability

The following regulations shall apply, through the Conditional Use process, to Free Standing Telecommunication Towers located within the RR District, unless otherwise exempted by Section 11.1(D). These regulations shall not apply to Telecommunication Towers proposed in Districts that list such Structures as Permitted Uses

##### C. Conditions

The Board of Zoning Appeals shall issue a Conditional Use permit when a proposed Free Standing Telecommunication Tower in a residential District complies with all of the conditions listed below. When measuring Setbacks and Lot Area, the dimension of the entire Lot shall control, even though the tower may be located on a leased area within such Lot.

1. The minimum Lot Area shall comply with the minimum Lot Area for the applicable zoning District.
2. The minimum Setback shall be a 1:1.1 ratio (for every foot in tower height there shall be 1.1 feet of distance from the tower base to the nearest Lot Line). No new residential Structures shall be permitted within this Setback area.
3. The maximum Height of the Free Standing Telecommunication Tower shall be as follows:

# of users for which the tower is designed	Maximum Height
1	150 feet
2	165 feet
3	180 feet
4	195 feet

4. The applicant shall demonstrate that the proposed tower is the least aesthetically intrusive facility for the neighborhood and function. Guy wires and lattice designs shall not be permitted. Towers shall be a non-contrasting gray or similar color or a galvanized steel finish, unless these color requirements conflict with any FAA or FCC regulation. In such cases, the tower shall comply with those color requirements. Alternative tower designs that camouflage the tower and/or antenna, such as man-made trees, may also be permitted as approved by the Board of Zoning Appeals.
5. A fence (minimum six (6) feet in height) shall fully enclose the tower. Gates shall be locked at all times when unattended by an agent of the telecommunication provider. All towers must be un-climbable by design or protected by anti-climbing devices.
6. A landscaped Buffer of not less than fifteen (15) feet in depth shall be placed between the fence surrounding the tower and any adjacent public right-of-way and any adjacent properties. The 15-foot Buffer shall consist of hardy evergreen shrubbery, not less than six (6) feet in height, and of a density to obstruct the view. The Board of Zoning Appeals may require additional Landscaping upon review of an individual application. All required Landscaping shall be continuously maintained and promptly restored, if necessary.
7. No signage shall be permitted anywhere on the Telecommunication Tower, antenna, or fence, except for a Sign, not to exceed four (4) square feet, containing emergency contact information and no trespassing language, which shall be attached to the gate of the required fence. Any other signage required by Federal regulations shall be permitted.
8. No lighting shall be permitted, except as required by Federal regulations.
9. One point of access from a public road to the Free Standing Telecommunications Tower shall be provided. The Board of Zoning Appeals may require review by

the Township fire department to ensure the proposed drive is suitable for emergency access. The use of existing access points is preferred.

10. The tower shall be designed and certified by a professional engineer to be structurally sound and, at a minimum, in conformance with the Ohio Basic Building Code.
11. The applicant shall demonstrate that Co-Location on an existing tower is not feasible, by submitting a report, prepared by a qualified Radio Frequency (R.F.) Engineer, inventorying all existing Telecommunication Towers in Liberty Township. Unless the applicant can demonstrate that Co-Location is not feasible, the Board of Zoning Appeals may deny the Conditional Use permit and require the proposed antenna be placed on the available, existing tower. The Board of Zoning Appeals shall use the following criteria to determine if Co-Location is not feasible:
  - a. Written documentation from the Owner of the existing tower(s) refusing to allow Co-Location;
  - b. The proposed antenna would exceed the structural capacity of the existing tower and the existing tower cannot be reinforced, modified, or replaced to accommodate the proposed antenna at a reasonable cost, as documented by a professional engineer.
  - c. The proposed antenna would cause interference impacting the usability of other existing equipment at the tower and the interference cannot be prevented at reasonable cost, as documented by a professional engineer.
  - d. Existing towers cannot accommodate the proposed antenna at a height necessary to function reasonably, as documented by a qualified R. F. engineer.
  - e. Co-Location would violate Federal, State, County or Township regulations.
12. The tower owner shall be required to submit an annual notice of operation on or before January 31<sup>st</sup> of each year. In the event that the tower is no longer being operated or utilized, it shall be removed within 180-days after the Use of the tower is discontinued.
13. The applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential Co-Location of other antenna to the extent to which the tower is designed.

**Article XII**  
**Appendices**

14. Any other conditions as warranted by the Board of Zoning Appeals.

**D. Exemptions**

In the event, a Telecommunication Tower is proposed within a residential District, the Telecommunication Tower may be exempt from all Telecommunication Tower regulations and may be considered to be a permitted Use, if criteria listed in 1 and 2 below have been met:

1. The telecommunication provider provides each of the following by certified mail:
  - a. Written notice to each Owner of property, as shown on the County Auditor's then current tax list, whose land is contiguous to or directly across a Street or roadway from the property on which the Telecommunication Tower is proposed to be constructed, stating all of the following in clear and concise language:
    - i. The Person's intent to construct the tower.
    - ii. A description of the property sufficient to identify the proposed location;
    - iii. That, no later than fifteen days after the date of mailing of the notice, any such property Owner may give written notice to the Board of Trustees requesting that the telecommunication regulations of the Zoning Resolution apply to the proposed location of the tower.
  - b. Written notice to the Board of Trustees of the information specified in 11.1(D)(1)(a) (i) and (ii). The notice to the Board of Trustees shall also include verification that the Person has complied with the Section 11.1(D)(1) (a) of the Liberty Township Zoning Resolution. Within 15 days of a telecommunications provider mailing the notices, a Township Trustee may object to the proposed location of the telecommunications tower.
2. If the Board of Trustees does not receive any notice from a notified property Owner nor any objection from a Township Trustee is provided within 15 days of a provider mailing the notices, then the proposed Telecommunication Tower is exempt from all telecommunication regulations within the Zoning Resolution.

3. If a notice from a notified property Owner or an objection from a Township Trustee is made, then all applicable Telecommunication Tower regulations within the Zoning Resolution shall apply. The Township Fiscal Officer, within 5 days of receiving the first objection from a property Owner or Trustee, shall notify the telecommunications provider that the telecommunication regulations within the Township Zoning Resolution apply.
4. If a provider fails to send proper notices, then the regulations within this section shall apply.

## **11.2 Adult Group Homes, Residential Facilities – Type B and Residential Care Facilities – Types A and B**

### **A. Intent**

The intent of this section is to create standards for Adult Group Homes, Residential Facilities–Type B, and Residential Care Facilities, Types A and B when such Uses are proposed in a District where permitted only as Conditional Uses. Given the size and intensity of these Uses, it is important to provide development standards for these Uses when located in certain areas of the township to ensure that these Uses are designed in a manner that integrates them into the overall character of their surrounding area.

### **B. Applicability**

These standards shall apply when such Uses are proposed in a District where they are listed as Conditional Uses.

### **C. Conditions**

The Board of Zoning Appeals shall issue a Conditional Use permit for an Adult Group Home, Residential Facility–Type B, or Residential Care Facility Types A and B if the proposed Use complies with all of the conditions listed below in addition to the general conditions listed in Section 7.3(C):

1. The proposed Use must be located on a minimum of two (2) acres.
2. The proposed facility is located no closer than twenty–five (25) feet from a Side Lot Line and no closer than fifty (50) feet from a Rear Lot Line.
3. A sixty (60)–foot Front Yard Setback, measured in accordance with Section 10.2(A), has been provided.
4. Adequate ingress/egress has been provided for the facility and the proposed facility will generate no traffic unreasonably greater in volume or different in nature than would otherwise normally occur in the District in which the Use is proposed.
5. The proposed architecture is compatible with the surrounding neighborhood.
6. The proposed signage complies with the Sign regulations for the applicable District.
7. Lighting shall comply with the Outdoor Lighting Regulations in Section 10.13.

8. Sufficient evidence has been provided indicating that all required licenses and certificates from the State of Ohio have been obtained.
9. Sufficient evidence has been provided that any necessary on-site water and septic systems have been approved by the applicable governing agency.
10. In the case of proposed residential facilities-Type B, there is no other Type B-Residential Facility within one thousand (1,000) feet of the proposed facility.
11. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the compatibility of such Uses to the surrounding neighborhood.



**11.3 Kennels and the overnight keeping of dogs and other small animals in a permitted veterinary office.**

**A. Intent**

The intent of this section is to create standards for Kennels and the overnight keeping of dogs and other small animals in a permitted veterinary office to minimize the impact of such Uses on the surrounding areas.

**B. Applicability**

These standards shall apply when such Uses are proposed in a District where they are listed as Conditional Uses.

**C. Conditions**

The Board of Zoning Appeals shall issue a Conditional Use permit for a Kennel or the overnight keeping of dogs and other small animals in a permitted veterinary office, if the proposed Use complies with all of the conditions listed below in addition to the general conditions listed in Section 7.3(C).

1. All Buildings housing the animals shall be located at least one hundred (100) feet from any residential District boundary and shall otherwise comply with the Setback standards for the applicable District.
2. Adequate ingress/egress shall be provided to the proposed site.
3. Outdoor pens shall be prohibited. All outdoor exercise runs shall be enclosed by a solid wall or fence.
4. Adequate waste disposal methods shall be established to ensure that odor is not noticeable off-site.
5. Adequate soundproofing techniques shall be provided to help reduce the impact of noise on the surrounding neighborhood. These can include Landscaping, fencing, special Building materials or other similar techniques. Noise shall comply with the Liberty Township Board of Trustees Resolution 11-C-06.
6. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the compatibility of such Uses to the surrounding neighborhood.

## **11.4 Type A Family Day-Care Homes**

### **A. Intent**

It is the intent of this section to create standards for Type A Family Day-Care Homes to ensure the Use is compatible to the surrounding neighborhood in which the Use is located.

### **B. Applicability**

These standards shall apply when a Type A Family Day-Care Home is proposed within a District where considered to be a Conditional Use.

### **C. Conditions**

The Board of Zoning Appeals shall issue a Conditional Use permit for a Type A Family Day-Care Home, if the proposed Use complies with the following conditions in addition to the general conditions listed in Section 7.3(C).

1. Parking and circulation shall be designed to reduce congestion, promote safety, and reduce the impact on the residential character of the area. The site layout shall provide for the separation of ingress and egress vehicles during high volume periods and shall provide safe drop-off point(s) for children that will not impede other traffic.
2. All outdoor play areas shall be fully enclosed by a minimum four (4) foot tall fence, shall be located to the rear of the Principal Building, and shall be screened from adjacent parcels by the use of hardy evergreen shrubs. The fence shall not exceed six (6) feet in height.
3. Lighting shall comply with the Outdoor Lighting Regulations in Section 10.13.
4. Sufficient evidence shall be provided to the Board of Zoning Appeals indicating that all applicable licenses and/or permits will be or have been obtained from the State of Ohio.

## **11.5 Automobile Oriented Businesses**

### **A. Intent**

It is the intent of this section to create standards for Automobile Oriented Businesses, as defined in Article III, to ensure proper controls are in place to protect the surrounding area from any potential impacts on access; and circulation-generally associated with such Uses. It is further the intent of this section to ensure that adequate Buffers are provided around these Automobile Oriented Uses.

### **B. Applicability**

These standards shall apply when an Automobile Oriented Business is proposed within a District where considered to be a Conditional Use.

### **C. Conditions**

The Board of Zoning Appeals shall issue a Conditional Use permit for an Automobile Oriented Business if the proposed Use complies with the following conditions in addition to the general conditions listed in Section 7.3(C).

1. The proposed Use shall have direct access to a public road that is sufficient for handling the amount of traffic generated by the proposed Use. The Board of Zoning Appeals may require a traffic study to ensure the surrounding road network can handle the traffic generated from the proposed Use.
2. The proposed ingress/egress access shall be designed to have sufficient width and turning radii to accommodate the type of Use proposed and shall be located in accordance with appropriate access management principles. The Board of Zoning Appeals may require the proposed site plan to be reviewed by the Fairfield County Engineer's office to ensure adequate access is proposed.
3. The proposed Use shall include proper on-site circulation within the site, including appropriate stacking areas.
4. Stacking spaces for gas pumps, service bays, and drive-through facilities shall be provided to prevent encroachment of vehicles into Parking Areas and/or adjacent road networks. There shall be at least one (1) stacking space for each gas pump or service bay. Each drive-through facility shall have a minimum of three (3) stacking spaces between any ordering area and pick-up window(s), in addition to at least three (3) stacking spaces behind the ordering area. Each stacking space shall be nine (9) feet wide and twenty-two (22) feet deep. The Board of Zoning

Appeals may require additional stacking areas when needed to ensure proper on-site circulation.

5. Sufficient Landscaping around the entire perimeter of the site shall be provided to reduce the noise and visual impacts typically associated with Automobile Oriented Uses. The Landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual Buffer from the adjacent parcels. At a minimum, the Buffer shall comply with the requirements of Section 10.12. Noise shall comply with the Liberty Township Board of Trustees Resolution 11–C–06.
6. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the proposal includes adequate circulation, access points and Buffering from adjacent Uses.

## **11.6 Commercial Entertainment Facilities**

### **A. Intent**

It is the intent of this section to create standards for Commercial Entertainment Facilities and other similar enterprises to ensure such Uses are compatible to the surrounding area in which the Use is located.

### **B. Applicability**

These standards shall apply when a Commercial Entertainment Facility is proposed within a District where such facilities are considered to be Conditional Uses.

### **C. Conditions**

The Board of Zoning Appeals shall issue a Conditional Use permit for a Commercial Entertainment Facility, if the proposed Use complies with the following conditions in addition to the general conditions listed in Section 7.3(C).

1. Such Use is located a minimum of one hundred (100) feet from any residential District boundary. Any outdoor activities shall be located a minimum of two hundred (200) feet from any residential District boundary. Such Uses shall otherwise comply with the Setback requirements of the applicable zoning District.
2. Music, loudspeakers, and other sound-emitting devices that are not located within a fully enclosed Building shall be prohibited within two hundred (200) feet of any residential District boundary. Noise shall comply with the Liberty Township Board of Trustees Resolution 11-C-06.

## **11.7 Airports**

### **A. Intent**

It is the intent of this section to create standards for Airports and other similar enterprises to ensure such Uses are compatible to the surrounding area in which the Use is located.

### **B. Applicability**

These standards shall apply when an Airport is proposed within a District where it is considered to be a Conditional Use.

### **C. Conditions**

The Board of Zoning Appeals shall issue a Conditional Use permit for an airport if the proposed Use complies with the following conditions in addition to the general conditions listed in Section 7.3(C).

1. All Structures and runways shall be located at least two hundred (200) feet from any residential District boundary and shall otherwise comply with the Setback requirements of the applicable zoning District.
2. All Signs must comply with the Sign regulations for the applicable-District.
3. Lighting shall not constitute a nuisance and shall in no way impair safe movement of traffic on any Street or highway; no lighting shall shine directly on adjacent properties.
4. Such Uses should be located along a major thoroughfare, adjacent to nonresidential Uses such as commerce, industry, or recreation.

## **11.8 Sexually Oriented Businesses**

### **A. Intent**

It is the purpose of this section to regulate Sexually Oriented Businesses to promote the health, safety, morals, and general welfare of the citizens of the township, and to establish reasonable and uniform regulations to prevent the concentration of Sexually Oriented Business within the township. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

There is convincing documented evidence that Sexually Oriented Businesses, because of their very nature, have a deleterious effect on both the existing business around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values.

It is recognized that Sexually Oriented Businesses, due to their nature, have serious objectionable operational characteristics particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in adjacent areas.

The Board of Trustees desire to minimize and control these adverse effects and thereby preserve the property values and character of surrounding neighborhoods, deter the spread of urban blight, protect the citizens from increased crime, preserve the quality of life and protect the health, safety and welfare of the citizenry.

### **B. Applicability**

These standards shall apply when a Sexually Oriented Business is proposed within a District where it is considered to be a Conditional Use.

### **C. Conditions**

The Board of Zoning Appeals shall issue a Conditional Use permit only if it finds in each particular instance that:

1. The proposed Sexually Oriented Business is located more than one thousand (1,000) feet from:
  - a. A church.

- b. A public or private elementary or secondary school.
  - c. The boundary of a residential District as established by the Board of Trustees.
  - d. A public park adjacent to a residential District as established by the Board of Trustees.
  - e. The Lot Line devoted to a residential Use.
  - f. From an already existing Sexually Oriented Business or one that has received a Conditional Use permit.
  - g. From any Structure that contains a residence.
2. The proposed Use meets all other requirements of this Zoning Resolution.



**11.9 Manufacturing, compounding, processing, cleaning, servicing, testing, or repairs of materials, goods or products; laboratories; printing, publishing and allied professions**

**A. Intent**

It is the intent of this section to create standards for the Manufacturing, compounding, processing, cleaning, servicing, testing, or repairs of material, goods or products; laboratories; printing, publishing, and allied professions to ensure such Uses do not negatively impact the surrounding areas.

**B. Applicability**

These standards shall apply to the Manufacturing, compounding, processing, cleaning, servicing, testing, or repair of materials, goods, or products; laboratories; printing, publishing and allied professions that are proposed in the I-1 District.

**C. Conditions**

The Board of Zoning Appeals shall issue a Conditional Use permit for the Manufacturing, compounding, processing, cleaning, servicing, testing, or repair of materials, goods, or products; laboratories; printing, publishing, or allied professions, if the proposed Use complies with the following conditions in addition to the general conditions listed in Section 7.3(C).

1. Such Uses shall be conducted a minimum of five hundred (500) feet from any residential District boundary and shall otherwise comply with the Setback requirements of the applicable District. Such operations shall not be materially injurious or offensive to the occupants of adjacent premises or community by reason of the emission or creation of noise, vibration, electrical or other types of interference, materials, odors, fire, explosive hazards, Glare or heat.
2. Sufficient Landscaping around the perimeter of the site shall be provided to reduce any potential noise, visual, and environmental impacts associated with the proposed Use. The Landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual Buffer from the adjacent parcels. At a minimum, the standards in Section 10.12 shall apply. Noise shall comply with the Liberty Township Board of Trustees Resolution 11-C-06.
3. The proposed site shall have adequate ingress/egress for the type of vehicles utilized for transporting such materials, goods, or products, and proper on-site circulation shall be provided within the development, including appropriate loading/unloading areas.

## **11.10 Storage Yards**

### **A. Intent**

It is the intent of this section to create standards for Storage Yards to ensure they are properly screened from adjacent rights-of-way and residential Districts.

### **B. Applicability**

These standards shall apply to Storage Yards when proposed within an I-1 District where Storage Yards are listed as a Conditional Use.

### **C. Conditions**

The Board of Zoning Appeals shall issue a Conditional Use permit for a Storage Yard if the proposed Use complies with the following conditions in addition to the general conditions listed in Section 7.3(C).

1. Such Uses shall be located at least 100 feet from the boundary of any residential District and shall otherwise comply with the Setback requirements of the applicable District.
2. Sufficient Landscaping shall be provided along any adjacent public rights-of-way and along the boundary of any adjacent residential District to reduce the visual impacts of such Uses. The Landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual Buffer from the adjacent parcels. At a minimum, the standards in Section 10.12 shall apply.
3. Any other conditions as warranted by the Board of Zoning Appeals.

## **11.11 Junk Yards, Scrap Metal Processing Facilities, Solid Waste Facilities, and Construction/Demolition Facilities**

### **A. Intent**

It is the intent of this section to create standards for Junk Yards, Scrap Metal Processing Facilities, Solid Waste Facilities and Construction/Demolition Facilities to ensure they do not negatively impact the surrounding areas.

### **B. Applicability**

These standards shall apply to Junk Yards, Scrap Metal Processing Facilities, Solid Waste Facilities and Construction/Demolition Facilities when proposed within an I-1 District where such are listed as Conditional Uses.

### **C. Conditions**

The Board of Zoning Appeals shall issue a Conditional Use permit for a Junk Yards, Scrap Metal Processing Facilities, Solid Waste Facilities and Construction/Demolition Facilities, if the proposed Use complies with the following conditions in addition to the general conditions listed in Section 7.3(C).

1. Such Uses shall be located on a minimum of 20 acres. Such Uses shall be Setback a minimum of 500 feet from the boundary of any residential District and shall otherwise comply with the Setback requirements of the applicable District.
2. The area of Use shall be completely enclosed by a solid fence (minimum of 6 feet in height). Sufficient Landscaping shall be provided between the fence and the property line. The Landscaping shall include hardy evergreen shrubbery and shall be placed in a manner that creates a visual Buffer from the adjacent parcels.
3. Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on Public Streets and prevent hazards and damage to other properties in the community.
4. All equipment used in the operation shall be placed and operated in a manner to minimize noise, vibration, dust, odor, and other potential nuisances. Noise shall comply with the Liberty Township Board of Trustees Resolution 11-C-06. All access ways or roads within the premises shall be maintained in a dust free condition through surfacing or such other treatment as may be necessary.

5. Sufficient evidence shall be provided to the Board of Zoning Appeals indicating that all applicable licenses and/or permits have been obtained or will be obtained from the State of Ohio.
6. The site shall be located so as to minimize the potential effect of winds carrying objectionable odors to adjacent residential areas.
7. The Owner or operator shall employ every reasonable means of reducing the encroachment of dust upon surrounding properties.
8. For any landfill operating as a Solid Waste Facility or Construction/Demolition Facility, a plan shall be prepared for the reclamation of the area where such landfill operation took place. Such plan shall include a statement of intended future Uses of the area and shall show the approximate sequence in which the landfill and reclamation measures are to occur, the approximate timing of the reclamation of the various parts of the area and the measures to be undertaken to prepare the site adequately for its intended future Use or Uses. The purpose of this plan is to avoid the creation of unusable land after the landfill operation is completed; to permit instead a continued Use of the land; to avoid health and safety hazards; and to prevent the depreciation of other property and property values.

## **11.12 Mineral Extractions**

### **A. Intent**

The intent of this section is to create standards for Mineral Extractions when such uses are listed as Conditional Uses. The Board of Zoning Appeals may permit a Mineral Extraction in any District where it is listed as a Conditional Use, upon submission of satisfactory proof that such operations will not be detrimental to the neighborhood or surrounding properties provided the following conditions and the general conditions of Section 7.3(C) are guaranteed by the applicant.

### **B. Notification to County Engineer**

Per ORC 519.141(B)(1), prior to submitting a Conditional Use application for a proposed Surface Mining application, the applicant shall send written notice to the county engineer of the applicant's intent to apply for a Conditional Use Zoning Permit.

### **C. Submission of Additional Information**

Two (2) copies of the following information shall be submitted with the application required in Section 7.3(B).

1. Name of the Owner or Owners of the land from which removal is to be made.
2. Name of the applicant making request for such permit.
3. Name of the Person or corporation to be conducting the actual operations.
4. Location, description, and size of area from which the removal is to be made.
5. Location of the processing plant to be used and any accessory or kindred operations that may be utilized in connection with the operation of the processing plant by the processor or any other firm, Person, or corporation. The processing plant shall be located as to minimize the problems of dust, dirt, and noise, in so far as reasonably possible.
6. Type of resources or materials to be removed.
7. Proposed method of removal and whether or not blasting or other use of explosives will be required.
8. General description of the equipment to be used.

9. Method of rehabilitation and reclamation of the area to be excavated, including a grading plan showing existing contours in the area to be excavated and the proposed future contours showing topography of the area after completion. Such plans shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with the contour lines at intervals of five (5) feet or less.
10. The identification of specific roads to be used as the primary means of ingress to and egress from the proposed activity. For proposed Surface Mining activities, the roads utilized for such purposes shall be identified in accordance with ORC 519.141(B).

#### **D. Development Standards**

1. All equipment used in these operations shall be constructed, maintained and operated in such a manner as to eliminate so far as practicable noise, vibration, or dust, which would injure or annoy Persons living in the vicinity. Noise shall comply with the Liberty Township Board of Trustees Resolution 11-C-06. Access ways or roads within the premises shall be maintained in a dust free condition through surfacing or such other treatment as may be specified by the Board of Zoning Appeals.
2. No Mineral Extraction shall be carried on, nor any stock pile or equipment shall be placed closer than fifty (50) feet to any property line, or such greater distance as specified by the Board of Zoning Appeals, where such is deemed necessary for the protection of adjacent property, especially when such Use is located adjacent to a residential District. However, the above specified 50-foot Setback may be reduced by the written consent of the Owner or Owners of abutting property, but in any such event, adequate lateral support shall be provided for said abutting property.
3. In the event that the site of the Mineral Extraction is adjacent to the right-of-way of any Public Street or road, no part of such operation shall take place closer than fifty (50) feet to the nearest line of such right-of-way, except as may otherwise be provided for by the Ohio Revised Code.
4. Any excavated area adjacent to a right-of-way of any Public Street or road shall be back filled for a distance of one hundred fifty (150) feet from the right-of-way.
5. Fencing or other suitable barrier shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Board of Zoning Appeals such fencing or barrier is necessary for the protection of the public safety and shall be of a type specified by the Board of Zoning Appeals.

6. Mineral Extractions shall not be carried out closer than fifty (50) feet to any adjoining property line unless the written consent of such adjoining property(s) has first been obtained.

**E. Rehabilitation Requirements**

All depleted areas shall, within a reasonable length of time as determined by the Board of Zoning Appeals, be reclaimed and rehabilitated. A rehabilitation plan, that complies with the requirements of the following subsections, shall be submitted:

1. All Mineral Extractions shall be made either to a water producing depth plus five (5) feet below the water mark, or shall be graded and back-filled with non-toxic, non-combustible, and non-flammable solids to assure:
  - a. That the excavated area shall not collect and permit to remain therein, stagnant water; or
  - b. That the graded or back-filled surface will create a gently rolling topography to minimize Erosion by wind and rain and substantially conform with the contours of the surrounding area.
2. The banks of all sand and gravel excavations in a water producing excavation, and to the pit bottom in a dry operation, shall be sloped to the water line on the pit bottom, at a slope which will not be less than three (3) feet horizontal to one (1) foot vertical and said banks shall be restored with vegetation in a manner set forth in subsection (E)(3) below.
3. Vegetation shall be restored by the spreading of sufficient soil and by appropriate seeding of grasses or planting of shrubs and trees in all parts of said mining area where the same is not submerged under water.
4. Proper drainage shall be provided for the excavated area.
5. All equipment and Structures shall be removed from the depleted area within six (6) months of the completion of operations therefrom.
6. The Board of Zoning Appeals may impose such other reasonable conditions and restrictions as it may deem necessary for the protection of the public.
7. Due to the inherent difficulties in reclaiming and rehabilitation areas where stone has been quarried, the Board of Zoning Appeals is hereby empowered, in the issuance of a Conditional Use Permit for the quarrying operations, to impose such

reasonable standards for reclamation as may be necessary to protect the public interest without restricting the operations of the Owner.



### **11.13 Small Wind Farms**

#### **A. Intent**

The intent of this section is to regulate the placement and construction of Small Wind Farms (as defined in Article III) in order to protect public health and safety of township residents without interfering with the expansion of clean, sustainable, and renewable energy sources.

#### **B. Applicability**

The following regulations shall apply, through the Conditional Use process, to Small Wind Farms when proposed to be located within a District where such Use is listed as a Conditional Use, unless otherwise exempted by state or federal law.

#### **C. Conditions**

The Board of Zoning Appeals shall issue a Conditional Use permit when a proposed Small Wind Farm complies with all of the conditions listed below.

1. In no case shall any tower within a Small Wind Farm be located closer than 1.1 times the tower height to any residential Structure, public road/right-of-way, third party transmission lines, or adjacent property lines. New residential Structures shall not be permitted within this Setback area.
2. Small Wind Farms shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufactures have obtained from Underwriters Laboratories (UL), Det Norske Vertas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.

Once a Conditional Use permit is granted per the requirements of this Section, a Licensed Ohio Professional Engineer shall certify, as part of the Zoning Permit application, that the foundation and tower design of the Small Wind Farm, including substation, transformer, underground cabling or parts thereof and the access road, is within the accepted professional standards, given local soil and climate conditions.

3. All Small Wind Farm shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems and mechanical brakes). Mechanical brakes shall be operated in a fail-safe mode. Stall regulations shall not be considered a sufficient braking system for over speed protection. The applicant shall provide sufficient

information to ensure the Board of Zoning Appeals that this requirement will be met.

4. All electrical components of the Small Wind Farm shall conform to applicable local, state, and national codes, and relevant national and international standards (ANSI).
5. Towers and blades shall be a non-contrasting gray or similar color or a galvanized steel finish, unless these color requirements conflict with any FAA regulation. In such cases, the tower shall comply with those color requirements.
6. All towers within a Small Wind Farm be un-climbable by design or protected by anti-climbing devices.
7. No signage shall be permitted within any portion of a Small Wind Farm except for a Sign, not to exceed six (6) square feet, containing emergency contact information and no trespassing language.
8. One point of access from a public road to the Small Wind Farm shall be provided. The Board of Zoning Appeals may require review by the Township fire department to ensure the proposed drive is suitable for emergency access. The use of existing access points is preferred.
9. The applicant shall be responsible for obtaining all required approvals/permits for transporting on a public road the towers, blades, substation parts, and or equipment for construction, operation, or maintenance of the Small Wind Farm.
10. The applicant shall demonstrate that the noise levels associated with the Small Wind Farm will not be disruptive to any adjacent residential areas. Noise shall comply with the Liberty Township Board of Trustees Resolution 11-C-06.
11. No lighting shall be permitted, except as required by Federal regulations.
12. The applicant shall provide the applicable microwave transmission providers and local emergency service providers/911 operators copies of the project summary and site plan as set for in this Section. To the extent that the above providers demonstrate a likelihood of interference with its communications resulting from the Small Wind Farm, the applicant shall take reasonable measures to mitigate such anticipated interference. If, after construction of the Small Wind Farm, the Owner or operator receives a written complaint related to the above-mentioned interference, the Owner shall take reasonable steps to respond to the complaint or shall be in violation of said Conditional Use permit, which shall be punishable per Section 4.8 (D).

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13. The Owner or operator of the Small Wind Farm shall be required to submit an annual notice of operation on or before January 31<sup>st</sup> of each year. In the event that the Small Wind Farm is no longer being operated or utilized (unless due to documented maintenance or electrical grid issues and written notice has been provided to the township), the Small Wind Farm shall be removed within 180–days after the Use has been discontinued. In addition to removing all towers within the system, the Owner/operator shall restore the site to its original condition prior to the location of such system on said property. Any foundation associated with a Small Wind Farm shall be removed from the site to a depth which is at least forty–eight (48) inches below restored ground level and the site restored to its original state including the planting of any grasses or cover crops. All transmission equipment, Buildings and fences shall also be removed.

#### **D. Submittal Requirements**

The following information must be submitted with the Conditional Use application (in addition to the items required in Section 7.3(B)).

1. A Small Wind Farm project summary including to the extent available the following items:
  - a. a general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s) type(s) of the Small Wind Farm, the number of towers within the proposed Small Wind Farm, and the name plat generating capacity of each tower, and the maximum height proposed for each tower.
  - b. A description of the applicant, Owner and operator, including their respective business Structures.
2. The name(s), address(es), and phone number(s) of the applicant(s), Owner and operator, and all property Owner(s), if known.
3. The site plan required in Section 7.3(B)(5) shall also include: guy lines and anchor bases (if any), primary Structure(s), property lines (including identification of adjoining properties), set back lines, public access roads and turnout locations, substation(s), ancillary equipment, third party transmission lines, and layout of all Structures within the geographical boundaries of any Setback.
4. All required studies, reports, certifications, and approval demonstrating compliance with the provisions of this Zoning Resolution.

## **11.14 Accessory Structures**

### **A. Intent**

It is the intent of this section to create standards for all Accessory Structures that exceed the maximum square footage described below. On lots less than 5.01 acres, one Accessory Structure shall be permitted provided said Accessory Structure does not exceed two thousand four hundred (2,400) square feet. On lots 5.01 acres or larger, two Accessory Structures shall be permitted provided the cumulative area of the floor space for both structures does not exceed three thousand two hundred (3,200) square feet. The purpose of these additional regulations is to provide additional review to ensure that the proposed Structures are properly scaled with the existing built environment, an adequate Setback is proposed from existing Structures, and to ensure the architecture of larger Structures blends into the surrounding neighborhood.

### **B. Applicability**

These standards shall apply to all Accessory Structures as defined in 11.14(A).

### **C. Conditions**

The Board of Zoning Appeals shall issue a Conditional Use permit for such Accessory Structures, if the proposed Structures comply with the following conditions in addition to the general conditions listed in Section 7.3(C).

1. At a minimum, the proposed Accessory Structures shall comply with the requirements of Section 10.3(A), (B), and (E)–(I). However, the Board of Zoning Appeals may require additional Setback requirements depending upon the size of the Structure being proposed in relationship to the location of the Principal Building and other existing Accessory Structures on the Lot. The Board of Zoning Appeals may also take into consideration the relationship between the proposed Accessory Structure and any existing Structures on adjacent Lots.
2. For any Accessory Structure as defined in 11.14(A), the Board of Zoning Appeals may also place architectural requirements on the proposed Accessory Structure to ensure that it blends with the Principal Building and the surrounding neighborhood. Such requirements may include, but may not be limited to, the same architectural elements as the Principal Building, including the same or similar Building materials and roof pitch.

## **11.15 Large Retail Businesses and Planned Integrated Commercial Developments**

### **A. Intent**

It is the intent of this Section to create standards for Large Retail Businesses and Planned Integrated Commercial Developments to ensure such Uses are compatible to the surrounding area; to provide for review of access, circulation and general traffic patterns for the proposed Use(s) to reduce any potential impacts on the adjacent road network; and to provide increased Setbacks due to the size and intensity of the proposed Use.

### **B. Applicability**

These standards shall apply when a Large Retail Business or Planned Integrated Commercial Development is proposed within a district where it is considered to be a Conditional Use.

### **C. Conditions**

The Board of Zoning Appeals shall issue a Conditional Use permit for a Large Retail Business or Planned Integrated Commercial Development, if the proposed Use complies with the following conditions in addition to the general conditions listed in Section 7.3(C).

1. A minimum of two (2) acres shall be provided.
2. All Buildings shall be Setback a minimum of one hundred (100) feet from the Street right-of-way line.
3. In no case shall a Building be located closer than fifty (50) feet from a side or Rear Lot Line and no closer than seventy-five (75) feet from any side or Rear Lot Line that abut a residential Zoning District.
4. The proposed ingress/egress access shall be designed to have sufficient width and turning radii to accommodate the type of Use proposed and shall be located in accordance with appropriate access management principles. The Board of Zoning Appeals may require the proposed site plan to be reviewed by the Fairfield County Engineer's office to ensure adequate access is proposed.
5. The proposed development shall be serviced by adequate water and sewer services.

6. The applicant shall demonstrate that adequate storm drainage improvements will be provided. The Board of Zoning Appeals may require the proposed storm drainage plans be reviewed by the Fairfield County Engineer's office to ensure adequate drainage has been provided.
7. Sufficient landscaping shall be provided. At a minimum, the standards in Section 10.12 shall apply.
8. Within a Planned Integrated Commercial Development, only those type of Uses permitted in the B-2 district shall be permitted.
9. Any other conditions that the Board of Zoning Appeals considers to be appropriate to ensure the compatibility of such Uses to the surrounding development.