

LIBERTY TOWNSHIP ZONING RESOLUTION

AS AMENDED EFFECTIVE
DECEMBER 8, 2004

*Sign Regulations - as amended effective 6-17-10



LIBERTY TOWNSHIP ZONING
7761 Liberty Road
Powell, Ohio 43065

Phone 740 – 881 – 4381
Fax 740 – 881 – 5431
www.libertytwp.org

ZONING RESOLUTION OF

LIBERTY TOWNSHIP

7761 Liberty Road

Powell, Ohio 43065

(740) 881-4381

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LIBERTY TOWNSHIP TRUSTEES

Robert E. Cape
Kim Cellar
John Werner

TOWNSHIP CLERK

Marcia A. Rush

ZONING COMMISSION

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ZONING SECRETARY

Barbara A. Threlfall

ASSISTANT ZONING SECRETARY

Patricia L. Morton

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ARTICLE I - TITLE

SECTION 1.01 - This Resolution shall be known and may be cited and referred to as Liberty Township Zoning Resolution, Delaware County, Ohio.

ARTICLE II - PURPOSE

SECTION 2.01 - This Resolution is enacted for the purpose of promoting the public health, safety and morals which is directly and significantly affected by the use of land. It is the intention of this Resolution to protect the Township's natural resources, scenic areas and natural beauty; to protect the property rights of all individuals by assuring the compatibility of uses and practices within established districts; to provide for adequate public services and the orderly development of land all in accordance with the Comprehensive Plan and the Amendments thereto that may be adopted in accordance with Ohio Revised Code Chapter 519.

ARTICLE III- INTERPRETATIONS OF STANDARDS

SECTION 3.01 - In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements. Where this Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations, resolutions or restrictions, the provisions of this Resolution shall control; however, where the provisions of this Resolution are less restrictive, the more restrictive provision of other laws, rules, regulations or restrictions shall control. Where a particular use is not specifically provided for in this Resolution, nor reasonably construed to be included within a use otherwise specifically provided for, the particular use shall not be permitted. Zoning Boards and the Board of Township Trustees will, when appropriate, refer to all plans, master plans, studies and treatises affecting the Township area and may require inclusion of recommendations in plans or proposals as submitted or approved. Specific reference is made to plans or studies dealing with thoroughfare matters and with the designation of the Olentangy River as a Scenic River.

ARTICLE IV - DEFINITIONS

SECTION 4.01 - All words used in this Zoning Resolution shall, unless otherwise defined herein, be given the meaning or significance as that which is normally attributed to such word or as the same is defined in Webster's Dictionary. The words shall be liberally construed to achieve the salutary effect or objectives of this Resolution:

- A. Accessory Use: Any activities which are incidental, subordinate and customarily carried on in addition to the primary use of the premises. In residential districts this shall include activities which are in the nature of a hobby or recreation and not carried on with the intent to make a profit for the land occupant. Accessory use shall include the keeping of dogs (family, hunting), cats or other

domesticated pets, but shall not allow the keeping of exotic or dangerous animals such as, but not limited to, lions, tigers, leopards, panthers, cougars, bobcats, bears, wolves, foxes, apes, gorillas, poisonous or constrictor snakes, crocodiles, alligators.

- B. Adult - An individual eighteen years of age or older.
- C. Adult Book Store - Adult book store means an establishment deriving a majority of its gross income from the sale or rental of, or having a majority of its stock in trade in, books, magazines or other periodicals, films, or mechanical or non-mechanical devices, which constitute adult materials.
- D. Adult Material - Adult material means any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch, and:
1. which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or
 2. which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.
- E. Adult Motion Picture Theater - Adult Motion Picture Theater means an enclosed motion picture theater or motion picture drive-in theater used for presenting, and deriving a majority of its gross income from adult material for observation by patrons therein.
- F. Adults Only Entertainment Establishment - Adults only entertainment establishment means an establishment which features services which constitute adult material, or which features exhibitions of persons totally nude, or topless, bottomless, strippers, male or female impersonators, or similar entertainment which constitute adult material.
- G. Agriculture: Agriculture includes farming; ranching; aquaculture, apiculture, horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing livestock; 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, storage and marketing of agricultural products when those activities are conducted in conjunction with, but secondary to, such husbandry or production.

- H. Bottomless - Bottomless means less than full opaque covering of male or female genitals, pubic area or buttocks.
- I. Dwelling, Single-family: A building designed and/or used exclusively for residential purposes for one (1) family only and containing not more than one (1) dwelling unit.
- J. Equipment: Any machinery, tool or apparatus, whether or not motorized, that has no customary residential or agricultural use on the land on which it is located.
- K. Family: (a) An individual, or two (2) or more persons related by blood, marriage or adoption, living together as a single housekeeping unit; or, (b) a group of not more than six (6) persons, who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit.
- L. Floor Area: The square foot area of a building within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, exterior stairways, secondary stairways and basements.
- M. Group Home: A facility wherein (a) the operator is not legally related to the individuals supervised and is licensed by the State... and wherein (b) one (1) or more individuals is provided with room, board, specialized and distinctive care and supervision in a family environment, or where five (5) or more individuals reside and are provided with room, board, ordinary care and supervision in a family environment. The term "group home" shall include, without limitation by reason of enumeration, receiving homes and work or wage homes.
- N. Height Measurement: The vertical distance shall be measured from the elevation of the threshold plate at the front door of the building to the highest point of the roof.
- O. Improvement: Any building, structure, place, work of art, or other object constituting a physical betterment or real property, or any part of such betterment.
- P. Improvements: Street grading and surfacing with or without curbs and gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, streets and trees.
- Q. Industrial Unit: Factory-built housing certified as meeting the State Building Code as applicable to industrial units. Once certified by the State, industrial units shall be subject to the same standards as site-built homes. Industrial units are also known as modular homes.

- R. Junkyards: Any premises, whether inside or outside any building or structure, where junk is bought, sold, exchanged, baled, packed, disassembled, stored or handled, including, but not limited to, scrap metals and wood, used bottles and cans, wrecked or disassembled motor vehicles or parts thereof, old and used machinery and used construction materials.
- S. Kennels and Catteries Commercial: Any lot or premises on which three (3) or more dogs, cats or other household pets are either permanently or temporarily commercially boarded. A commercial kennel or cattery shall not be considered an agricultural use.
- T. Manufactured Home: Any non self-propelled vehicle transportable in one (1) or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, and which bears a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards.
- U. Mobile Home: A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.
- V. Natural Green Space: Any lot or parcel(s) of land set aside by its legal owner by deed, plat, deed restriction or other legal means using a permanent public record wherein said lot or parcel(s) is permanently and perpetually set aside, not for the purposes of recreation, but for the purposes of protecting and preserving the natural, scenic, open or wooded condition of land, water or wetlands against modification or encroachment.
- W. Net Developable area: determined by deducting from the gross acreage:
1. 15% of the gross acreage for streets and utilities;
 2. Jurisdictional wetlands, as defined US Army Corps of Engineers' Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Miss. Jurisdictional wetlands as regulated by Section 404 of the Clean Water Act consist of a) hydric soils, b) hydrophytic vegetation and c) wetland hydrology (this generally means they support more than 50% wetland vegetation, and are poorly drained soils which are periodically inundated or saturated);
 3. Floodplains within a FEMA 100-year floodplain;

4. Slopes greater than 20%, including ravines shown to be critical resource areas on the Delaware County Regional Planning Commission Comprehensive Land Use Plan;
 5. Utility rights-of-way and easements for above-ground and currently existing utility structures such as above ground pipelines and existing overhead electric transmission (not local service) wires;
 6. Existing bodies of water.
- X. North American Industrial Classification System (NAICS) - A system of classification of economic activities jointly developed by the governments of the USA, Mexico and Canada. The system places establishments into industrial groupings based upon the activities in which they are primarily engaged. The structure is hierarchical. The first two digits designate the entire sector, and the subsequent digits define more specifically the type of industry or establishment, with definitions given for each number. Code numbers used in this text are from the 2002 NAICS version.
- Y. Nude (Nudity) - Nude (nudity) means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.
- Z. Open space: land that shall not be built upon and may be classified as either "common open space" or "natural green space (as herein defined), or a combination of both. It does not include the areas of individual fee simple lots conveyed to homeowners. Open space land may be owned by an individual, a home owner's association, or may be owned by a third party if protected by an open space easement which permanently and irrevocably transfers the development rights from the open space land to the owner's association.
- 1) Common open space - land set-aside for passive or active recreational purposes. These areas may contain accessory buildings and improvements necessary and appropriate for recreational uses. If deemed appropriate by the Zoning Commission, common area may incorporate land for on site wastewater disposal.
 - 2) Natural Green Space - Any lot or parcels of land set aside by its legal owner by deed, plat, deed restriction or other legal means using a permanent public record wherein said lot or parcel(s) is permanently and perpetually set aside, not for the purposes of recreation, but for the purposes of protecting and preserving the natural, scenic, open or wooded condition of land, water or wetlands against modification or encroachment.
- Lands set aside as natural green space might be, but are not limited to ravines, wetlands, floodplains, woods, scenic views, or appropriate agriculture.

AA. Permanent Green Space: Any lot or parcel(s) of land set aside by its owner by deed, plat, deed restriction or other legal means using a permanent public record wherein said lot or parcel(s) is permanently and perpetually set aside for recreational, conservation or park purposes and where the construction of any building other than for a recreation, conservation or park purpose is prohibited.

BB. Permitted density: the number of dwelling units in the development. Such number shall be determined by either:

- ❖ Multiplying the net developable area by the “net” density specified in the district; or
- ❖ Dividing the net developable area by the minimum lot size in the district.

Land dedicated to public use (such as a school, fire station, police station, public recreational facility, township hall) may be credited towards net developable area per approved plan.

CC. Sexual Activity - Sexual activity means sexual conduct or sexual contact or both.

DD. Sexual Conduct - Sexual conduct means vaginal intercourse between a male and a female, and anal intercourse, fellatio, and cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

EE. Sexual Contact - Sexual contact means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person

FF. Sexual Excitement - Sexual excitement means the condition of human male or female genitals, when in a state of sexual stimulation or arousal.

GG. Stockade Fence: Any structure which has less than fifty percent (50%) free and open space regardless of its composition, including a wall, that is erected in such a manner or position so as to enclose, partially enclose or divide any property or part thereof from an adjoining premises. Those structures which have less than fifty percent (50%) free and open space. Gates and openings shall not be counted as free and open space when determining whether or not a fence is considered solid.

HH. Structure: Anything which is constructed or erected and the use of which requires more or less permanent location on ground or attachment to something having permanent location on ground, not, however, including wheels; an edifice or building of any kind; any production or piece of work, artificially built up or composed of parts and joined together in some definite manner.

II. Telecommunications Tower: Any free-standing structure, or any structure to be attached to a building or other structure, that meets all of the following criteria:

- 1) The free-standing or attached structure is proposed to be constructed on or after the effective date of the Ohio Revised Code amendment to Section 519.211 (i.e. 10/31/96).
- 2) The free-standing or attached structure is proposed to be owned or principally used by a public utility (or a functionally equivalent provider) engaged in the provision of telecommunications services.
- 3) The free-standing or attached structure is proposed to be located in an unincorporated area of the Township, in an area zoned for residential use. Areas zoned for residential use shall include all land located within the following Zoning Districts: Farm Residence District (FR-1); Neighborhood Apartment District (R-3); Planned Residence District (PR); and Planned Elderly or Retirement Residential Community (PERRC),
- 4) The free-standing structure is proposed to top at a height that is greater than 48 feet. In the case of an attached structure, such structure is proposed to top at a height that is eight (8) feet greater than the height of the building or other structure to which it is to be attached.
- 5) The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

JJ. Topless - Topless means the showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

ARTICLE V - DISTRICTS AND BOUNDARIES

SECTION 5.01 – ZONING DISTRICTS: For the purposes of this Resolution, the following districts are hereby created in order that the unincorporated area of Liberty Township, Delaware County, Ohio, may be divided into one (1) or more such districts:

FR-1	-	Farm Residence District
R-3	-	Neighborhood Apartment District
PR	-	Planned Residence District
PERRC	-	Planned Elderly or Retirement Residential Community
C-2	-	Neighborhood Retail District
PC	-	Planned Commercial District
I	-	Industrial District
PI	-	Planned Industrial District

The regulations shall be uniform for each class or kind of building or other structure or use throughout each standard district or zone, but the regulations in one (1) district or zone shall differ from those in other districts or zones, as hereinafter set forth.

SECTION 5.02 – DISTRICT BOUNDARIES: The location of each of the zoning districts provided for in this Resolution are shown upon the Official Zoning Map which is incorporated by reference and made part of this Resolution. Said Official Zoning District Map is identified by a Certificate signed by the Township Trustees and Zoning Inspector in the following form:

This is the Official Zoning District Map of Liberty Township, Delaware County, Ohio, duly adopted by the Trustees of Liberty Township in Resolution _____ on _____, _____.

SECTION 5.03 – NEW TERRITORY: All territory which may hereafter become a part of Liberty Township, Delaware County, Ohio, by any method, and all territory in an “FR-1” zone on December 10, 1986, shall automatically be classed as lying in and being in an “FR-1” zone until such classification shall have been changed by an Amendment to this Zoning Resolution as provided by law.

SECTION 5.04 – RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES: Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

- C. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on said Zoning Map.
- D. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.
- E. Where the boundary of a district follows a stream, or other body of water, the center line of the body of water shall be deemed to be the boundary of the zoning district unless otherwise indicated.
- F. Where the boundary of a district follows a metes and bounds description approved as a part of rezoning of any territory, said metes and bounds description shall control over all of the foregoing.

SECTION 5.05 – ZONING MAP: The Official Zoning Map shall be maintained by the Zoning Inspector at the Township Office, 7761 Liberty Road, Powell, Ohio, and the same shall be accessible to the public at all reasonable times.

SECTION 5.06 - NATURE AND CLASSIFICATION OF ZONING DISTRICTS: Each of the Zoning Districts include land so zoned or classified in Liberty Township and differs from others by reason of the uses that are permitted or by reasons of the standards of development that are applicable in the Zoning Districts. The purpose of each Zoning District can be found in the applicable article for each District. The nature and classification of the Zoning Districts are generally three (3): Residential, Commercial and Industrial. The Residential Zoning Districts consist of the Farm Residence District, Neighborhood Apartment District, Planned Residence District, and Planned Elderly or Retirement Residential Community. The Residential Zoning Districts are intended to define and protect residential areas from the intrusion of uses not performing a function appropriate to the principal use of the land for residential dwellings and related facilities desirable for a residential environment. The nature of all land included within these Residential Zoning Districts is for residential use. The Commercial Zoning Districts consist of the Neighborhood Retail District and the Planned Commercial District. The Commercial Zoning Districts are intended to promote a convenient and efficient distribution of a broad range of commercial and retail goods and services in order to meet consumer demands; satisfy commercial land use space requirements; achieve a stable and compatible land use pattern; and encourage a visually satisfying environment. The proper development of commercial areas is not only a right under this Zoning Resolution, but a responsibility to the entire Township. Because these commercial areas are subject to public use which is a matter of important concern to the whole community, they should provide an appropriate appearance, ample parking, controlled traffic movement, and suitable relationship to adjacent areas. The Industrial

Zoning Districts consist of the Industrial District and the Planned Industrial District. The Industrial Zoning Districts are intended to define and protect areas suitable to the development of a variety of industrial activities, and to set forth standards for the mutual protection of industrial development and areas for other land use activity in the vicinity. Industry should be protected from the intrusion of other land uses which neither perform a function appropriate to an industrial environment nor provide an essential service to the establishments or the employees of the industrial area. The Industrial Zoning Districts are intended to encourage the appropriate development and maintenance of industrial areas. Important in determining the type, location and size of these industrial areas is the accessibility of the location to regional transportation facilities, the availability of public utilities, suitability to adjacent uses, and the adequacy of fire and police protection.

ARTICLE VI - APPLICATION OF RESOLUTION

SECTION 6.01 – CONFORMANCE REQUIRED: Except as otherwise provided herein, no building (temporary or permanent) or part thereof shall be moved, erected, converted, enlarged, reconstructed or structurally altered, nor shall any land be developed nor building or land be used or occupied, other than in strict conformance with all the use and development regulations established by this Resolution for the district in which the structure or land is located. All buildings shall conform to State of Ohio and Delaware County building codes in effect on the date that construction of the structure or any alteration thereto is commenced. No structure or improvement shall be placed above ground level within the right-of-way of adjoining roadway, EXCEPT a mailbox placed in accordance with Postal Department Regulations. The type, mass, size or design of the mailbox support shall not be of a type which creates unreasonable-risk to persons using the public roadway. Decisions of the Zoning Inspector regarding mailbox supports which are deemed unsafe shall be subject to the appeal procedures in Article XXVIII herein.

SECTION 6.02 – AGRICULTURE: Nothing contained in this Resolution shall 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, and no Zoning Certificate shall be required for any such use, building or structure, EXCEPT:

- A. In any platted subdivision approved under Section 711.05, 711.09 or 711.10 of the Ohio Revised Code or in any area consisting of fifteen (15) or more lots approved under Ohio Revised Code 711.31 that are contiguous to one another, or some of which are contiguous to one another and adjacent to one (1) 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, agriculture shall be regulated as follows:
 - 1) For purposes of this Resolution, no agricultural use shall be permitted on any lot of land of one (1) acre or less.
 - 2) No animals, EXCEPT household pets, shall be kept on any lot greater than one (1) acre and less than five (5) acres unless the building housing said animals is at least fifty (50) feet from any lot line.
- B. For any farm market located in any agricultural, residential or commercial zoned district wherein more than fifty percent (50%) 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, said farm market shall comply with those zoning requirements applicable to the district in which it is located in accordance with Ohio Revised Code 519.21 (C).

To maintain safe roadways, no part of a farm market (as defined by Ohio Revised Code 519.21(C)) may be placed in the public right-of-way. Similarly, to reduce any restriction of motorists' views, no farm market may exceed a covered or contained area larger than one hundred (100) square feet when placed with zero (0) setback from the public road right-of-way. No part of the farm market shall exceed a height of fifteen (15) feet. For every one (1) foot increase in setback from the right-of-way, a farm market may be increased in size by two (2) square feet to a maximum of six hundred (600) square feet. Setbacks described in Township Code Section 21.10 apply to any farm market where the structure remains in operation for more than half (1/2) of the year.

To prevent objects from relocating into the right-of-way, building materials not typically used in a permanent structure must be removed seasonally. Parking shall be provided out of the right-of-way. Only existing points of ingress/egress may be considered for parking access. Additional ingress/egress points may be established upon approval by the State, County or Township for roads under their respective jurisdictions.

SECTION 6.03 - INTENTIONALLY LEFT BLANK

SECTION 6.04 – BUILDINGS UNDER CONSTRUCTION AND NEW CONSTRUCTION: Nothing contained in this Resolution shall require the plans, construction, size or designated use of a building upon which construction was begun before the effective date of this Resolution or applicable amendments hereof. The Zoning Inspector may require proof in the form of an Affidavit or other similar documents that the original intended use of the building has not been changed. The ground story framework, including structural parts of the second floor shall have been completed within one (1) year and the entire building completed within two (2) years after the effective date of this Resolution or applicable amendments hereto.

SECTION 6.05 – ISSUED ZONING CERTIFICATES: Any new proposed construction for which a Zoning Certificate is issued shall have been started within six (6) months of issuance of said Permit and the ground story framework, including structural parts of a second floor, shall have been completed within one (1) year after the issuance of the Zoning Certificate; provided, however, that any project or building originally contemplated to be constructed in phases or for a period longer than one (1) year may be completed in phases or during such extended time if in accordance with a timetable placed on file with the Township Zoning Inspector with the original request for the Certificate.

In the case of old construction, if the above schedule is not met, any prior right as a non-conforming use is lost and Zoning Certificates for new construction invalidated.

ARTICLE VII - FARM RESIDENCE DISTRICT (FR-1)

SECTION 7.01 - PURPOSE: There is hereby created within Liberty Township a Farm Residence District to promote the use of land for rural residential development on large lots with adequate green space where the conservation of resources is important or where appropriate suburban use of the land cannot be achieved because of the lack of adequate infrastructure. The principal use of the land is for rural, large lot residences, although certain other uses may occur or be permitted subject to meeting applicable development standards and requirements.

SECTION 7.02 – APPLICATION: Within the Farm Residence District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

All lots in subdivisions which are located within the limits of Liberty Township and which were duly recorded upon the Plat thereof in the Plat Records of the Recorder's Office, Delaware County, Ohio, at the effective date of this Amendment to the Zoning Resolution shall be considered legal residential lots and nothing in this Resolution shall be construed to prohibit the use thereof for residential purposes.

SECTION 7.03 – PERMITTED USES: Within the Farm Residence District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- A. Single-family dwellings limited to one (1) single-family dwelling per parcel, lot or tract.
- B. Accessory buildings and accessory uses including private garages and permanent dwellings for full-time domestic help employed on the premises or full-time farm labor.
- C. Projects specifically designed for watershed protection, conservation of soil or water or for flood control.
- D. Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects. The user of said structure shall obtain a Permit for such temporary use, which Permit shall be valid for six (6) months and be renewed not more than twice (2x). Renewal of the Permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal and water supply, as he/she deems necessary. The fees for such Permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said Permit. No unit shall be occupied as a residence without approval of the Board of Zoning

Appeals as granted in compliance with the provisions of Article XXVIII of this Resolution.

- E. Conducting of casual sales of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than six (6) days in any calendar year or more than three (3) consecutive days.

SECTION 7.04 CONDITIONAL USES: Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. No Conditional Use shall be implemented until a Permit of Compliance is issued by the Zoning Inspector.

- A. Home Occupation: Any professional or business activity may be conducted in a dwelling and one (1) garage, either attached or detached, by a member of the immediate family residing on the premises, in connection with which there is no display that indicates from the exterior that the building is being used in whole or in part for any purpose other than that of a dwelling provided the following regulations shall apply:

- 1) The home occupation shall be carried on solely within the confines of the residential structure and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.
- 2) Refer to Article XXII - Sign Regulations.
- 3) The home occupation shall occupy not more than:
 - a) Twenty percent (20%) of the total floor area of the dwelling unit; and/or,
 - b) Fifty percent (50%) of the floor space in any one garage provided the total area of the one garage used for home occupation does not exceed six hundred (600) square feet.
- 4) Not more than one (1) non-resident employee shall work on said premises.
- 5) Services may be rendered on the premises or elsewhere.
- 6) No traffic or parking shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.

- 7) No equipment, process or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises, greater than normally caused by that which would be found in a dwelling containing no home occupation. No equipment, process or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
 - 8) Waste materials, solid or liquid, or gaseous, shall not be created on the premises at a level greater than normal to the residential use.
 - 9) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
- B. One (1) Occupied Mobile Home to be occupied by full-time farm labor only, and provided that said mobile home is installed in compliance with rules and regulations established by the Delaware County Health Department. Not more than one (1) mobile home shall be located on any farm within this Township.
- C. Private Landing Fields for aircraft, hot air balloons, ultra-light aircraft and other mechanical flying equipment for use by the owner of the property provided that no commercial activities take place on said premises.
- D. Private Schools and Colleges provided that said institution occupies not less than ten (10) acres. Instructional areas, whether improved with buildings or not, shall provide adequate parking areas for faculty, staff and students. Such parking may not exist within the right-of-way of any road or highway. A Site Plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential areas.
- E. Kindergarten or Child Care Facilities provided the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards.
- F. Churches or Other Places of Worship provided it occupies a lot of not less than five (5) acres plus one (1) acre for each one hundred (100) permanent seats over three hundred (300) in the main assembly area.

- G. Hospitals, Sanitariums, Convalescent Homes, Rest Homes or Homes For Children or Aged provided that the area of the tract is adequate to provide setbacks and recreational areas prescribed by the Board of Zoning Appeals.
- H. Parks, Playgrounds, Playfields and Picnic Areas provided the same are opened to the public without fee or membership requirements with adequate off-street parking areas.
- I. Public or Private Golf Courses, Country Clubs, Hunt Clubs, Sportsmen's Clubs, Fishing Lakes or Similar Recreational Uses with all buildings and club houses incident thereto including restaurants to serve members and/or users of the facility.
- J. Cemeteries providing the same occupies a tract of not less than one hundred (100) acres. No building shall be placed closer to the right-of-way of any approved road than the setback prescribed by Section 21.09 of this Resolution. No burial may be made nearer than fifty (50) feet to the right-of-way of the approved public road adjacent thereto. No burial shall be permitted nearer than twenty-five (25) feet to any other property line unless a mature natural screen has been established along said property line at least six (6) feet in height in which case burials may be permitted not closer than ten (10) feet to said property line. No office facility, maintenance building or storage area shall be constructed, EXCEPT as approved by the Board of Zoning Appeals, and parking areas, public accesses, screening and other improvements shall be furnished as required.
- K. Cemeteries for the Burial of Pets and Small Domestic Animals provided the same tract contains at least ten (10) acres. No burial may be made nearer than fifty (50) feet to the right-of-way of the approved public road adjacent thereto. No burial shall be permitted nearer than twenty-five (25) feet to any other property line unless a mature natural screen has been established along said property line at least six (6) feet in height in which case burials may be permitted not closer than ten (10) feet to said property line. No office facility, maintenance building or storage area shall be constructed, EXCEPT as approved by the Board of Zoning Appeals, and parking areas, public accesses, screening and other improvements shall be furnished as required.
- L. Borrow Pits provided the excavation is completed within one (1) year and the contractor posts such bond as required by the Board of Zoning Appeals to conform to the restrictions and conditions imposed to insure regrading, reseeding and general restoration of the area.
- M. Zero Lot Line Housing provided that the minimum lot area per unit is maintained.

- N. Permanent Structures or Improvements Used for Roadside Sale of Agricultural Products Produced on the Premises unless otherwise exempt as an agricultural use.
- O. Parking Lots or Storage Facilities for Boats and Recreational Vehicles provided such area is owned or controlled by neighborhood or community association and use is limited to residents of the subdivision served.
- P. Seasonal Markets that otherwise do not qualify as "Farm Markets" may be operated between May 1st to November 1st of each year provided that such markets' sales are limited to fruits and vegetables. In addition, the following regulations shall apply:
- 1) The market must be located on a lot owned by or the place of residence of the market operator having a minimum road frontage of three hundred (300) feet. The market may not be located in any platted residential subdivision. The market must be a minimal distance of three hundred (300) feet from the nearest residence fronting on the same roadway as that of the market other than any residence located on the same lot as the market.
 - 2) The market operator may have no more than one (1) non-residence employee.
 - 3) The market may only be operated during daylight hours.
 - 4) To maintain safe roadways, no part of a seasonal market may be placed in the public right-of-way. Similarly, to reduce any restriction of motorists, views, no seasonal market may exceed a covered or contained area larger than one hundred (100) square feet when placed with zero (0) setback from the public road right-of-way. For every one (1) foot increase in setback from the right-of-way, a seasonal market may be increased in size by two (2) square feet to a maximum of six hundred (600) square feet. Setbacks described in Township Code Section 21.10 apply to any farm market where the structure remains in operation for more than half (1/2) of the year.
 - 5) To prevent objects from relocating into the right-of-way, building materials not typically used in a permanent structure must be removed seasonally. Parking shall be provided out of the right-of-way. Only existing points of ingress/egress may be considered for parking access. Additional ingress/egress points may be established upon approval by the State, County or Township for roads under their respective jurisdictions.
 - 6) No part of the seasonal market shall exceed a height of fifteen (15) feet.

- 7) The market shall be aesthetically compatible with the surrounding properties.
- 8) No storage of fruit or vegetables shall be permitted EXCEPT within the structure.
- 9) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
- 10) The Board of Zoning Appeals may require any additional and reasonable conditions necessary to protect the public health, safety and aesthetics of the surrounding property owners.

Q. Telecommunication Towers: Public utilities or other functionally equivalent providers may site a telecommunications tower as a Conditional Use provided that the following conditions are met (in addition to any other applicable criteria):

I. Application Requirements.

- 1) A preliminary development plan must be submitted at the time the application for the conditional use permit is submitted. The preliminary development plan shall contain the following:
 - a) The location of all of the applicant's existing facilities both within the Township and within one (1) mile of the proposed site.
 - b) The general location of planned future facilities, if known.
 - c) For each location shown on the plan, there shall be listed:
 - i) the type and size of tower at each location;
 - ii) the type of equipment located or proposed on each tower;
 - iii) the space available on the tower for additional equipment; and
 - iv) a site plan showing the parcel on which any existing or proposed tower, antenna or equipment is located.
 - d) A scaled and dimensioned site plan for the facility which is being applied for shall also be submitted containing:
 - i) the location, type and size of existing and proposed towers, antennas and equipment located or to be located at the site;
 - ii) the location of existing and proposed buildings and structures, access drives, circulation and parking areas;

- iii) detailed drawings of the screening plan and related design standards;
 - iv) on-site land uses, structures and zoning district, and adjacent land uses, structures and zoning districts;
 - v) setbacks from property lines and dwellings within 600 feet of tower;
 - vi) legal description of the lot on which the tower is to be sited; and
 - vii) any other information necessary to assess compliance with this section.
- e) A written certification(s) from a qualified engineer(s) certifying the following:
- i) that the tower's design is structurally sound and in compliance with all applicable federal, state and local building laws including, without limitation, the Ohio Basic Building Code and the National Electric Code;
 - ii) that the equipment placed on the tower and at the site complies with all current FCC regulations for non-ionizing electromagnetic radiation (NIER); and
 - iii) that the tower will to the extent possible, accommodate co-location of additional wireless communication antennas for future use, with a statement as to the number of antennas capable of being accommodated and the ultimate height needed for the stated co-location capacity; or, alternatively, an explanation as to the reasons why the tower will not be constructed to accommodate co-location.

II. General Requirements for all Telecommunications Towers.

- 1) The applicant or tower provider shall demonstrate that the telecommunications tower must be located where it is proposed in order to service the applicant's service area and that there are no alternative sites reasonably available in any area. This shall include an explanation and accompanying documentation as to why a tower on this proposed site is technically necessary and showing the unavailability of useable sites located in Commercial or Industrial Zoning Districts; a description of the suitability of the use of existing towers, other tall structures or technology not requiring the use of the proposed new tower; and a demonstration that a technically suitable location is not reasonably available on an existing tower or tall structure. If another tower or tall structure is technically suitable, the applicant must show that a reasonable request to co-locate was made and that such request was rejected. "Tall structures" shall include smoke stacks, water towers, utility buildings and structures over 48 feet in height, power transmission

towers, existing antenna support structures or other telecommunications towers.

- 2) All towers shall meet or exceed current standards and regulations of the FAA, FCC and any other agency of the state or federal government with the authority to regulate such towers. If the applicable standards and regulations are changed, then the owners/operators of the towers shall, if required by the applicable governmental authority, bring such towers into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the applicable governmental authority.
- 3) The owner/operator shall remove a tower within one hundred eighty (180) days after the tower's use is discontinued. The owner/operator shall annually file during January of each year a declaration with the Zoning Inspector which certifies that the radio frequency transmission and/or reception equipment attached to the tower is in use and is operational.
- 4) The owner/operator shall provide documentation that notice has been provided in accordance with Section 519.211 of the Ohio Revised Code. If a timely notice from any person entitled to object under Ohio Revised Code Section 519.211(B) is made, then the applicant shall comply with all requirements set forth in Section 7.04Q. If a timely objection is not so made, then the telecommunications tower shall be deemed exempt under 519.211(A) of the Ohio Revised Code. The provisions of this Resolution shall be interpreted and applied in a manner consistent with 519.211 of the Ohio Revised Code and any applicable federal law, rule or regulation.

III. Development Standards for all Telecommunications Towers.

- 1) No telecommunications tower shall be permitted to be located in any platted subdivision approved under Sections 711.05, 711.09 or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Ohio Revised Code 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, when at least thirty-five percent (35%) of the lots within such subdivision or area are developed with at least one (1) dwelling unit.
- 2) The maximum height of a tower proposed for one (1) antenna facility for use by a single telecommunications provider shall be 150 feet. The

maximum height of a tower proposed for multiple antenna facilities for shared use by multiple telecommunications providers shall be as follows:

- (i) Towers proposed for and designed to support the co-location of a total of two antenna facilities – 165 feet;
- (ii) Towers proposed for and designed to support the co-location of a total of three antenna facilities – 180 feet; and
- (iii) Towers proposed for and designed to support the co-location of four or more antenna facilities – 195 feet.

Tower height shall be the distance measured from the base of the tower, at grade, to the highest point on the tower, including any antenna. Grade shall be determined as the elevation of the natural or existing topography of the ground level prior to construction of the tower.

- 3) The tower shall not be placed closer than 500 feet from any existing residential dwelling unit located on a lot contiguous to or directly across the street from the lot on which the tower is proposed to be constructed.
- 4) Reasonable and safe access and circulation shall be provided to the tower. The location and design of the access drive and circulation areas shall be subject to review and comment by the Liberty Township Fire Chief or the Chief's designee.
- 5) The tower shall be located no closer to a street right-of-way than permitted in Section 21.10 herein.
- 7) A tower shall be located no closer to any lot line than the distance equal to the height of the proposed tower. Any stabilization structures or guide wires shall be located no closer to any lot line than 50 feet.
- 7) Security fencing shall be provided to prevent uncontrolled access to the tower site.
- 8) The lot on which the tower is to be located shall meet the minimum lot area and frontage requirements of the district in which it is located.
- 9) The tower shall be screened by a six (6) foot high fence or barrier and, outside of and along the fence or barrier, a continuous evergreen hedge, trees or similar landscape materials of a size, type, area and design deemed appropriate by the Board of Zoning Appeals. The screening shall be maintained in good condition. Any solid fence or barrier shall contain no advertising, but may contain one small identification sign not to exceed one square foot in size. The applicant is responsible for ensuring that the area on which the tower is to be located is kept free of

weeds and trash. The storage of vehicles is prohibited and any equipment must be contained inside the screened area.

- 10) The tower and related screening shall, to the extent practicable, be designed to be aesthetically and architecturally compatible with the surrounding environment. The tower shall not contain, or be illuminated by, artificial lights, beacons or strobes, unless otherwise required by the Federal Aviation Administrations (FAA) or the Federal Communications Commission (FCC). Any illumination required or believed to be required by applicable governmental authority shall be fully disclosed on the site plan. All surfaces shall be maintained in good condition, absent of flaking or peeling paint, and rust. Unless otherwise approved by the Board of Zoning Appeals, the tower shall be of a non-corrosive monopole design.
- 11) No advertising is permitted anywhere on the telecommunications tower facility with the exception of one identification sign not to exceed one square foot in size.
- 12) The tower shall be fully automated and shall be visited only for periodic and necessary maintenance.
- 13) Where the tower is located on a property which is not owned by the tower operator, the applicant shall present documentation that the owner of the property has approved the application.
- 14) The applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other antenna facilities to the extent possible, until said tower has reached full antenna capacity. Antenna towers are not permitted to be built to a height which exceeds the applicant's service need as substantiated by the testimony of the applicant's engineer. If the tower must be extended in the future to accommodate co-location, the initial tower foundation must be designed to support this co-location capacity, and the tower must be designed to accommodate this extension capability. This ultimate height shall be specified on the drawings submitted with the application. Unless otherwise approved, the tower height shall not be extended until co-locators are installed. In the event the applicant's (or the applicant's successor's) service needs change such that a substantially lower tower height than initially approved will sufficiently accommodate the applicant's service needs in the reasonably foreseeable future, then the tower shall be reduced to such height. After this reduction, the applicant may extend the tower height to the level originally approved if the applicant's service needs require such extension. A "substantially lower tower height" is defined to mean a height reduction of twenty (20) feet or more.

- 15) A tower may be attached to a residential or nonresidential building or structure that is a permitted use and structure in the district, provided that the tower's height does not exceed twenty (20) feet above the existing building or structure to which the tower is attached; and further provided that all requirements except those found in Items III 2, 7 and 9 are met. All roof-mounted towers shall be screened from view to the extent possible. The outside storage of vehicles or equipment, if not located inside the building or structure on which the tower is located, shall be screened by a minimum six (6) foot high solid fence or barrier and, outside of and along the fence or barrier, a continuous evergreen hedge, trees or similar landscape materials of a size, type and design deemed appropriate by the Board of Zoning Appeals. The screening shall be maintained in good condition. Any solid fence or barrier shall contain no advertising, but may contain one small identification sign not to exceed one square foot in size. The applicant is responsible for ensuring that the tower area is kept free of weeds and trash.
- 16) If the applicant proposes to construct a separate equipment shelter on the site, the equipment shelter shall be shown on the site plan, be designed to be aesthetically and architecturally compatible with the surrounding environment, be located completely within the fenced area of the site, and be in compliance with the accessory building regulations of the district in which it is to be located.

IV. Exception to Conditional Use Permit.

Telecommunications towers meeting the following conditions shall not be required to obtain a Conditional Use Permit, but shall be deemed to be permitted uses requiring a Zoning Permit and Certificate of Compliance.

- 1) Should the owner/operator of a telecommunications tower desire to site a tower on property that falls under the direct ownership and with the consent of the Liberty Township Board of Trustees, then a Zoning Permit and Certificate of Compliance may be obtained in lieu of a Conditional Use Permit, provided that the requirements found in the following provisions are met: I 1 e (i) and (ii); II 2, 3 and 4; III 10, 11, 13 and 14.
- 2) Should a telecommunications carrier desire to co-locate a telecommunications antenna on another existing telecommunications tower or on another "tall structure", then a Zoning Permit and Certificate of Compliance may be obtained in lieu of a Conditional Use Permit, provided that the requirements found in the following provisions are met: I 1 e (i) and (ii); II 2, 3 and 4; III 4, 5, 7, 9, 10, 11, 12 and 13. (Telecommunications antenna refers to any structure or device used to receive or transmit electromagnetic waves between cellular phones, pagers, commercial mobile services, wireless services and ground-wired

communications systems including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas such as whips and other equipment utilized to serve personal communication services.)

3. Should the owner/operator of a telecommunications tower or telecommunications antenna desire to site such a tower or antenna using a no-impact design (specifically meaning that the tower, antenna and all related equipment will be completely invisible to the casual observer by incorporating the tower, antenna and related equipment within an existing structure such as within a light post or inside a steeple), then a Zoning Permit and Certificate of Compliance may be obtained in lieu of a Conditional Use Permit, provided that the requirements found in the following provisions are met: I 1 e (i) and (ii); II 2, 3 and 4; III 4, 10, 11, 12 and 13.

SECTION 7.05 – PROHIBITED USES:

- A. No use not specifically authorized by the express terms of this chapter of the Zoning Resolution shall be permitted.
- B. Junkyards.
- C. Any and all inoperable or unlicensed motor vehicles or trailers of any type, if stored on the premises, shall be enclosed within a building or otherwise situated in such a manner so as not to be visible from any adjoining property or public road. If no building exists on the parcel, no inoperable and unlicensed motor vehicle or trailer of any type shall be parked on such parcel.
- D. No boats, motor homes or equipment of any type shall be parked in front of the front building line on any parcel within this district. If a dwelling is located on said lot the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this Code or the restrictions on the plat or subdivision. If no building exists on the parcel, no boats, motor homes or equipment of any type shall be parked on such parcel.
- E. EXCEPT as specifically permitted in Section 7.03 herein, no mobile home or manufactured home shall be placed or occupied in the district.
- F. No trash, debris, graffiti, unused property or discarded materials shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public.
- G. Kennels and Catteries, Commercial.

SECTION 7.06 – DEVELOPMENT STANDARDS: All lands and uses within the Farm Residence District shall be developed in strict compliance with the standards hereinafter established:

A. Lot Area: No parcel of land in this district shall be used for residential purposes which has an area of less than one (1) acre (43,560 square feet). All other uses in this district shall have such lot area prescribed by the article permitting the use or as prescribed by the Board of Zoning Appeals as a condition of said use.

B. Lot Frontage: EXCEPT as hereinafter set forth, all lots or parcels within this zoning district shall have the following minimum lot frontage on a public or private road approved by the Delaware County Commissioners:

Less than 2 acres	-	150 ft.
2 acres but less than 3 acres	-	175 ft.
3 acres but less than 4 acres	-	200 ft.
4 acres but less than 5 acres	-	250 ft.
5 acres or larger	-	300 ft.

Lots or parcels having less than the above listed minimum frontages on the right-of-way line of adjoining public road or street must have a lot width fifty (50) feet forward of the building line which is equal to that minimum lot frontage requirement. In no case shall the parcel or lot frontage at the right-of-way line be less than sixty (60) feet and the width of sixty (60) feet shall not be decreased at any point forward of the building line of the principal residence located on the premises. If an irregularly-shaped lot (i.e., pie-shaped) located on a curve or cul-de-sac widens to the minimum lot width within seventy-five (75) feet of the right-of-way line of the adjoining roadway, then additional setback is required to conform with setback lines for principal structures on adjoining lots.

C. Building Height Limits: No building in this district shall exceed forty (40) feet in height. All other freestanding residential structures including, but not limited to, flagpoles shall not exceed forty-eight (48) feet in height. All attached residential structures including, but not limited to, chimneys and church spires, shall not top at a height that is eight (8) feet greater than either the height of the building or structure to which it is attached.

D. Building Dimensions (Floor Space Requirements): Each single story dwelling hereafter erected in this district shall have a ground floor living area of not less than eleven hundred (1,100) square feet. Any other dwelling constructed in this district shall have a ground floor living area of not less than nine hundred (900) square feet. All such living areas shall be exclusive of basements, porches or garages.

- E. Building Setback: No building shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.10 herein.
- F. Side Yard Setback: EXCEPT as modified by the Board of Zoning Appeals in approving zero (0) lot lines or common wall housing under Section 7.04 herein, no building or structure shall be located closer than twenty-five (25) feet to any side lot line.
- G. Rear Yard Requirement: No principal dwelling shall be located closer than sixty (60) feet to the rear line of any lot and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.
- H. Maximum Lot Coverage: on no lot or parcel in this zoning district shall buildings be constructed which cover more than twenty-five percent (25%) of the lot area.
- I. Parking: Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Article XXI of the Resolution.
- J. Signs: Refer to Article XXII - Sign Regulations.
- K. Construction and Maintenance of Improvements Within Right-of-Way: The construction and maintenance of all improvements behind the curb line or the edge of pavement including, but not limited to, drainage improvements, landscaping improvements, sidewalks and/or driveway approaches shall be the responsibility of the abutting property owner.

ARTICLE VIII - RESERVED

ARTICLE IX - NEIGHBORHOOD APARTMENT DISTRICT (R-3)

SECTION 9.01 – PURPOSE: Created hereby is a Neighborhood Apartment District (R-3) to permit conversion of appropriate structures to apartments in keeping with the residential character of the neighborhood and to permit the construction of low density apartment units within or on the fringes of single-family areas of the Township. Use of this district should be limited to those circumstances where large numbers of units are not involved and provisions for recreation, etc. are not a prerequisite to the preservation of the quality of life.

SECTION 9.02 – APPLICATION: All lands designated on the Official Liberty Township Zoning Map as Neighborhood Apartment District shall be governed by the provisions of this article.

SECTION 9.03 – PERMITTED USES: Within any Neighborhood Residence District (R-3) the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- A. Single-family dwellings.
- B. Accessory buildings and accessory uses including private garages and permanent dwellings for domestic help employed on the premises.
- C. Multi-family, cluster housing structures, patio cluster housing or common wall structures designed to accommodate more than one (1) family in a single structure, provided however, that no more than four (4) dwelling units shall be constructed in any single structure, cluster or other modification on the same theme within this district.

SECTION 9.04 – CONDITIONAL USES:

Within this zoning district the following uses may be permitted subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. No Conditional Use shall be implemented until a Permit of Compliance is issued by the Zoning Inspector.

- A. Kindergarten or Child Care Facilities provided the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards.
- B. Telecommunications Towers as provided for in Section 7.04 Q.

SECTION 9.05 – PROHIBITED USES:

- A. No use not specifically authorized by the express terms of this chapter of the Zoning Resolution shall be permitted.
- B. No inoperable or unlicensed motor vehicle or trailer of any type, and no boats, motor homes and equipment of any type shall be parked in front of the front building line on any parcel within this district. If a dwelling is located on said lot, the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this Code or the restrictions of the Plat or Subdivision.
- C. No motor home, mobile home or camper of any type may be occupied by a guest of the resident owner for more than seven (7) days.
- D. No mobile home shall be placed or occupied in this district.
- E. No trash, debris, graffiti, unused property or discarded materials shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public.

SECTION 9.06 – DEVELOPMENT STANDARDS: All lands and uses within (R-3) shall be developed in strict compliance with the standards hereinafter established:

- A. Lot Area: Residential lots which are served with an approved central water and sewer system serving all lots may be developed for such use if they have a lot area of not less than twenty thousand (20,000) square feet. All other parcels, not so serviced, shall contain the lot areas prescribed by provisions of Article VII of this Zoning Resolution. No more than one (1) structure may be constructed on any parcel herein.
- B. Lot Frontage: All lots or parcels developed within this district having an area of less than one (1) acre shall have a minimum lot width of one hundred (100) feet. All other lots or parcels shall have the minimum lot frontage prescribed in Section 7.06 of this Resolution and all measurements of such width shall be in conformity with that section.
- C. Building Height Limits: No building in this district shall exceed forty (40) feet in height. Chimneys, barns, silos, grain handling conveyors, church spires, domes, flag poles, elevator shafts and windmills are exempted from any height regulation and may be erected to any safe height. No aerial, antenna or tower (excepting telecommunications towers which shall be regulated under Section 9.04 B) shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract or the right-of-way line of any roadway adjacent to said tract. The antenna shall be located behind the principal building located on the lot or parcel.

D. Building Dimensions: Each single story dwelling hereafter erected in this district shall have a ground floor living area of not less than one thousand (1,000) square feet. Any other dwelling constructed in this district shall have a ground floor living area of not less than eight hundred (800) square feet. All such living areas shall be exclusive of basements, porches or garages. All apartments or other multi-family structures constructed within this district shall contain the following minimum floor space, to-wit:

One (1) bedroom unit	-	750 sq. ft.
Two (2)-bedroom unit	-	800 sq. ft.
Three or more bedroom units	-	1,000 sq. ft.

E. Building Setback: No building shall be located closer than forty-five (45) feet to the right-of-way line of the adjoining street or road. If the right-of-way of the adjoining street or road is less than sixty (60) feet, no building shall be located closer than seventy-five (75) feet to the centerline of said road or street.

F. Side Yard Setback: No building or structure shall be located closer than twenty (20) feet to any side lot line.

G. Rear Yard Setback: No principal dwelling shall be located closer than sixty-five (65) feet to the rear line of any lot, and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.

H. Maximum Lot Coverage: on no lot or parcel in this zoning district shall buildings be constructed which cover more than twenty-five percent (25%) of the lot area.

I. Parking: Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Article XXI of this Resolution.

J. Signs: Refer to Article XXII - Sign Regulations.

K. Construction and Maintenance of Improvements Within Right-of-Way: The construction and maintenance of all improvements behind the curb line or the edge of pavement including, but not limited to, drainage improvements, landscaping improvements, sidewalks and/or driveway approaches shall be the responsibility of the abutting property owner.

ARTICLE X - PLANNED RESIDENCE DISTRICT (PR)

SECTION 10.01 – PURPOSE: The Township, recognizing with increased urbanization and population growth comes increased demands for well-organized residential areas which take into account unique natural factors, contemporary land use concepts, and a balanced residential environment, hereby provides for the Planned Residence District intending hereby to promote the variety and flexibility of land development for residential purposes that are necessary to meet these demands while still preserving and enhancing the health, safety and general welfare of the inhabitants of the Township.

SECTION 10.02 – APPLICATION: All lands designated on the Official Liberty Township Zoning Map as Planned Residence District shall be governed by the provision of this article.

SECTION 10.03 – PERMITTED USES: Within the Planned Residence District (PR) uses, developed in strict compliance with the approved Development Plan and standards, shall be permitted:

- A. Residential structures of any type, either single-family or multi-family, including, but not limited to, detached, semidetached, attached, modular, cluster, patio, common wall, industrial unit, manufactured if on a permanent foundation, or any reasonable variation on the same theme, but not including mobile homes or manufactured homes not on a permanent foundation.
- B. Non-residential uses of a religious, cultural, educational or recreational nature or character to the extent that they are designed and intended to serve the residents of the Planned Residence District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to the major thoroughfares as to permit access without burdening residential streets.

SECTION 10.04 – CONDITIONAL USES: Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution:

- A. Home Occupations conducted by the resident of a permitted dwelling subject to the following restrictions:
 - 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.
 - 2) Refer to Article XXII - Sign Regulations.
 - 3) The home occupation shall occupy not more than:

- a) Twenty percent (20%) of the total floor area of the dwelling unit; and/or,
 - b) Fifty percent (50%) of the floor space in any one garage provided the total area of the one garage used for home occupation does not exceed six hundred (600) square feet.
- 4) Not more than one (1) non-resident employee shall work on said premises.
 - 5) Services may be rendered on the premises or elsewhere.
 - 6) No traffic or parking shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
 - 7) No equipment, process or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage of the premises, greater than normally caused by that which would be found in a dwelling containing no home occupation. No equipment, process or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
 - 8) Waste materials, solid or liquid, or gaseous, shall not be created on the premises at a level greater than normal to the residential use.
 - 9) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
- B. Kindergarten or Child Care Facilities provided the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards.
- C. Telecommunications Towers as provided for in Section 7.04 Q.

SECTION 10.05 – PROHIBITED USES:

- A. No use not specifically authorized by the express terms of this chapter of the Zoning Resolution shall be permitted.
- B. Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- C. No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any parcel within this district. If a dwelling is located on said lot, the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this Code or the restrictions on the plat or subdivision.
- D. No motor home or camper of any type may be occupied by a guest of the resident owner for more than seven (7) days.
- E. No trash, debris, graffiti, unused property or discarded materials shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public.

SECTION 10.06 – PROCEDURE: In addition to any other procedures set put in this Resolution, all Applications for Amendments to the Zoning Map to rezoning lands to this district shall follow the procedures hereinafter set forth:

- A. Application: The owner(s) or lessee(s) of lots within the Township may request that the Zoning Map be amended to include such tracts in the Planned Residence District in accordance with the provisions of this Resolution.
- B. Development Plan: Fifteen (15) copies of the Development Plan shall be submitted with the Application, which Plan shall include in the text and map form:
 - 1) The proposed size and location of the Planned Residential District.
 - 2) The general development character of the tract including:
 - a) The specific limitations or controls to be placed on residential and related uses;
 - b) The density of dwelling units;
 - c) Numbered lots and sizes;

- d) Approximate location of roads, entry features, retaining ponds and utility lines; and,
 - e) Description of other development features including landscaping.
- 3) Architectural design and exterior construction material criteria for all structures as well as criteria for proposed signs with proposed control procedures.
 - 4) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
 - 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
 - 6) The relationship of the proposed development to existing and probable uses of surrounding areas during and after the development timetable.
 - 7) The proposed timetable or schedule for development of the site including streets, transportation facilities, buildings, utilities and other facilities.
 - 8) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than ten (10) acres or the whole tract (whichever is smaller), shall be fully described in textural form in a manner calculated to give Township Officials definitive guidelines for approval of future phases.
 - 9) The ability of the Applicant to carry forth its plan by control of the land and the engineering feasibility of the Plan.
 - 10) Specific statements of divergence from the development standards established in this article or in Articles XXI or XXII of the Resolution or existing County Regulations or standards and the justification therefore. Unless a variation from those development standards is specifically approved, the same shall be complied with.
 - 11) Deed Restrictions for the proposed development.

C. Criteria For Approval: In approving an Application for a Planned Residence District the reviewing authorities shall determine:

- 1) If the proposed development is consistent in all respects with the purpose, intent and applicable standards of this Zoning Resolution.
 - 2) If the proposed development is in conformity with the Comprehensive Plan, or portion thereof, as it may apply.
 - 3) If the proposed development advances the general welfare of the Township and the immediate vicinity.
- D. Procedure For Rezone: The procedure outlined in Ohio Revised Code 519.12 shall be followed to consider an application for a rezone to a Planned Residence District approval of the Application pursuant to that section which shall constitute a rezone of such land in accordance with the Applicant's Development Plan.
- E. Administration of the Development Plan: Administration of the Development Plan shall be performed by the Township Trustees in accordance with the following procedures:

Administrative Review / Minor Deviations: All plats, construction drawings and other necessary documents shall be submitted to the Township Trustees or their designated technical advisors for Administrative Review and approval before filing to insure substantial compliance with the Development Plan as approved. Minor changes in the location of buildings, structures, streets or parking areas may be approved without public notice by the Township Trustees upon submittal of a written application.

Major Deviations and Public Hearing: Any major deviation from the approved Development Plan shall not be considered by the Township Trustees until the owner of the property makes a detailed written Application to the Township Trustees. The Application shall specifically detail the changes requested and the reasons for the change. A major deviation shall include, but not be limited to, changes in use and/or character of the development, and/or increase of density.

Upon receipt of any Application for a major deviation from the approved Development Plan the Township Trustees shall forward the Application to the Township Zoning Commission or Board of Zoning Appeals pursuant to their respective authorities under the Zoning Resolution. The applicant can amend his/her Application at any time prior to the vote of the Commission or Board. The Commission or Board shall make a written recommendation for the approval, modification or denial of the Application. Upon receipt of the Commission or Board's recommendation the Township Trustees shall hold a public meeting on the Application. The public meeting shall be held within thirty (30) days of receipt of the Commission or Board's recommendation. Notice of the

public meeting shall be published once (1x) at least ten (10) days before the date of the meeting. Within twenty (20) days of the meeting the Township Trustees shall either approve or disapprove the landowner's Application. Approval of the Application shall require a majority vote of the Trustees, EXCEPT that if the recommendation of the Township Zoning Commission or Board of Zoning Appeals is for modification or denial of the Application, then approval of the Application shall require the unanimous vote of the Trustees. An applicant can submit subsequent Applications for major deviations at any time provided there is a reasonable and material amendment to the preceding Application.

The Township Trustees shall not conduct the meetings in a quasi-judicial manner and there shall not be the opportunity for hearings and the introduction of evidence. The decision of the Township Trustees shall be final and not appealable.

F. Plat Required: In the Planned Residential District (PR), no use shall be established or changed and no structure shall be constructed or altered until the required Subdivision Plat has been prepared and recorded in accordance with Subdivision Regulations for Delaware County, Ohio, and these regulations. The Subdivision Plat shall be in accordance with the approved Development Plan and shall include:

- 1) Site arrangement, including building setback lines and space to be built upon with the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
- 2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon and the activities of occupants, including those applicable to areas within the tract to be developed for nonresidential uses.
- 3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the Plat, the owner of the project shall post a performance bond in favor of the Liberty Township Trustees and the Delaware County Engineer in a satisfactory amount assuring expeditious completion of said facilities within one (1) year after the recording of said Plat. In no event, however, shall any Zoning Certificate be issued for any building until such time as the facilities for the phase in which the building is located are completed.

Any change to an approved Development Plan in a Planned Residential District which would increase the maximum density approved in the Development Plan shall require that a proposed Amendment be resubmitted to the Zoning Commission for an Administrative Review.

- G. Default: If construction of any building has not been commenced within three (3) years after approval of the initial Development Plan, approval of the Plan shall expire, unless an extension of the time limit has been approved by a majority of the Township Trustees.

SECTION 10.07 – DEVELOPMENT STANDARDS: In addition to any other provisions of this Resolution, the following standards for arrangement and development of lands and buildings are required in the Planned Residence District.

A. Intensity of Use:

- 1) Single-Family: The maximum overall density for any single-family development within Liberty Township shall be two (2) dwelling units per gross acre for the overall Planned Residential tract being rezoned; it being understood that the Liberty Township Comprehensive Plan provides that density for most areas within Liberty Township shall be substantially less than this maximum. Developments shall have minimum lot sizes, as specified in the Liberty Township Comprehensive Plan as of the date an Application For Zoning is filed; however, to encourage the efficient use of land and resources, to promote greater efficiency in providing public and utility services and to encourage innovation in planning and building, the minimum lot sizes may be modified to permit clustering where appropriate.
- 2) Multi-Family: The maximum overall density for any multi-family development within Liberty Township shall be six (6) dwelling units per gross acre for the overall Planned Residence (PR) tract being rezoned.

B. Setback Requirements: The physical relationship of dwelling units and their minimum yard space shall be determined in accordance with the following:

- 1) Front: Single-family dwellings shall have a setback from the right-of-way line of adjacent roads in distance equal to the width of the right-of-way as approved in the plan of development or the existing streets and roads. All other structures within the Planned Residence District shall have a setback from the right-of-way equal to the right-of-way of roads within the development or the right-of-way of existing roads.
- 2) Side: A single-family dwelling shall have a side yard of not less than twenty-five (25) feet on each side of the structure. For all other structures within the Planned Residence District the side yard shall be

not less than thirty-five (35) feet. Porches cannot encroach upon said setbacks; however, eaves and chimneys will be allowed.

The requirements for side yards herein shall apply to the principal structures, but shall not be interpreted as prohibiting designs of single-family structures normally referred to as common wall, cluster, patio or other variations on the same theme.

- 3) Rear: A rear yard of not less than twenty-five (25) feet shall be maintained on all parcels within this district.
 - 4) Building Height Limits: No building in this district shall exceed forty (40) feet in height. All other freestanding residential structures including, but not limited to, flagpoles shall not exceed forty-eight (48) feet in height. All attached residential structures including, but not limited to, chimneys and church spires shall not top at a height that is eight (8) feet greater than either the height of the building or other structure to which it is attached.
- C. Landscaping: All yards, front, side and rear, shall be landscaped and all organized open spaces or non-residential use areas shall be landscaped. Such landscape plans shall be submitted with the Subdivision Plat and shall be subject to approval in the same manner required of the Subdivision Plat.
- D. Site Development: To the maximum extent possible, all natural drainage courses, vegetation and contours in excess of six percent (6%) shall be maintained.
- E. Parking: Off-street parking shall be provided at the time of construction of the main structure or building with adequate provisions for ingress and egress according to the standards set forth in Article XXI of this Resolution.

ARTICLE XI - PLANNED ELDERLY OR RETIREMENT RESIDENTIAL COMMUNITY (PERRC)

SECTION 11.01 – PURPOSE: To provide for a range of residential opportunities specifically planned and developed for persons 55 years of age or older in order to afford these persons the benefits of independent living, assisted living, and nursing home care at one integrated location within a campus setting.

SECTION 11.02 - GENERAL CRITERIA FOR THE PERRC DISTRICT:

1. The independent and assisted living housing accommodations to be provided shall be developed, operated and maintained in compliance with the following criteria:
 - a) Intended and operated for occupancy by persons 55 years of age or older;
 - b) At least 80% of the occupied assisted living units are occupied by at least one person who is 55 years of age or older;
 - c) Policies are adopted, published and adhered to concerning these occupancy requirements; and
 - d) Verification procedures must be in place to verify the 80% occupancy requirement.
 - e) Comply with the Restrictions on Occupancy with respect to the independent living accommodations as set forth in Article XI, Section 11.08.
2. Independent living facilities may only be incorporated with assisted living and/or nursing home care, with a state-approved license for either assisted living or nursing home.
3. The ratio of independent living, assisted living and nursing home care shall be stated in the Development Plan.

The foregoing criteria shall be interpreted in a manner consistent with the Fair Housing Amendments Act of 1988, 102 Statute 1623, 42 U.S.C.A. 3607, as amended. The owner or operator of the housing accommodations shall be responsible for ensuring and maintaining compliance with all criteria.

SECTION 11.03 -PERMITTED USES:

<u>North American Industrialized Classification System Code (1997 Version)</u>	<u>Use</u>
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N/A Single family attached or detached independent dwelling units, for occupancy by persons meeting the General Criteria listed in Section 11.02, when incorporated with assisted living and/or nursing home care, with a state approved license for either assisted living or nursing home care.

Such structures may be single family, multi-family, detached, attached, or institutional structures for lease or rent.

62331 Community Care Facilities for the Elderly

623311 Continuing Care Retirement Communities

623312 Homes for the Elderly

813110 Religious Organizations

The foregoing permitted uses may be permitted within a PERRC, provided that each such use is specifically set forth in the development plan and approved as an appropriate permitted use by the Township.

SECTION 11.04 - ACCESSORY USES: The following accessory uses may be permitted when incidental and subordinate to and in association with a principal permitted use within a PERRC, provided such accessory use is for the comfort and convenience of, and primarily to be used by the residents, their staff and guests, and further provided that such accessory uses are specifically set forth in the Development Plan and approved as accessory uses by the Township:

North American
Industrialized
Classification
System Code
(1997 Version)

Accessory Use

722212 Cafeterias serving the community of persons older than 55

722213 Snack and Non-alcoholic Beverage Bars serving the community of persons older than 55

722310 Food Service Contractors serving the community of persons older than 55

814110 Private Households - independent living residents employing workers primarily concerned with the operation of the household

such as cooks, maids, gardeners, caretakers and other maintenance workers.

- 624120 Services for the Elderly and Persons with Disabilities
- N/A Signs to identify the community by name, address and telephone number only – one at each entrance to the community
- N/A Recreational areas for use only by the residents and their guests, and by employees of the community.
- N/A Residences occupied by custodians or guards or resident care providers.
- N/A Other accessory uses incidental and specifically related to the convenience and care of the community of persons over 55, as approved per the development plan.
- N/A Temporary offices including mobile offices and storage for contractors, incidental to construction projects may be permitted. The permit shall not be valid for more than eighteen (18) months, but may be renewed for six-month extensions if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction project, or upon expiration of the Zoning Certificate, whichever occurs sooner.
- N/A Parking and loading areas

SECTION 11.05 – CONDITIONAL USES:

Telecommunications towers as provided in Section 7.04 Q.

SECTION 11.06 - PROHIBITED USES:

- A. No use not specifically authorized by either the express terms of this article of the Zoning Resolution or as an approved divergence shall be permitted.
- B. No land or building shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious or objectionable, or which otherwise adversely affect surrounding areas or adjoining premises. Specifically, the occupation or use of any land or building shall be in violation of this Resolution if one or more of the following conditions is found to exist at any time:

- 1) Junkyards

- 2) Storage or accumulation of inoperable, or unused, or unlicensed vehicles, equipment or machinery of any type, vehicle, equipment or machinery parts and other similar debris unless entirely enclosed within a permitted accessory building so as to not be visible from any adjoining property or road.
- 3) Any type of trailer, boat, motor home and equipment shall not be parked in front of the front building line on any parcel or lot within this district. If a dwelling is located on said parcel or lot, the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this Code or the restrictions on the plat or subdivision.
- 4) Any occupation of a mobile home or a camper by a guest of the resident or employee on the premises.
- 5) The storage or accumulation of trash, debris, graffiti, unused property or discarded materials (including, without limitation, discarded household goods, discarded commercial products, discarded building materials, discarded industrial by-products, discarded brush and other vegetation and other similar materials) shall be a nuisance and an eyesore to the neighborhood and general public per se, and shall be prohibited on any parcel or lot or portion thereof, or on any public or private street, or common access driveway (as defined by the Delaware County Subdivision Regulations). This excludes trash, garbage, refuse and debris that is completely enclosed within an appropriate container and placed at an assigned location not more than 24 hours before its regularly scheduled pick-up.

SECTION 11.07 – INITIAL DISCUSSIONS: The applicant is encouraged to engage in informal consultations with the Zoning Commission and the Delaware County Regional Planning Commission prior to formal submission of a Development Plan and application to amend the zoning map.

No statement by officials of the Township or the DCRPC shall be binding upon either at the concept stage.

In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lands to this PERRC district shall follow the procedures herein.

SECTION 11.08 - PERRC REQUIRED DESIGN FEATURES: The Development Plan shall incorporate the following standards:

1. Access - Requires frontage on and direct access to, one or more dedicated and improved public roads. Ideally, three means of ingress/egress should be provided for more than 50 units of housing. Two means of egress may be provided for less than 50 units of housing. Provision for future connections to other public roads as required by the Township.

2. Minimum tract size - 40 acres, or as approved per plan.
3. Density:
 - ❖ Maximum ground coverage by buildings and parking areas (total impervious surfaces): 50% of net developable area.
 - ❖ Permitted (net) density - Maximum of 5 units per acre of net developable area.
4. Maximum capacity:
 - ❖ Independent living: Any two individuals, whether related or not, living together as a family unit, or as approved per plan.
 - ❖ Assisted living: as approved per plan
 - ❖ Nursing home: as approved per plan
5. Minimum floor space requirements:
 - ❖ Independent living: Each single-story dwelling in this district shall have a ground floor living area of not less than eleven hundred (1,100) square feet or as approved per plan. Any other dwelling constructed in this district shall have a ground floor living area of not less than nine hundred (900) square feet or as approved per plan. All such living areas shall be exclusive of basements, porches, sunrooms, decks or garages.
 - ❖ Assisted living: Every room occupied for sleeping purposes within the building shall contain a minimum of eighty (80) square feet of habitable floor area for each occupant, or the minimum number of square feet as required by licensing requirements or law, whichever is greater.
 - ❖ Nursing home: Every room occupied for sleeping purposes within the building shall contain a minimum of eighty (80) square feet of habitable floor area for each occupant, or the minimum number of square feet as required by licensing requirements or law, whichever is greater.
6. Open space shall be distributed throughout the development as part of a unified open space system, which shall serve to unify the development visually and functionally, and buffer surrounding land uses. Open spaces may be used for the natural disposal of storm water drainage. No features should be designed which are likely to cause erosion or flooding of the proposed or existing houses.
7. Minimum Lot Width at the building line - none, per plan.
8. Minimum Side yards - shall equal one-third (1/3) the sum of the height and depth of the structure, but in no case shall be less than one hundred (100) feet from any Residential Zoning District or Planned Residential District.

9. Minimum Rear yard - shall equal one-third (1/3) the sum of the height and width of the structure, but in no case shall be less than one hundred (100) feet from any Residential Zoning District or Planned Residential District.
10. Perimeter Area - No building, or parking shall be constructed within 100 feet of the perimeter property line of the overall PERRC tract.
11. Walkways and Street Trees -The Township may require walkways to connect all dwelling areas with open space and to interconnect the open spaces. Sidewalks shall be separated from the paved street surface by at least five feet (5') of landscaped or grassed green strip. Street trees shall conform to Township standards. Trees may be placed in the 5-foot green strip if permitted by the County Engineer and/or Township, otherwise they shall be placed in the front lawn of the residences.
12. Buffering - Natural foliage shall be retained where practicable. Where adequate foliage does not exist, the Township may require establishment of such tree cover or other foliage as may be necessary to achieve the purpose of the open space and the buffer of adjacent uses.
13. Preservation areas - Wetlands, steep (over 20%) slopes, forests, 100-year floodplains, ravines and noted wildlife habitat shall be preserved to the greatest extent possible.
14. Floodplain - No residential dwelling structures shall be constructed within the 100-year floodplain of any stream or river.
15. Utilities - Centralized water supply and sanitary sewage disposal systems shall be provided, subject to Delaware County Sanitary Engineer, Board of Health and Ohio Environmental Protection Agency approval. Feasibility of water supply and wastewater disposal systems shall be indicated by the appropriate agencies at the time of the preliminary plan.
16. Building design - The project architect shall give due regard to the footprints, building orientation, massing, roof shape, pitch and exterior materials to blend with other traditional or historic architecture in the community or with the site. All residential roofs must be a minimum of 6/12 pitch, or as approved by plan. Noise producing equipment located outside of an enclosed structure such as HVAC, generators, compressors, refrigeration units, motors and other similar types of equipment shall be identified on the development plan by type and location. The Township may require that suitable sound-buffering techniques be specified and incorporated on the development plan in order to control the noise emanating from the equipment in such a manner that the noise will not be at a level above that normally perceptible from other activities in the area.

17. Building Height Limits –

- a) Independent living, including residences for guards, security personnel or care providers: maximum three-story, 40', or as approved per plan.
- b) Assisted living: maximum three-story, 40', or as approved per plan.
- c) Nursing home facility: maximum three story, 40', or as approved per plan.
- d) Any other accessory buildings and structures: 40', or as approved per plan.

18. Landscaping - All yards, front, side and rear, shall be landscaped, and all organized open spaces or non-residential use areas shall be landscaped and shall meet the requirements of Article XXI, unless a variation from these standards is specifically approved as part of the final Development Plan. A Landscape Plan showing the caliper, height, numbers, name and placement of all material, prepared by a licensed landscape architect, shall be approved as a part of the final Development Plan.

19. Parking - Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the Development Plan. In preparing and approving the Parking Plan, the provisions of Article XXI of this Resolution, when appropriate, shall be incorporated, or:

Permanent parking shall be provided outside any road right-of-way as follows:

- ❖ Independent living, including residences for guards, security personnel, care providers: 2 spaces per dwelling unit, in the form of an appropriately sized individual driveway (in addition to any garage space), or as approved per plan.
- ❖ Assisted living: as approved per plan.
- ❖ Nursing home: as approved per plan

20. Signs – Signs shall conform to Article XXII, or as approved per plan.

Exterior signs in this district shall incorporate the following:

- a) Identification signs must be placed at each entrance to the community, and shall include the community or facility name, and may include the address of its office (if on-site), and its main telephone number.
- b) Address numbers on each building, and on each separate independent residence, a minimum of six (6) inches high, which are easily identifiable from the street. If identification is not possible due to distance from a street, then the number must also be on both sides of a mailbox for that building. If multiple addresses exist for one building, then the numbers

must be at each entry and on the façade of each building that faces the road, identifying the addresses of the unit contained in each building.

- c) One sign for the permanent office, which shall be permitted only on or above the door to that office, and which shall be no larger than 3 square feet. It may display only the office name, address, telephone number, and hours of business.
 - d) The owner or developer of a subdivision or similar area, upon the conditions and for the time period established by the Zoning Commission, may erect one (1) sign not exceeding thirty-two (32) square feet in area per side advertising said subdivision, development or tract for sale.
21. Exterior Lighting - All exterior lighting shall meet the lighting requirements of Article XXI of this Zoning Resolution, unless a variation from these standards is specifically approved as part of the final Development Plan.
22. Continued Compliance - The owner or operator of the housing accommodations shall maintain compliance with the general criteria set forth in Section 11.02. The Development Plan shall specify the person to be responsible for maintaining such compliance if the application is approved. If the person responsible for maintaining compliance is changed, such person shall notify the Zoning Inspector of such change within thirty (30) days thereof. Such person shall annually file a statement of compliance with the Zoning Inspector that states that these accommodations are in compliance with these criteria.
23. Supplemental Conditions and Safeguards - The Zoning Commission and/or Board of Trustees may impose additional conditions relating to the development with regard to the type and extent of the public improvements to be installed; landscaping; improvements and maintenance of open space areas; and other development characteristics.
24. Restrictions on Occupancy – The owner or operator of the housing accommodations shall maintain compliance with the following restrictions on the occupancy of the independent dwelling units:
- a) Each occupied single and multi-family attached or detached independent dwelling unit (“Unit”) shall at all times have as a permanent occupant therein at least one person who is 55 years of age or older (the “Qualifying Occupant”); provided, in the event of the death of a person who was the sole Qualifying Occupant of a Unit, the spouse of such Qualifying Occupant may continue to occupy the Unit as long as the provisions of the Fair Housing Amendments Act and the regulations adopted thereunder are not violated by such occupancy. For such purposes of this Subsection, an occupant shall not be considered a

“permanent occupant” unless such occupant considers the Unit to be his or her legal residence and actually resides in the Unit for at least six months during every calendar year.

- b) The development plan shall specify the manner and method to be used in order to maintain compliance with the general criteria set forth in Section 11.02. This includes providing copies of any and all rules and regulations proposed to be enforced with respect to the independent housing accommodations contained within the development plan.

SECTION 11.09 – REQUIRED FINDINGS FOR PERRC APPROVAL: The Zoning Commission and Trustees may approve an application requesting that property be included in the PERRC zoning district, provided they find that the proposed use complies with all of the following requirements:

1. That the proposed development is consistent in all aspects with the purpose, criteria, intent and standards of this Zoning Resolution.
2. That the proposed development is in conformity with the Comprehensive Plan or portion thereof as it may apply.
3. That the proposed development advances the health, safety, and morals of the Township and the immediate vicinity.
4. That the proposed plan meets all of the design features required in this Resolution.
5. That the proposed development is in keeping with the existing land use character and physical development potential of the area.
6. That the proposed development will be compatible in appearance with surrounding land uses.

SECTION 11.10 - PROCESS FOR AMENDMENT: Applications for amendment to rezone property to the Planned Elderly or Retirement Residential Community Zoning District may be approved according to one of the following procedures:

1. The applicant, being the owner or lessee of the subject real estate, may apply for designation of the land as a PERRC. A preliminary Development Plan must be submitted with the application. If the application for the zoning amendment is approved, then the zoning map is amended to PERRC. (This is a legislative act and is subject to referendum). A final Development Plan shall be subsequently submitted to the Zoning Commission for review and approval (this is an administrative act and not subject to referendum.) This procedure may only be used if the real estate proposed to be rezoned consists of at least 40 acres.

2. The applicant, being an owner or lessee of the subject real estate, may apply for designation of the land as a PERRC and simultaneously submit, along with the application for the zoning amendment, a final Development Plan acceptable to the Township and in accordance with the final Development Plan standards set forth herein. (This is a legislative act and is subject to referendum).

In addition to the procedures set forth in this Zoning Resolution, all applications for amendment to rezone property to the PERRC district shall comply with the procedures outlined in Ohio Revised Code Section 519.12.

Following the filing of an application for a PERRC, the Zoning Commission may schedule a walkabout on the site with the applicant to familiarize all parties with the lay of the land, and the general design intent of the applicant.

SECTION 11.11 – EFFECT OF PROPERTY OWNER INITIATED PERRC ZONING AMENDMENT: Upon approval of an application for a zoning amendment to rezone property to the PERRC district, all previous regulations shall no longer be in effect, and the regulations set forth in this Article for the PERRC designation, as approved, shall prevail.

SECTION 11.12 – DEVELOPMENT PLANS:

- A. Preliminary Development Application – Upon application for a PERRC District, the owner(s) or lessee(s) of lots or land within the Township shall simultaneously submit a preliminary Development Plan. The preliminary Development Plan shall show the intended layout of the site.

Fifteen (15) copies of the preliminary Development Plan shall be submitted to the Zoning Commission with the PERRC application. The plan shall include in text and map form, the following:

- 1) The proposed size and location of the PERRC district, at a scale of at least 1" = 200', showing topographic contours of at least 5' intervals, wooded areas, wetlands, adjacent (within 200') structures, 100-year floodplains.
- 2) Suggested architectural designs for all structures and signs.
- 3) The intended general provisions for water, fire hydrants, sanitary sewer and surface drainage. Information regarding existing pipe sizes, capacities, committed flows, and potential needed upgrades must be documented.
- 4) The relationship of the proposed development to existing and probable uses of surrounding areas, including easements, rights of way, proposed drainage and public utilities.

- 5) A design of the open space and proposed description of its use and maintenance.
- 6) Specific statements of divergence, if any, from the development standards in this Article.
- 7) Proposed location of all structures and uses.
- 8) Preliminary Traffic Impact Analysis, based upon new trip generation.
- 9) All required design features from Section 11.08.
- 10) Emergency service provisions (letter from Fire and Police Departments). Phasing plans, if any.
- 11) Calculation of net developable acreage and proposed project density.
- 12) Proposed permitted and accessory uses.

B. Preliminary Plan Approval Period- The approval of a preliminary Development Plan shall be effective for a period of one (1) year in order to allow for the preparation and submission of the final Development Plan. No zoning amendment passed during this one (1) year period shall affect the terms under which approval of the preliminary Development Plan was granted. If the final Development Plan has not been filed within this one (1) year period, then the preliminary Development Plan approval shall expire unless the Zoning Commission has approved an extension of this time limit. Absent such an extension, no use shall be established or changed and no building, structure or improvement shall be constructed until a new preliminary and final Development Plan has been submitted for approval to and approved by the Township. Such applications for approval shall be subject to the same procedures and conditions as an original application. These new applications shall comply with the terms of the Zoning Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PERRC district.

C. Final Development Plan – The applicant shall submit fifteen (15) copies of the final development plan to the Zoning Commission with the application. Except as otherwise provided in the initial rezoning of property to the PERRC district, the Zoning Commission shall be the review authority for the final Development Plan.

The review and approval of the Final Development Plan is an administrative, not legislative act, unless the final development plan is simultaneously submitted with application for the zoning district change.

If, in the opinion of the Zoning Commission, there is a substantial deviation from the approved preliminary Development Plan, the final Development Plan shall state the areas of divergence. The final Development Plan shall include in text and map form the following:

1. A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed PERRC District.
2. The plan will be to scale of at least 1" = 100' and will show the proposed uses of the site, location of buildings and structures, streets and roadways, and parking areas, all required design features, and the following:
 - a. The general development character and the permitted and accessory uses to be located on the tract including the limitations or controls to be placed on all uses, with proposed lot sizes, and minimum setback requirements. Other development features, including landscaping, entrance features, signage, pathways, sidewalks, recreational facilities, common open space areas, and all commonly owned structures shall be shown in detail which identifies the quantity and type and typical section of each. For example, the Landscape Plan shall identify each plant, shrub or tree, its name, its size at planting and rendering of how that section of the development would look in elevation.
 - b. Environmentally sensitive areas such as the 100-year floodplain, wetlands, and slopes greater than 20% shall be mapped. No structure (other than approved drainage structures) shall be constructed within the limits of the 100-year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Delaware County.
 - c. Architectural design criteria including materials, colors and renderings for all structures and criteria for proposed signs, with proposed control procedures. These shall also include specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the Development Plan by the Township Zoning Commission. Materials and colors shall be submitted for approval.
 - d. The proposed approved provisions for water, fire hydrants, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness. Pipe sizes and locations, detention basins and drainage structures shall be drawn.

- e. A traffic impact analysis by a competent traffic engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
- f. The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
- g. Location of all uses within the site and the location of schools, parks and other public facility sites within or adjacent to the site.
- h. The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
- i. If the proposed timetable for development includes developing the land (including open space) in phases, all phases developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.
- j. The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
- k. Specific statements of divergence from the development standards in Articles XXI (General Standards) XXII (Signs) or existing County Subdivision regulations and the justification therefore. Unless a variation from these development standards is specifically approved, the same shall be complied with. Since the final Development Plan is an exact rendition of what is intended to be built all standards for landscaping, parking and setbacks are per plan.
- l. Evidence of the applicant's ability to post a bond or an irrevocable letter of credit if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
- m. The Development Plan shall bear the seal of an architect, landscape architect, and professional engineer licensed to practice in the state of Ohio.
- n. The manner and method to be utilized in order to achieve and maintain compliance with the general criteria for the PERRC district.

- D. Final Development Plan Approval Period- The approval of a final Development Plan shall be effective for a period of three (3) years, or for such other period as approved per plan, in order to allow for the filing and recording of a final subdivision plat, if platting is required by applicable law, and the commencement of construction of all buildings, structures and improvements on the site. No zoning amendment passed during the established approval period shall affect the terms under which approval of the final development was granted. If the required final subdivision has not been approved and recorded, and construction commenced on all buildings, structures and improvements within the established approval period, then the final Development Plan shall expire unless the Zoning Commission has approved an extension of this time limit. Absent such an extension, no use shall be established or changed and no building, structure or improvement shall be constructed until a new final Development Plan has been filed with and approved by the Township, and such application for approval, shall be subject to the same procedures and conditions as an original application for preliminary and final Development Plan approval. This new application shall comply with the terms of the Zoning Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PERRC District.
- E. Phasing - Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development.
- F. Failure to Maintain - If the organization established to own and maintain the open space, or the owners of dwelling units within the PERRC shall, for any reason, fail to maintain the open space in reasonable order and in accordance with the final Development Plan, the Board of Township Trustees, or its designee, may serve written notice upon such organization of the deficiencies and demand that corrective action be taken immediately.

If such maintenance shall not have been performed within 20 days following such notice, the Township, in order to preserve the taxable values of the properties within and adjacent to the PERRC, may enter upon the open space and maintain it for a period of up to one year. Said entry shall not vest any rights in the public to use and enjoyment of the open space. The cost of such maintenance shall be assessed against the properties within the PERRC in direct relation to their proportionate interest in the open space and shall become a tax lien on such properties. This remedy shall be in addition to any other right or remedy available to the Township in enforcing compliance with this requirement.

- G. Plat Required – If a plat is required by applicable law, no use shall be established or changed, and no building, structure, or improvement shall be constructed or altered until the required subdivision plat has been prepared and

recorded in accordance with the Subdivision Regulations for Delaware County, Ohio, and this Resolution. The subdivision plat and plan shall be in accordance with the approved Development Plan and shall include:

1. Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public right-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
2. Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for non-residential uses.
3. In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to the recording of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount ensuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any Zoning Certificate be issued for any building or use until such time that the facilities for the phase in which the building or use is located are completed.
4. A request for approval of the final subdivision plat for the entire development shall be filed for approval and the approved final plat recorded within three (3) years after the approval of the final Development Plan or within such other period as approved per plan.

H. Extension of Time/ Modification of Final Development Plan

- a) An extension of the time limit for either filing the required subdivision plat, recording the approved subdivision plat, or enlarging the approval period for either a preliminary or final Development Plan may be granted by the Zoning Commission without public hearing provided the Commission finds that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of a reasonable effort toward the accomplishment of the filing and/or recordation of the plat and the completion of the development of the project. A request for extension shall be filed prior to the expiration of the established approval period.

- b) A request for minor changes to the final Development Plan may be approved by the Zoning Commission without being subject to the same procedures as the original application.
- c) In the case of a request for a modification or amendment to the approved final Development Plan that represents a substantial departure from the intent of the original proposal, as determined by the Zoning Commission, said modification or amendment shall be subject to the same procedure and conditions of preliminary and final Development Plan approval as the original application. The following shall be considered substantial departures from the original application:
 - (i) A change in the use or character of the development;
 - (ii) An increase in overall lot coverage of structures and off-street parking;
 - (iii) An increase in the density;
 - (iv) An increase in the problems of traffic circulation and public utilities;
 - (v) A reduction in approved open space;
 - (vi) A reduction of off street parking and loading space;
 - (vii) A reduction in required pavement widths;
 - (viii) A reduction of the acreage in the planned development;
 - (ix) Any other departure from the approved Development Plan which is deemed substantial by the Zoning Commission.

- I. Administrative Review - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, the Zoning Commission or their designated technical advisors for administrative review to ensure substantial compliance with the development plan as approved.
- J. Divergences - The Township, as a part of either preliminary or final development plan approval, may grant divergences from any standard or requirement in this Article that is noted "as approved per plan." An applicant requesting a divergence shall specifically list each requested divergence on the preliminary and final development plan submittals.

ARTICLE XII – RESERVED

ARTICLE XIII - NEIGHBORHOOD RETAIL DISTRICT (C-2)

SECTION 13.01 – PURPOSE: It is the intention of the Liberty Township Trustees to create a district which will regulate future commercial development and foster expansion and rehabilitation of existing facilities to provide the atmosphere and opportunity to develop neighborhood oriented commercial ventures which are small, pleasant, safe and convenient to the neighborhood, but yet not designed to serve the public at large.

SECTION 13.02 – APPLICATION: All lands designated on the Official Liberty Township Zoning Map as Neighborhood Retail District shall be governed by the provisions of this article.

SECTION 13.03 – PERMITTED USES: Within the Neighborhood Retail District (C-2) the following uses, developed in accordance with other provisions of this Resolution, shall be permitted:

- A. Retail store primarily engaged in selling of merchandise for personal or household consumption and rendering services incidental to the sale of goods including hardware stores, grocery stores, meat and seafood markets, fruit stores and vegetable markets, candy stores, nut and confectionery stores, retail bakeries, drug and proprietary stores, florists, nurseries/landscaping, laundromats, laundry and dry cleaning shops, beauty shops, barber shops, shoe repair or shining shops or any other like retail establishment consistent with the above listed uses.
- B. Office facilities for the providing of personal service such as insurance agencies, insurance brokers, real estate offices, law offices, offices of physicians, surgeons, dentists, dental surgeons, osteopathic surgeons, chiropractors or podiatrists or other allied medical, dental or optical fields.
- C. Offices of credit agencies, personal credit institutions or loan offices provided that no drive-in windows or services are provided.
- D. Offices of veterinarians provided that the practice of said veterinarian is limited to small domestic animals; that no animals are boarded on the premises and that no outside runs or exercise areas are provided.
- E. Conditional uses or other business similar in nature or character, as determined by the Board of Appeals.
- F. Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a Permit for such temporary use, which Permit shall be valid for six (6) months and may be

renewed not more than twice (2x). Renewal of the Permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he/she deems necessary. The fees for such Permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said Permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with the provisions of Article XXVIII of this Resolution.

SECTION 13.04 – RESERVED

SECTION 13.05 – PROHIBITED USES:

- A. No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.
- B. No inoperable or unlicensed motor vehicle or trailer of any type, and no boats, motor homes and equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this Code or the Restrictions of the Plat or Deed.
- C. No trash, debris, graffiti, unused property or discarded materials shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public.

SECTION 13.06 – DEVELOPMENT STANDARDS: In addition to any other provisions of this Resolution, all lands and uses within the Neighborhood Retail District shall be developed in strict compliance with the standards hereinafter established:

- A. Building Size: No structure in this district shall contain more than three thousand (3,000) square feet of floor space.
- B. Lot Size: No minimum lot size shall be required; however, the lot size shall be adequate to provide the yard spaces and off-street parking as herein required.
- C. Lot Width: No minimum lot width shall be required; however, all commercial tracts shall have access to public streets and shall be of such width as to provide required yard spaces and off-street parking.
- D. Building Heights: No building shall exceed two (2) stories or forty (40) feet in height.

- E. *Building Setbacks*: There shall be a setback of all buildings of not less than fifty (50) feet from the right-of-way line of the public street, provided, however, no such setback shall be required to exceed the average of the minimum depths of existing front yards on lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet.
- F. *Side Yards*: Side yards shall be required at no less than thirty-five (35) feet from any adjacent Residential District. No parking, buildings or other improvements shall be located any closer than thirty-five (35) feet from any adjacent property line.
- G. *Rear Yards*: Rear yards of no less than thirty-five (35) feet shall be required when commercial areas are adjacent to residential areas.
- H. *Screening*: All retail areas adjacent to residential areas shall provide a screening of shrubbery and/or fencing so as to hide trash collection areas and service areas from the view of adjacent residential areas. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner.
- I. *Parking*: Off-street parking shall be provided within this district in strict compliance with the provisions of Article XXI of this Resolution.
- J. *Signs*: Refer to Article XXII - Sign Regulations.
- K. *Lighting*: No area lighting or lighting of buildings or storage areas shall be permitted which cause unreasonable illumination of adjacent properties.
- L. *Freight Loading Area*: When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading areas, as provided, shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.
- M. *Construction and Maintenance of Improvements Within Right-of-Way*: The construction and maintenance of all improvements behind the curb line or the edge of pavement including, but not limited to, drainage improvements, landscaping improvements, sidewalks and/or driveway approaches shall be the responsibility of the abutting property owner.

ARTICLE XIV - PLANNED COMMERCIAL DISTRICT (PC)

SECTION 14.01 – NATURE OF THE DISTRICT:

The Planned Commercial District is a Planned Unit Development adopted pursuant to Ohio Revised Code 519.021 (A) and is intended to provide for unified commercial areas usually under single ownership and control, or clustered together in planned out lots, where the use and layout are known and approved with flexibility per an approved development plan. These developments shall have all necessary utility services, and roads comprehensively provided. Buildings within this District are to be architecturally attractive and internally and externally compatible. The development is to be well landscaped. Parking and loading areas are to be screened and pedestrian-vehicular separation achieved. The relationship among individual establishments is to be harmonious, and inasmuch as the principal tenant and the size of the buildings have much to do with its physical character, relationship to the community, and economic success, these factors should be of concern in considering a Planned Commercial District application. It is intended that the Planned Commercial District and the area surrounding it be protected from the intrusion of dissimilar land uses, except those clearly complimentary, supplementary, and physically compatible within the development and the vicinity.

SECTION 14.02 - PERMITTED USES: Within the Planned Commercial District (PC) the following uses, according to their North American Industrial Classification System (NAICS) code number, may be permitted when approved by the development plan process in strict compliance with the approved development plan and standards.

The full text of the listings in the 2002 NAICS or subsequent edition as specifically referenced and subsequently adopted shall be used to define the uses permitted within the PC district as set forth below and is hereby adopted as part of Article XIV.

The precise use or type of use of the tract shall be specified in the plan as submitted and approved.

Note: The NAICS code numbers are inclusive in ascending order. All two-digit sector numbers listed in the left hand column below include as permitted uses all 3-6 digit numbers beginning with those two digits. All three digit codes include all 4-6-digit codes beginning with those three digits, and so on. If a specific six-digit code is used, it refers to only one permitted use. For example, Code 52 means that any use listed in the 2002 or subsequently referenced and adopted NAICS code under Sector 52 (such as 52212 Savings Institutions) is permitted.

2002 U.S.

NAICS CODE #

PERMITTED USES

1114	Greenhouse, Nursery and Floriculture Production
311811	Retail Bakeries

442	Furniture and Home Furnishings Stores
443	Electronics and Appliance Stores
444	Building Material and Garden Equipment and Supplie Dealers
445	Food and Beverage Stores
446	Health and Personal Care Stores
447	Gasoline Stations (except 447109, Truck Stops)
448	Clothing and Clothing Accessories Stores
451	Sporting Goods, Hobby, Book, and Music Stores (except Adults only entertainment)
452	General Merchandise Stores
453	Miscellaneous Store Retailers, (except Adults Only Entertainment establishments, and 45393 Manufactured Home Dealers)
491	Postal Service
51	Information (except Adults Only Entertainment establishments)
52	Finance and Insurance
5312	Offices of Real Estate Agents and Brokers
5313	Activities related to real estate
53211	Passenger Car Rental and Leasing
5322	Consumer Goods Rental
53242	Office Machinery and Equipment Rental and Leasing
54	Professional, Scientific and Technical Services
55	Management of Companies and Enterprises
561	Administrative and Support Services
61	Educational Services
621	Ambulatory Health Care Services
622	Hospitals
623	Nursing and Residential Care Facilities
62412	Services for the elderly and persons with disabilities
6244	Child day care
71111	Theater Companies and Dinner Theaters (except Adults Only entertainment)
71112	Dance Companies (except Adults Only Entertainment establishments)
71211	Museums
71394	Fitness and Recreational Centers
71395	Bowling Centers
7211	Hotels (except casino) and Motels
721191	Bed and Breakfast
722	Food Services and Drinking Places (except those establishments offering or featuring entertainment including totally nude, topless, bottomless, strippers, male or female impersonators, or similar adult entertainment or services).
811	Repair and Maintenance
812	Personal and Laundry Services (except Adults Only Entertainment establishments)

813	Religious, Grantmaking, Civil, Professional and Similar Organizations
92	Public Administration

Temporary structures such as manufactured/mobile offices and temporary buildings of a non-residential character may be used incidental to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The users of said structure shall obtain a zoning certificate (permit) for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he/she deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with Article XXXIII of this Resolution.

SECTION 14.03 - PROHIBITED USES:

- A. Uses not specifically authorized by the express terms of this article of the Zoning Resolution shall be prohibited.
- B. Outdoor storage of inoperable, unlicensed or unused vehicles, including trailers detached from semi-tractors, for a period exceeding fourteen (14) days in a calendar year is prohibited. Said vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road. This prohibition shall not apply to new or used motor vehicles stored or displayed pursuant to a legal sales or repair activity if such activities are carried out in compliance with the approved plan.
- C. Except as provided in the development plan no trailer of any type; no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code, the restrictions in the plat or deed or the development plan.
- D. Except as specifically permitted in the approved development plan, no manufactured home, mobile home or mobile office structure shall be placed or occupied in this district.

- E. No trash, debris, unused property or discarded materials shall be permitted to accumulate on any lot or parcel which creates an eyesore, hazard, or nuisance to the neighborhood or general public.
- F. Adults only establishments.
- G. NAICS code # 711310, Promoters of Performing Arts, Sports, and Similar Events with outdoor open air Facilities.

SECTION 14.04 - REQUIRED PC DESIGN STANDARDS:

- A. The development plan shall incorporate the following standards for all permitted uses:
 - 1. Access - Requires frontage on or direct access to one or more dedicated and improved public arterial roads as shown on the Delaware County Thoroughfare Plan, or to an access road that runs parallel to an arterial road. Provision for future connections to other public roads may be required by the Township, the County Engineer and/or the Regional Planning Commission.
 - 2. Maximum commercial ground coverage by buildings and parking (all impervious surfaces) - 70% of the total tract, exclusive of public street rights of way. Land underneath overhead high voltage electric transmission lines may be used for open space, landscaping, parking and roads with the permission of the electric utility company.
 - 3. Minimum open space for commercial developments - 30% of the total tract acreage. Open spaces may be used for the retention, detention and disposal of storm water drainage. Features that are likely to cause erosion or flooding shall not be permitted. A 15-foot wide landscaped "green belt" shall be provided between the edge of any parking area and the adjacent public street right of way.
 - 4. Centralized water and sewer service shall be provided.
 - 5. Floodplain - No commercial or office structures shall be constructed within the 100-year floodplain of any stream or river.
 - 6. Walkways and street trees - The Township may require walkways to connect parking areas with buildings. Where sidewalks or bike paths are required, they shall be separated from the paved street or parking lot surface by at least five feet (5') of landscaped or grassed tree lawn with street trees that conform to Township standards placed in the tree lawn.
 - 7. Setbacks - approved per development plan.

8. Pavement width and street cross section - shall be constructed to meet the Average Daily Traffic and weights anticipated in the Delaware County Engineer's Location and Design Manual, and shall have a design life of 20 years.
9. Underground utilities - all utilities constructed to service the proposed commercial use shall be located underground.
10. Minimum lot width at the building line - as approved per plan.
11. Minimum side yards - shall equal one-third (1/3) the sum of the height and depth of the structure, but in no case shall be less than one hundred (100) feet from any Residential Zoning District or Planned Residential District, or as approved per plan.
12. Minimum rear yard - shall equal one-third (1/3) the sum of the height and width of the structure, but in no case shall be less than one hundred (100) feet from any Residential Zoning District or Planned Residential District, or as approved per plan.
13. Parking Setback - No parking shall be constructed within 35 feet of the lot line of an existing or proposed residential zoning district or Planned Residential District.
14. Buffering - Natural foliage shall be retained where practicable. The Township may require establishment of tree cover or other foliage to buffer adjacent uses.
15. Environmentally sensitive areas - Jurisdictional wetlands, slopes greater than 20% and 100-year floodplains shall be preserved to the greatest extent possible.
16. Water supply and sewage disposal - For sewage disposal, the state or county agencies with jurisdiction shall indicate feasibility of wastewater disposal systems at the time of the preliminary development plan review. For water supply, the appropriate public or private utility shall indicate feasibility of water supply at the time of the preliminary development plan review.
17. Building design - Building orientation, massing, roof shape, pitch and exterior materials shall be detailed and approved as part of the final development plan.
18. Building height limits - 40 feet unless otherwise approved.

19. Landscaping - All yards, front, side and rear, shall be landscaped, and all open spaces or non-residential use areas shall be landscaped and shall meet the landscaping requirements of this resolution, unless a variation from these standards is specifically approved as part of the final development plan. A landscape plan prepared by a licensed landscape architect shall show the caliper, height, numbers, name and placement of all material, and be subject to approval as part of the final development plan.
20. Parking - Off-street parking shall be provided at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the final development plan. In preparing and approving the parking plan, the parking provisions Article XXI of this Resolution shall be incorporated, or a divergence requested and be subject to approval as part of the final development plan.
21. Signs - Signs shall conform to provisions of Article XXII of this Resolution, or a divergence must be requested and subject to approval as part of the final development per plan.
22. Lighting - All lighting shall conform to the provisions of Article XXI of this Resolution and be subject to approval as part of the final development plan.
23. Building size limits - Retail or mixed use buildings, containing retail uses, shall contain no more than 65,000 gross square feet of floor area under one roof.
24. Exception to retail building size limits - Retail uses permitted in Section 14.02, and NAICS code 441 (Motor Vehicle and parts dealers) with an individual commercial use that exceeds 65,000 square feet under one roof may be approved at the discretion of the township provided they have direct access to U.S. Route 23, or access to a commercial frontage road located parallel to and within 500 feet of U.S. 23.
25. Supplemental conditions and safeguards - The Zoning Commission and/or Board of Trustees may impose additional conditions relating to the development with regard to the type and extent of the public improvements to be installed; landscaping; improvements and maintenance of open space areas; and other development characteristics.

SECTION 14.05 - REQUIRED FINDINGS FOR PC APPROVAL:

The Zoning Commission and Trustees may approve an application requesting that property be included in the PC zoning district, provided they find that the proposed use complies with all of the following requirements:

1. That the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Resolution.

2. That the proposed development is in conformity with the comprehensive plan as adopted or concurrently amended or portion thereof as it may apply.
3. That the proposed development promotes the health, safety, and general public welfare of the township and the immediate vicinity.
4. That the proposed plan meets all of the design features required in this Resolution.
5. That the proposed development will be compatible in appearance with surrounding existing or proposed land uses.
6. That the development promotes the efficient use of land and resources, promotes greater efficiency in providing public utility services and encouraging innovation in the planning and building of all types of development.

SECTION 14.06 - PROCESS FOR AMENDMENT:

Applications for amendment to rezone property to the PC Zoning District may be approved according to one of the following procedures:

- A. The applicant, being the owner and, if applicable, a lessee of the subject real estate, may apply for a zoning map amendment to designate the land as a PC. A preliminary development plan which complies with the preliminary development plan standards set forth herein shall be submitted with the application. If the application for the zoning amendment is approved, then the zoning map is amended to PC. After the designation of the property as a Planned Commercial District on the zoning map, any approval or disapproval of subsequent use or development of property in the PC district established as authorized by this resolution and in compliance with the approved development plan shall not be considered to be an amendment or supplement to the township zoning map pursuant to Ohio Revised Code 519.021 (A), but as an administrative act subject to appeal according to Chapter 2506 of the Ohio Revised Code. A final development plan that conforms with all requirements of the approved preliminary development plan shall be subsequently submitted to the Zoning Commission for review and approval. This procedure may only be used if the real estate proposed to be rezoned consists of at least 10 acres; or
- B. The applicant, being an owner and, if applicable, a lessee of the subject real estate, may apply for a zoning map amendment to designate the land as a PC and simultaneously submit, along with the application for the zoning amendment, a final development plan acceptable to the Township and in accordance with the final development plan standards set forth herein.

In addition to complying with the procedures set forth in this Zoning Resolution, all applications for amendment to rezone property to the PC district shall comply with the procedures outlined in Ohio Revised Code Section 519.12.

Following the filing of an application for a PC, the Zoning Commission may schedule a walkabout on the site with the applicant to familiarize all parties with the lay of the land, and the general design intent of the applicant. If a majority of the Zoning Commission is present, the meeting must be advertised in accordance with Ohio law, and minutes kept.

SECTION 14.07 - EFFECT OF PROPERTY OWNER INITIATED PC ZONING AMENDMENT:

Upon approval of an application for a zoning amendment to rezone property to the PC district, all previous regulations regarding that specific property shall no longer be in effect, and the regulations set forth in this Article and in the approved final development plan shall govern.

SECTION 14.08 - DEVELOPMENT PLANS:

- A. Preliminary Development Plan - With the filing of any application to rezone a property to the PC District, the owner(s) or lessees of lots or land within the Township shall simultaneously submit a preliminary development plan. The preliminary development plan shall show the intended layout of the site.

Fifteen (15) copies of the preliminary development plan shall be submitted to the Zoning Commission with the PC application. The plan shall include in text and map form, the following:

1. The proposed size and location of the PC district, at a scale of at least 1" = 200', showing topographic contours of at least 5' intervals, wooded areas, wetlands, adjacent (within 200') structures, 100 year floodplains.
2. Conceptual architectural elevations for all structures and signs.
3. The intended provisions for water, fire hydrants, sanitary sewer and adequate storm water drainage outlet. Information regarding existing pipe sizes, capacities, committed flows, and potential needed upgrades must be documented by the utility provider or a registered civil engineer.
4. The relationship of the proposed development to existing and probable uses of surrounding areas, including easements, rights of way, proposed drainage and public utilities.

5. A design of the open space and proposed description of its use, ownership and plan for maintenance.
6. Specific statements of divergence, if any, from the development standards in this Article or the general standards of this Resolution such as setbacks, parking, landscaping, lighting, signage and so forth, and a statement of justification therefore.
7. Proposed location of all structures and uses; gross square footage of commercial and office uses.
8. Preliminary Traffic Impact Analysis based upon new trip generation as estimated by the Delaware County Engineer's standards.
9. All required design standards in Section 14.04.
10. Emergency service provisions (letter from Fire department regarding access and water supply to the proposed development site).
11. Phasing plans, if any.
12. Calculation of net developable acreage and proposed lot coverage.
13. Permitted and accessory uses listed numerically and selected from the NAICS list in Section 14.02.

B. Preliminary Plan Approval Period - The approval of a preliminary development plan shall be effective for a period of one (1) year from the date 30 days after the zoning became final in order to allow for the preparation and submission of the final development plan. No zoning text amendment passed during this one (1) year period shall affect the terms under which approval of the preliminary development plan was granted. If the final development plan has not been filed within this one (1) year period, then the preliminary development plan approval shall expire unless the Township Trustees have approved an extension of this time limit. Absent such an extension, no use shall be established or changed and no building, structure or improvement shall be constructed until a new preliminary and final development plan has been submitted for approval to and approved by the Township. Such applications for approval shall be subject to the same procedures and conditions as an original application. All new applications shall comply with the terms of the Zoning Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PC district.

- C. Modifications of the Preliminary Development Plan - In the event that an applicant or owner who has obtained approval of a Preliminary Development Plan wishes to change or modify said approved plan in any respect, he or she shall make a detailed written modification request, and file that request and fee with the Zoning Inspector. The application shall specifically detail the changes requested, and shall state the reasons for all changes requested.

Upon receipt of such an application, the Zoning Inspector shall refer the application to the Board of Trustees for a determination to be made at the sole discretion of the Trustees as to whether the Application shall be treated as a request for a major or minor modification.

If the Trustees determine by a majority vote that the application should be handled as a minor modification request, it shall set the matter for a public meeting before the Board of Trustees. The applicant shall have the right to amend his or her application at any time prior to the vote of the Board of Trustees.

If the Trustees determine by a majority vote that the Application should be addressed as a major modification request, they shall forward the Application to the Township Zoning Commission and the Zoning Commission shall schedule and conduct a public meeting, and make a written recommendation for the approval, modification, or the denial of the application to the Board of Trustees. The applicant shall have the right to amend the application at any time prior to the vote of the Zoning Commission. Upon receipt of the Zoning Commission's recommendation, the Trustees shall hold a public meeting for consideration of the application and the recommendation of the Zoning Commission. The public meeting shall be held within thirty (30) days of the Trustees' receipt of the Zoning Commission's recommendation. Notice of the public meeting shall be published once at least ten (10) days before the date of the meeting. Following the conclusion of a public meeting for determination of an application (including all continuances thereof), the Township Trustees shall either approve or disapprove the application. The recommendation of the Zoning Commission shall be approved unless the Trustees modify or disapprove the application. A vote to modify or disapprove the recommendation of the Zoning Commission shall require the unanimous vote of the Trustees.

If an amendment is sought with respect to an application deemed major after a vote by the Trustees, the amended application will be returned to the Zoning Commission for additional review and recommendation.

Consideration of requests for modifications of an approved Preliminary Development Plan shall be considered in all respects to be a legislative process and approval or denial of any such request shall be considered and treated as a legislative act. Subject only to referendum rights which apply, any decision by

the Board of Trustees upon an application for modification shall be final and shall not be appealable.

- D. Final Development Plan - The applicant shall submit fifteen (15) copies of the final development plan to the Zoning Inspector with the application. Except as otherwise provided in the initial rezoning of property to the PC district, the Zoning Commission shall be the review authority for the final development plan so long as the Final Development Plan is in compliance with the approved Preliminary Development Plan.

The final development plan shall include in text and map form the following:

1. A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the area designated on the final development plan.
2. The final development plan shall be to scale of at least 1" =100' and will show the proposed uses of the site, location of buildings and structures, streets and roadways, and parking areas, all required design features, and the following items in detail satisfactory to the reviewing bodies:
 - a) The permitted and accessory uses to be located on the tract including the limitations or controls to be placed on all uses, with proposed lot sizes, and minimum setback requirements. Other development features, including landscaping, entrance features, signage, pathways, sidewalks, recreational facilities, common open space areas, and all commonly owned structures shall be shown in detail which identifies the quantity and type and typical section of each. For example, the landscape plan shall identify each plant, shrub or tree, its name, its size at planting and rendering of how that section of the development would look in elevation.
 - b) Environmentally sensitive areas including the 100 year floodplain, wetlands, and slopes greater than 20% shall be mapped. No structure (other than approved drainage structures) shall be constructed within the limits of the 100-year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Delaware County. To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six (6%) percent shall be maintained.
 - c) Architectural design detail including specification of materials, colors and elevations for all structures, signs, and improvements, including paving. Proposed architectural control procedures shall be included.
 - d) Building heights and dimensions.

- e) Off-street parking.
- f) Size, height and location of all signs.
- g) Lighting: All lighting shall conform to the provisions of Article XXI of this Resolution.
- h) The utility provider-approved provisions for water, fire hydrants, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness. Pipe sizes and locations, detention basins and drainage structures shall be drawn.
- i) A traffic impact analysis by a civil engineer who specializes in traffic evaluations showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
- j) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
- k) Location of all uses within the site and the location of schools, parks and other public facility sites within or adjacent to the site.
- l) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
- m) If the proposed timetable for development includes developing the land (including open space) in phases, all phases developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.
- n) The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
- o) Specific statements of divergence from the development standards in this resolution and the justification therefore. Unless a variation from these development standards is specifically approved, the same shall be complied with. Since the Final Development Plan is a rendition of what is intended to be built all standards for landscaping, parking and setbacks are per plan.

- p) Evidence of the applicant's ability to post a bond or an irrevocable letter of credit if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
- q) The drawings that are a part of the development plan shall bear the seal of an architect, landscape architect, and professional engineer licensed to practice in the state of Ohio , with respect to the design of each professional
- r) The manner and method to be utilized in order to achieve and maintain compliance with the general criteria for the PC district.
- s) The manner in which the applicant will mitigate any nuisance effects of the proposed uses such as, but not limited to:
 - i) Fire and Explosion Hazards: All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
 - ii) Air Pollution: No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
 - iii) Glare, Heat and Exterior Lighting: Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.
 - iv) Dust and Erosion: Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
 - v) Liquid or Solid Wastes: No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment,

shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.

vi) Vibrations and Noise: No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises.

vii) Odors: No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be met.

t) The Township Zoning Commission may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

E. Final Development Plan Approval Period - The approval of a final development plan shall be effective for a period of three (3) years, or for such other period as approved per plan, in order to allow for the filing and recording of a final subdivision plat, if platting is required by applicable law, and the commencement of construction of improvements on the site. No zoning amendment passed during the established approval period shall affect the terms under which approval of the final development was granted. If the required final subdivision has not been approved and recorded, and construction of any building has not commenced within the established approval period, then the final development plan shall expire unless the Zoning Commission has approved an extension of this time limit. Absent such an extension, no use shall be established or changed and no building, structure or improvement shall be constructed until a new final development plan has been filed with and approved by the Township, and such application for approval, shall be subject to the same procedures and conditions as an original application for preliminary and final development plan approval. This new application shall comply with the terms of the Zoning Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PC District.

- F. Phasing - Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in general compliance with the timetable established in the approved development plan.
- G. Failure to Maintain - If the organization established to own and maintain the open space, or the owners of units within the PC shall, for any reason, fail to maintain the open space in reasonable order and in accordance with the final development plan, such failure shall constitute a breach of the development plan and a violation of the zoning resolution. The Board of Township Trustees or its designee may serve written notice upon such organization of the deficiencies and demand that corrective action be taken immediately and pursue enforcement of the zoning resolution.
- H. Plat Required - If a plat is required by applicable law, no use shall be established or changed, and no building, structure, or improvement shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Delaware County, Ohio, and this Resolution. The subdivision plat and plan shall be in accordance with the approved development plan and shall include:
1. Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public right-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
 2. Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for non-residential uses.
 3. In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to the recording of the plat, the owner of the project shall post a performance surety in favor of the appropriate public officers in a satisfactory amount ensuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building or use until such time that the facilities for the phase in which the building or use is located are completed.
 4. A request for approval of the final subdivision plat for the entire development shall be filed for approval and the approved final plat

recorded within three (3) years after the approval of the final development plan or within such other period as approved per plan.

I. Extension of Time/ Modification of Final Development Plan

- 1) An extension of the time limit for either filing the required subdivision plat, recording the approved subdivision plat, or enlarging the approval period for either a preliminary or final development plan may be granted by the Trustees without public hearing, provided that, after a public announcement at a prior meeting is made the Trustees find that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of a reasonable effort toward the accomplishment of the filing and/or recordation of the plat and the completion of the development of the project. A request for extension shall be filed prior to the expiration of the established approval period.
- 2) A request for minor changes to the final development plan may be approved by the Zoning Commission without being subject to the same procedures as the original application.
- 3) In the case of a request for a modification or amendment to the approved final development plan that represents a substantial departure from the intent of the original proposal, as determined by the Zoning Commission, said modification or amendment shall be subject to the same procedure and conditions of the preliminary and final development plan approval as the original application. The following shall be considered substantial departures from the original application:
 - i) A change in the use or character of the development;
 - ii) An increase in overall lot coverage by structures and off-street parking;
 - iii) An increase in the density;
 - iv) A substantial increase in traffic impact circulation and public utilities usage;
 - v) A reduction in approved open space;
 - vi) A reduction of off street parking and loading space;
 - vii) A reduction in required pavement widths;
 - viii) A reduction of the acreage in the planned development;
 - ix) Any other departure from the approved development plan which is deemed substantial by the Zoning Commission.

- J. Administrative Review - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, the Zoning Commission or their designated technical advisors for administrative review to ensure substantial compliance with the development plan as approved.

Divergences - The Township, as a part of either preliminary or final development plan approval, may grant divergences from any standard or requirement in this Article that is noted "as approved per plan." An applicant requesting a divergence shall specifically list each requested divergence on the preliminary and final development plan submittals.

ARTICLE XV - RESERVED

ARTICLE XVI - INDUSTRIAL DISTRICT (I)

SECTION 16.01 – PURPOSE: The Liberty Township Trustees recognize that a well-planned and balanced community must have jobs for its residents and a tax base to support the best possible educational opportunities for the young. It is the intention of this Board to provide those reasonable conditions under which desirable industry of all types may operate so that the health, safety and general welfare of the residents of the Township may be preserved.

SECTION 16.02 – APPLICATION: All lands designated on the Official Liberty Township Zoning Map as Industrial District shall be governed by the provision of this article. Any Industrial District, when developed as an autonomous district or in combination with any Commercial District, shall have a minimum acreage of forty (40) acres.

SECTION 16.03 – PERMITTED USES: Within the Industrial District (I) the following uses, developed in accordance with other provisions of this Resolution, shall be permitted:

- A. Wholesale business when all products are stored within the building.
- B. Enclosed warehouse or storage activities.
- C. Enclosed manufacturing industries.
- D. Enclosed service or repair activities.
- E. Business offices.
- F. Enclosed research facilities.
- G. Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during periods while the permanent dwelling is being constructed. The user of said structure shall obtain a Permit for such temporary use, which Permit shall be valid for six (6) months and may be renewed not more than twice (2x). Renewal of the Permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he/she deems necessary. The fees for such Permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said Permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with the provisions of Article XXVIII of this Resolution.

- H. Distribution plants, wholesale parcel delivery, ice and cold storage plant, bottling plant and food, commissary or catering establishments.
- I. Foundry casting of lightweight non-ferrous metal and such similar uses as do not cause noxious fumes, noise or odors.
- J. Laboratories; experimental, photo, motion picture, film or testing.
- K. Laundry, cleaning and dyeing works, and carpet and rug cleaning.
- L. Lumber yard if saws, planers and other processing machines are contained within a completely enclosed building.
- M. Craft shops such as plumbing, carpentry, sheet metal, electrical and other related trades.
- N. Veterinary clinics or dog kennels provided all outside runs are screened in the same manner as outdoor storage areas as hereinafter provided.
- O. Stone cutting and monument works.
- P. Machine shops, excluding punch presses over twenty (20) tons rated capacity, or drop hammers.

SECTION 16.04 – CONDITIONAL USES: Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. No Conditional Use shall be implemented until a Permit of Compliance is issued by the Zoning Inspector.

- A. Any use of an industrial nature not already provided for by this Resolution.
- B. Circuses, carnivals or similar transient enterprises provided such uses can be operated in a safe and sanitary manner pursuant to previously obtained health permits.
- C. Any manufacturing process not already provided for or prohibited by this Resolution.
- D. Quarries and other activities providing for the removal, processing and sale of natural resources.
- E. The outdoor storage, display, processing, repair or sale of raw materials, supplies, equipment or products.

SECTION 16.05 – PROHIBITED USES:

- A. No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.
- B. Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to a Permitted or Conditional Use in this district, the storage of any inoperable, unlicensed or unused motor vehicles shall be prohibited unless said vehicles are stored behind properly maintained hedges or fences so as not to be visible from any adjoining property or public road.
- C. Unless specifically permitted by the Board of Zoning Appeals as incident and necessary to a Permitted or Conditional Use in this district, no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this Code or the Restrictions in the Plat or Deed.
- D. No outdoor, storage of raw materials, supplies, finished products or new or used machinery or equipment shall be stored outside of a building unless screening is provided as required by Section 16.07 of this Resolution.
- E. No trash, debris, graffiti, unused property or discarded materials shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public.

SECTION 16.06 – RESERVED

SECTION 16.07 – DEVELOPMENT STANDARDS: In addition to any other provisions of this Resolution the following standards for arrangement and development of lands and buildings are required in the Industrial District:

- A. Screening: A use allowed in this district shall entirely screen from view its operation within a structure or behind screening. Open storage, service areas and loading docks shall be screened by walls, mounds or shrubbery at least six (6) feet, but not more than twelve (12) feet, in height. These walls, fences or shrubbery shall be of a design so as to effectively screen such storage, production or service areas and loading facilities from adjoining street or other zoning districts. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner.

Stockade fences may be used in small areas such as to enclose dumpsters.

- B. Lot Width and Size: No minimum lot width or size shall be required in this district; however, all lands shall be accessible by means of a duly dedicated

public roadway constructed in accordance with the specifications prescribed by the County Engineer or the Subdivision Regulations of the County. All parcels shall be adequate in size to provide the yard space, landscaping and off-street parking as herein required.

- C. Building Setbacks: Buildings shall be located in conformity with the building Setback Regulations established in Article XXI of this Resolution.
- D. Side Yards: For main and accessory structures, including open storage, processing, servicing or loading areas, the side yard shall be equal to one-third (1/3) of the sum of the height and depth of the structure, but the side yard shall be not less than one hundred fifty (150) feet when abutting any land which is zoned R-2, R-3 or Planned Residential or which is developed for residential uses.
- E. Rear Yards: For main and accessory structures, including open storage, processing, servicing or loading areas the rear yard shall be equal to one-third (1/3) of the sum of the height and width of the structure, but the rear yard shall be not less than one hundred fifty (150) feet when abutting any land which is zoned R-2, R-3 or Planned Residential or which is developed for residential uses.
- F. Building Height: No building shall exceed two (2) stories or forty (40) feet in height.
- G. Landscaping: All yards, front, rear and side, shall be landscaped. Such Landscape Plan shall be submitted with the Development Plan.
- H. Signs: Refer to Article XXII - Sign Regulations.
- I. Parking: Off-street parking shall be provided at the time of construction of the main structure or building with adequate provisions for ingress and egress according to the standards set forth in Article XXI of this Resolution. In addition to the requirements set forth in said article of this Resolution, if adjacent to residentially zoned property parking shall be a minimum of thirty-five (35) feet from any adjacent property line. Parking shall be screened from any and all residential properties.
- J. Lighting: Refer to Article XXI, General Development Standards, Section 21.05 - Lighting Regulations.
- K. Freight Loading Area: When any use within this district requires the pickup and delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading areas shall be located on any public street or alley. Such loading area, as provided, shall be adequate in size to accommodate tractor-trailer (semi) units with adequate

room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.

- L. Construction and Maintenance of Improvements Within Right-of-Way: The construction and maintenance of all improvements behind the curb line or the edge of pavement including, but not limited to, drainage improvements, landscaping improvements, sidewalks and/or driveway approaches shall be the responsibility of the abutting property owner.

SECTION 16.08 – PERFORMANCE STANDARDS: In addition to any other provisions of this Resolution no use shall be conducted within this district which fails to maintain the following standards:

- A. Fire and Explosion Hazards: All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of spill, fire and/or explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
- B. Glare, Heat and Exterior Light: Any operation producing intense light or heat, such as high temperature processing, combustion, welding or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.
- C. Dust and Erosion: Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
- D. Liquid or Solid Wastes: No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
- E. Vibrations and Noise: No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth-shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.
- F. Odors: No use shall be operated so as to produce continuous frequent or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to.

ARTICLE XVII - PLANNED INDUSTRIAL DISTRICT (PI)

SECTION 17.01 – PURPOSE: In the creation of the Planned Industrial District it is the intention and desire of the Board of Township Trustees of Liberty Township to provide those reasonable conditions under which well-planned industrial areas can develop for the greatest benefit of the entire Township and so that the health, safety and general welfare of all inhabitants of the Township may be preserved.

SECTION 17.02 – APPLICATION: All lands designated on the Official Liberty Township Zoning Map as Planned Industrial District shall be governed by the provisions of this article. Any Industrial District, when developed as an autonomous district or in combination with any Commercial District, shall have a minimum acreage of twenty (20) acres.

SECTION 17.03 – PERMITTED USES: Within the Planned Industrial District (PI) the following uses developed in strict compliance with the approved Development Plan and standards, shall be permitted:

- A. Manufacturing, processing, warehousing and industrial service activities located and maintained within the limits of the development standards of these Planned Industrial District Regulations.
- B. Commercial establishments normally associated with and designed to serve the industrial establishments or their employees and approved as part of the Development Plan, such as financial institutions, restaurants, gasoline service stations, automobile repair establishments, recreation or other personal enrichment facilities, provided such establishments or facilities are established primarily for employees of industrial establishments or in conjunction with commercially operated recreation establishments developed as part of the approved Plan for the Planned Industrial District.
- C. Temporary structures, such as mobile homes and temporary buildings of a non-residential character, may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a Permit for such temporary use, which Permit shall be valid for six (6) months and may be renewed not more than twice (2x). Renewal of the Permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he/she deems necessary. The fees for such Permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said Permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with the provisions of Article XXVIII of this Resolution.

SECTION 17.04 – CONDITIONAL USES: Provisions for Conditional Uses are unnecessary under this article because, in effect, each Application for plan approval is a Conditional Use granted by the Zoning Board and/or the Township Trustees.

SECTION 17.05 – PROHIBITED USES:

- A. No use not specifically authorized by the express terms of this article of the Zoning Resolution or by the Board of Zoning Appeals shall be permitted.
- B. EXCEPT as approved in the Development Plan, the outdoor storage of any inoperable, unlicensed or unused motor vehicle for a period exceeding seven (7) days is prohibited.
- C. EXCEPT as provided in the Plan of Development, no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this Code, the Restrictions in the Plat or Deed or the Development Plan.
- D. Residential use of any kind.
- E. EXCEPT as specifically permitted in Section 17.03(C), no mobile home or mobile office structure shall be placed or occupied in this district.
- F. No trash, debris, graffiti, unused property or discarded materials shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public.

SECTION 17.06 – PROCEDURE: In addition to any other procedures set out in this Resolution, all Applications for Amendments to the Zoning Map to rezone lands to this district shall follow the procedures hereinafter set forth:

- A. Application: The owner(s) or lessee(s) of lots and lands within the Township may request that the Zoning Map be amended to include such tracts in the Planned Industrial District in accordance with the provisions of this Resolution.
- B. Development Plan: Fifteen (15) copies of the Development Plan shall be submitted with the Application, which Plan shall include in the text and map form:
 - 1) The proposed size and location of the Planned Industrial District.
 - 2) The general development character of the tract including:

- a) The specific limitations or controls to be placed on industrial uses, operations, locations or types of tenants;
 - b) Numbered lots and sizes;
 - c) Approximate location of roads, entry features, retaining ponds and utility lines; and,
 - d) Description of other development features including landscaping.
- 3) Architectural design and exterior construction material criteria for all structures and criteria for proposed signs.
 - 4) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
 - 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
 - 6) The relationship of the proposed development to existing and probable uses of surrounding areas during and after the development timetable.
 - 7) Location of schools, parks and other facility sites, if any, on the tract.
 - 8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
 - 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give Township Officials definitive guidelines for approval of future phases.
 - 10) The ability of the applicant to carry forth its Plan by control of the land and the engineering feasibility of the Plan.
 - 11) Specific statements of divergence from the development standards established in this article or in Articles XXI or XXII of this Resolution or existing County Regulations or standards and the justification therefore. Unless a variation from those development standards is specifically approved the same shall be complied with.

C. Criteria for Approval: In approving an Application for a Planned Industrial District the reviewing authorities shall determine:

- 1) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.
 - 2) If the proposed development is in conformity with the Comprehensive Plan or portion thereof as it may apply.
 - 3) If the proposed development advances the general welfare of the Township and the immediate vicinity.
- D. Procedure For Rezone: The procedure outlined in Ohio Revised Code 519.12 shall be followed to consider an Application for a rezone to a Planned Industrial District Approval of the Application pursuant to that section which shall constitute a rezone of such land in accordance with the Applicant's Development Plan.
- E. Administration of the Development Plan: Administration of the Development Plan shall be performed by the Township Trustees in accordance with the following procedures:

Administrative Review / Minor Deviations: All plats, construction drawings and other necessary documents shall be submitted to the Township Trustees or their designated technical advisors for Administrative Review and approval before filing to insure substantial compliance with the Development Plan as approved. Minor changes in the location of buildings, structures, streets or parking areas may be approved without public notice by the Township Trustees upon submittal of a written Application.

Major Deviations and Public Hearing: Any major deviation from the approved Development Plan shall not be considered by the Township Trustees until the owner of the property makes a detailed written Application to the Township Trustees. The Application shall specifically detail the changes requested and the reasons for the change. A major deviation shall include, but not be limited to, changes in use and/or character of the development, and/or increase of density.

Upon receipt of any Application for a major deviation from the approved Development Plan the Township Trustees shall forward the Application to the Township Zoning Commission or Board of Zoning Appeals pursuant to their respective authorities under the Zoning Resolution. The applicant can amend his/her Application at any time prior to the vote of the Commission or Board. The Commission or Board shall make a written recommendation for the approval, modification, or denial of the Application. Upon receipt of the Commission or Board's recommendation the Township Trustees shall hold a public meeting on the Application. The public meeting shall be held within thirty (30) days

of receipt of the Commission or Board's recommendation. Notice of the public meeting shall be published once at least ten (10) days before the date of the meeting. Within twenty (20) days of the meeting the Township Trustees shall either approve or disapprove the landowner's Application. Approval of the Application shall require a majority vote of the Trustees EXCEPT that if the recommendation of the Township Zoning Commission or Board of Zoning Appeals is for modification or denial of the Application, then approval of the Application shall require the unanimous vote of the Trustees. An applicant can submit subsequent Applications for major deviations at any time provided there is a reasonable and material amendment to the preceding Application.

The Township Trustees shall not conduct the meetings in a quasi-judicial manner and there shall not be the opportunity for hearings and the introduction of evidence. The decision of the Township Trustees shall be final and not appealable.

F. Plat Required: In the Planned Industrial District (PI), no use shall be established or changed and no structure shall be constructed or altered until the required Subdivision Plat has been prepared and recorded in accordance with Subdivision Regulations for Delaware County, Ohio, and these regulations. The Subdivision Plat shall be in accord with the approved Development Plan and should include:

- 1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
- 2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants.
- 3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the Plat, the owner of the project shall post a performance bond in favor of the appropriate public officer in a satisfactory amount assuring expeditious completion of said facilities within one (1) year after the recording of said Plat. In no event, however, shall any Zoning Certificate be issued for any building or use until such time as the facilities for the phase in which the building or use is located are completed.

Any significant changes to an approved Development Plan in a Planned Industrial District shall be considered an Amendment to the Zoning Map and shall only be made in accordance with Article XXVII of this Resolution.

- G. Default: If construction of any building has not been commenced within three (3) years after approval of the initial Development Plan, approval of the Plan shall expire, unless an extension of the time limit has been approved by a majority of the Township Trustees.

SECTION 17.07 – DEVELOPMENT STANDARDS: In addition to any other provisions of this Resolution and unless the standards recited herein have been specifically modified in the development standards approved as part of the Plan, the following standards for arrangement and development of lands and buildings are required in the Planned Industrial District:

- A. Screening: All industrial areas adjacent to residential areas shall provide a screening of shrubbery and/or fencing so as to hide trash collection areas and service areas from the view of adjacent residential areas. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner.
- B. Lot Width and Size: EXCEPT as set forth in Section 17.06 (A) no minimum lot width or size shall be required in this district; however, all lands shall be accessible by means of a duly dedicated public roadway constructed in accordance with the specifications prescribed by the County Engineer or the Subdivision Regulations of the County. All parcels shall be adequate in size to provide the yard space, landscaping and off-street parking as herein required.
- C. Building Setbacks: Buildings shall be located in conformity with the building Setback Regulations established in Article XXI of this Resolution.
- D. Side Yard: For main and accessory structures, including open storage, processing, servicing or loading areas, the side yard shall be equal to one-third (1/3) of the sum of the height and depth of the structure, but the side yard shall be not less than one hundred fifty (150) feet when abutting any land which is zoned R-2, R-3 or Planned Residential or which is developed for residential uses.
- E. Rear Yard: For main and accessory structures, including open storage, processing, servicing or loading areas, the rear yard shall be equal to one-third (1/3) of the sum of the height and width of the structure, but the rear yard shall be not less than one hundred fifty (150) feet when abutting any land which is zoned R-2, R-3 or Planned Residential or which is developed for residential uses.

- F. Building Height: No building within this district shall exceed forty (40) feet in height.
- G. Landscaping: All yards, front, rear and side, shall be landscaped. Such landscape plan shall be submitted with the Development Plan.
- H. Signs: Refer to Article XXII - Sign Regulations.
- I. Parking: Off-street parking shall be provided at the time of construction of the main structure or building with adequate provisions for ingress and egress according to the standards set forth in Article XXI of this Resolution. In addition to the requirements set forth in said article of this Resolution, if adjacent to residentially zoned property, parking shall be a minimum of thirty-five (35) feet from any adjacent property line. Parking shall be screened from any and all residential properties.
- J. Lighting: Refer to Article XXI, General Development Standards, Section 21.05 - Lighting Regulations.
- K. Freight Loading Area: When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area, as provided, shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.
- L. Construction and Maintenance of Improvements Within Right-of-Way: The construction and maintenance of all improvements behind the curb line or the edge of pavement including, but not limited to, drainage improvements, landscaping improvements, sidewalks and/or driveway approaches shall be the responsibility of the abutting property owner.

SECTION 17.08 – PERFORMANCE STANDARDS: In addition to any other provisions of this Resolution no use shall be conducted within this district which fails to maintain the following standards:

- A. Fire and Explosion Hazards: All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of spill, fire and/or explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
- B. Glare, Heat and Exterior Light: Any operation producing intense light or heat, such as high temperature processing, combustion, welding or other, shall be

performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.

- C. Dust and Erosion: Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
- D. Liquid or Solid Wastes: No discharge at any point into any public sewer, private sewage disposal system or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
- D. Vibrations and Noise: No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth-shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.
- E. Odors: No use shall be operated so as to produce continuous, frequent or repetitive emission of odors or odor-causing substances in such concentrations as perceptible at any point at or beyond the property on which the use is located. Standards of the Environmental Protection shall be adhered to.

ARTICLE XVIII - RESERVED

ARTICLE XIX - RESERVED

ARTICLE XX - RESERVED

ARTICLE XXI - GENERAL DEVELOPMENT STANDARDS

SECTION 21.01 – GENERAL: It is the purpose of these development standards to set forth certain general rules to be adhered to regardless of the type or classification of development. They are designed to insure that the general welfare of citizens of Liberty Township are protected and enhanced. These development standards apply throughout the Township. If a conflict exists between these standards and more specific standards prescribed in any individual zoning district the specific provisions of the zoning district in question shall prevail. The standards set forth herein are to be considered minimum standards to be augmented by standards set forth elsewhere in this Resolution or prescribed or agreed to by the landowner in any rezoning or variance.

SECTION 21.02 – PARKING: Wherever parking areas are to be provided as required by the provisions of this Zoning Resolution the following conditions shall apply:

- A. **Dimensions:** All parking spaces shall be not less than nine (9) feet wide and eighteen (18) feet long. Such spaces shall be measured rectangularly and shall be served by aisles of sufficient width to permit easy and smooth access to all parking spaces.
- B. **Paving:** EXCEPT in single-family zoning districts (FR-1) all parking areas and adjacent aisles or driveways shall be paved with asphaltic material or cement within six (6) months of occupancy or change of use.
- C. **Driveway Location:** All measurements will be made from the edge of the public right-of-way to the center of the private driveway. No driveway shall be located so that it enters a public road within one hundred (100) feet of the intersection of any two (2) public roads. All driveways shall be located and the adjoining lots graded so that vehicular traffic entering a public road has an unobstructed sight distance of at least three hundred (300) feet. Driveway construction shall be completed in accordance with standards imposed by Section 21.11 of this Resolution.
- D. **Parking Area Location:** EXCEPT in the single-family districts (FR-1 and R-2), no parking lot or parking area shall be located closer than ten (10) feet to the side or rear line of the tract on which the structure is located. Parking in front of the main structure may be permitted if approved as part of the Plan of Development. In no event shall the parking be located closer than twenty (20) feet to any road right-of-way. All parking spaces required herein shall be located on the same lot with the building or use served.
- E. **Required Number of Off -Street Parking Spaces:** Off-street parking shall be provided incident to any use in any district in this Township according to the following table, which table specifies minimum standards:

	<u>Use</u>	<u>Required Parking Spaces</u>
1)	Single-family Residential (FR-1)	2 per dwelling unit
2)	All Other Residential	3 per dwelling unit
3)	Hotels, Motels, Lodges	1 per rental unit plus 1 per employee on the largest shift
4)	Churches or Places of Public Assembly	1 for each 3 seats or 1 for each 45 sq. ft. of assembly area, whichever is greater
5)	Hospitals	1 for each bed plus 1 for each employee on the largest shift
6)	Nursing Homes	1 for each 2 beds plus 1 for each employee on the largest shift
7)	Museums, Libraries, etc.	1 for each 400 sq. ft. of area open to public plus 1 for each employee on the largest shift
8)	Primary or Elementary Schools	4 for each classroom
9)	Secondary Schools, Colleges, Trade Schools, etc.	4 for each classroom plus 1 for each 4 students
10)	Restaurants (except drive-in or fast food)	1 for each 4 seats plus 1 for each employee on the largest shift. In no event shall less than 25 spaces be provided.
11)	Offices	1 for each 400 sq. ft. of floor area plus 1 for each employee

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| 12) | Funeral Homes | 1 for each 25 sq. ft. of public area |
| 13) | Retail Stores | 5 plus 1 for every 400 sq. ft. of floor space |
| 14) | All Industrial, Warehousing or Distribution Facilities | 20 plus 1 for each 2 employees plus 1 for each vehicle maintained on the premise |

F. Alternate Parking Provisions: If, in any Commercial or Industrial District (C-2, PC, PI and I) the use of the structure is determined and if, in the opinion of the Zoning Inspector, the parking spaces required in Section 21.02 (E) are clearly excessive for said use, the Zoning Inspector may permit the construction of a lesser number of spaces if the approved site plan delineates and reserves adequate space for later expansion of parking areas and if the owner/applicant signs an acknowledgement on the Zoning Application and/or supporting documents that he/she will, when required by the Zoning Inspector, construct such additional parking areas as are later required to provide adequate parking facilities for the site.

SECTION 21.03 – RESERVED

SECTION 21.04 – STRUCTURE SEPARATION: No principal structure shall be located closer than twenty-five (25) feet to another principal structure unless the adjacent walls of both structures are masonry, in which event said principal structures shall be no closer than fifteen (15) feet. No principal structure shall be located closer than fifteen (15) feet to another principal structure unless one (1) of such structures has as its exterior facing wall a firewall free of any opening and capable of stopping and spreading any fire.

SECTION 21.05 – LIGHTING REGULATIONS:

A. General Requirements: All lighting shall be controlled in such a way as to not shine up into the sky or onto any neighboring properties. Examples of ways in which this shall be accomplished are:

- 1) Use of fully shielded cut-off fixtures.
- 2) Directing light fixtures downward rather than upward.
- 3) Shielding the light in such a way that the light-emitting portion of the fixture cannot be seen at a reasonable distance.

B. Specific Requirements:

- 1) Where used for security purposes or to illuminate walkways, roadways, equipment yards and parking lots, only fully shielded cut-off style outdoor light fixtures shall be utilized.
- 2) Where used for signs or for decorative effects or recreational facilities, such as for building, landscape or ball field illumination, the outdoor light fixtures shall be equipped with automatic timing devices and shielded and focused to minimize light pollution.
- 3) All outdoor light fixtures installed and maintained upon private property within all zoning districts shall be turned off between 11:00 P.M. and sunrise, EXCEPT when used for security purposes or to illuminate walkways, roadways, equipment yards and parking lots.
- 4) All illuminated signs for commercial purposes shall be turned off between 11:00 P.M. and sunrise, EXCEPT that signs may be illuminated while the business facility is open to the public. All forms of flashing, rotating, moving or digital lights shall be prohibited.
- 5) All outdoor light pole fixtures shall not exceed a maximum height of thirty (30) feet.
- 6) In addition to the provisions of this article, all outdoor light fixtures shall be installed in conformity with all other applicable provisions of this Resolution.

C. Exemptions:

- 1) All outdoor light fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps, are exempt from the requirements of this section.
- 2) All low-voltage lighting rated twenty-four (24) volts or less and holiday lighting shall be exempt from the requirements of this section.

SECTION 21.06 – WATER IMPOUNDMENTS: All water impoundments such as ponds, lakes or swimming pools shall be constructed and developed in compliance with the following standards:

- A. No impoundment shall be located closer than twenty-five (25) feet to the right-of-way line or fifty-five (55) feet of the centerline of any adjacent public right-of-way.

- B. No impoundment shall be located in the front yard in any district, EXCEPT the FR-1 District, and EXCEPT upon issuance of a Conditional Use Permit pursuant to Article XXVIII of this Resolution or as approved in Plans of Development or approved Subdivision Plat.

SECTION 21.07 – LANDSCAPING: All uses and improvements in the Township should pay close attention to maintenance of proper landscaping as soon as possible after completion of construction of the principal structures or improvements. Maintenance of ground cover at all times is encouraged to prevent erosion. Replacement of trees, removed during the land clearing, should be accomplished as soon as possible. All property owners within the Olentangy River Corridor should be aware of the "Scenic River" designation and should, when possible, avoid disturbing the natural conditions existing.

SECTION 21.08 – DRAINAGE: All construction within this Township shall be accomplished in a manner consistent with maintenance of good surface drainage. In all improvements or uses where submittal of drainage plans is not specifically required every reasonable effort shall be made to insure that proper drainage on the subject property and adjacent or servient properties is maintained or improved. In no event shall any person interdict or interfere with any existing tile or surface drain channel unless it is determined that such tile or channel can be removed or relocated without interfering with the drainage on adjacent properties.

SECTION 21.09 – FLOOD PLAIN REGULATIONS: Certain limited areas of Liberty Township lie within the Flood Plain of the Olentangy and Scioto Rivers. Inundation of those areas during periods of high water can impose great loss of property value unless controls are imposed to insure that land uses within those areas consider such risks and minimize the impact of such flooding. Further, the addition of fill material to or the dredging of the Olentangy and Scioto Rivers and bordering wetlands imposes additional risks of flooding and threaten their loss as irreplaceable Township natural resources and as areas of scenic and natural beauty. In an effort to control such uses, in the best interest of the Township, the following regulations shall be imposed:

- A. The Township Zoning Inspector shall maintain on file for public inspection:
- 1) The current Flood Plain Map of the Delaware County Flood Plain as applicable to Liberty Township.
 - 2) Information on the Federal Control of the Discharge of fill materials.
 - 3) Ohio Administrative Code Chapter 3745-32, Section 401 Water Quality Certification.
- B. No structure or building shall be erected or altered within the Flood Plain if otherwise permitted under the Liberty Township Zoning Resolution, EXCEPT as shall be permitted under the Delaware County Flood Plan.

- C. No land lying within the Flood Plain shall be filled or excavated EXCEPT in conformance with the Delaware County Flood Plan and in compliance with Section 404 of the Clean Water Act and Ohio's Section 401 Water Quality Certifications.

SECTION 21.10 – SETBACK REGULATIONS: No building or use, EXCEPT parking areas, shall be located closer to the center line of adjoining streets, roads, highways or approved private roadways than the distances set forth in the table or chart set forth hereinafter. For purposes of this chart or table and for all other purposes of the Zoning Resolution streets, roads, highways and approved private roadways shall be classified in one (1) of the three (3) following classes:

- A. Class A: Roadways designated in the Road Classification Plan of Delaware County, Ohio as CLASS A roads and the following listed roads within this Township, to-wit: State Route 315, Powell Road (County Road 14), Home Road (County Road 124), Sawmill Parkway, Liberty Road (County Road 9) and State Route 257 and/or any other roads as later designated by the Trustees of the Township.
- B. Class B: Any other through public street or road or any private roadway approved by the County Engineer connecting two (2) or more public roads.
- C. Class C: Dead end roads ending at a cul-de-sac or approved turn around when the lot configuration or approved plan precludes future extension of said roadway or any branch therefrom to create a connecting street between two (2) or more existing or future streets or roads.

MINIMUM SETBACK DISTANCES

All distances are measured from the centerline of the existing or proposed roadway to the nearest use or improvement, EXCEPT parking areas or signs which may be located within the setback area as regulated by Article XXI of this Resolution.

<u>USE CLASSIFICATION</u>	<u>ROAD CLASSIFICATION</u>		
	<u>Class A</u>	<u>Class B</u>	<u>Class C</u>
FR-1 Residential	130	90	90
R-3 Residential	130	60	60
PRD Residential	130*	60*	60*
C-1 and C-2 Commercial Office	130	80	60

PC - Commercial Office	130*	80*	60*
I – Industrial	130	130	100
PI - Planned Industrial	130*	130*	100*
A-1 - Agricultural	130	90	90

*Or as requested in the Zoning Application as a divergence from the established development standards and approved in the Development Plan.

NOTE: No building or use, EXCEPT signs or parking areas as permitted in Articles XXI and XXII, shall be permitted closer than eighty (80) feet to the right-of-way line of State Route 23.

SECTION 21.11 – INSTALLATION OF SATELLITE SIGNAL RECEIVING EARTH STATIONS: Satellite dish antennas are allowed in all districts subject to the following requirements and shall be considered an accessory use. The objective of this regulation is to preserve the residential character of the Township by insuring that location and dimension of such antennas are aesthetically complimentary to the Township's residential-rural character and to prevent the congestion of properties so as to hinder their accessibility by fire safety apparatus.

The following provisions shall apply to satellite dish antenna:

- A. Maximum diameter - Ground mount: Twelve (12) feet.
Roof mount: Three (3) feet.
- B. Maximum height - Ground mount: Fifteen (15) feet.
Roof mount: Four (4) feet.
- C. The apparatus shall be located behind the principal building located on the lot or parcel.
- D. The satellite dish apparatus shall be painted a color which compliments its environment, and shall bare no advertisement, lettering, picture or visual image.
- E. Ground mount antenna shall be subject to being contained within the building envelope/setback of the district in which it is located.

If it is determined that any of the foregoing restrictions prevent normal reception of the antennas then a Variance may be requested. For any Variance requested the Board of Zoning Appeals shall grant the minimum Variance required to achieve proper reception provided it does not conflict with the objective of these regulations. Any height Variance shall be documented by the installer/manufacturer of the antenna.

This regulation shall not be interpreted and applied to regulate station antenna structures used for amateur service communications.

SECTION 21.12 – DRIVEWAY CONSTRUCTION: It being considered important that driveways serving any property or use be constructed in a manner which insures access by emergency vehicles and the free and safe flow of traffic from public streets or roads, the following standards shall apply to such driveways:

A. All Driveways (Any Use): In addition to the conditions or specifications imposed in subsections (B) or (C) hereinafter established, the following specifications shall apply to all driveways regardless of the use served thereby:

- 1) No driveway shall have a grade, up or down, from the public road pavement level exceeding ten percent (10%).
- 2) No driveway shall, at any point over its entire length, contain a grade exceeding ten percent (10%).
- 3) At the point the driveway intersects the public road the same shall have such radii and drain pipe as specified or required by the governmental agency (State, County or Township) which controls the public roadway.
- 4) If the driveway leaves the public road on an up-grade, the design and construction shall include a vertical curve or saddle to prevent the flow of surface drainage from said driveway onto the traveled portion of the public road.
- 5) If any driveway crosses a drainage swale, stream or ditch, the same shall be bridged by pipe or such structures as required (based upon calculations by a professional engineer) to permit the unobstructed passage of all surface water generated by a five (5) year storm. Any pipe shall be of sufficient length to extend not less than three (3) feet beyond the toe of the slope of the fill over said pipe unless a properly designed headwall is installed to protect the end of such pipe. Any bridge or structure spanning a stream or ditch shall be designed by a professional engineer with not less than HS 15 loading. No bridge shall be less than twelve (12) feet in width. If the driveway serves a commercial or industrial use the bridge shall be not less than eighteen (18) feet in width. A signed and sealed copy of the design plans and specifications shall be filed with the Zoning Inspector prior to commencement of use and the structure shall be constructed in strict compliance with the plans and specifications.
- 6) If a fill is placed over any drainage structure or placed to alter the grade of any driveway, the vertical slopes on said fill shall be no steeper than a two (2) to one (1) slope. All fill areas shall be scalped of vegetation and excavated to load bearing soil before fill material is placed over it. Such fill shall be free of all humus and organic material and shall be compacted to a density of ninety-five percent (95%) proctor. The fill shall

be of sufficient width to include a compacted berm beside the graveled or paved area of reasonable width to facilitate safe passage of vehicles. Guardrails or barriers shall be installed when necessary to create safe conditions.

- 7) Drainage ditches shall be constructed as necessary parallel to said driveway which ditch shall be graded to a good and sufficient outlet. Siltation control shall be placed in any ditch and such siltation shall not flow to roadside ditches along public roads.
- 8) All curves in the driveway shall be of sufficient radius (not less than fifty (50) feet) to permit unhindered passage of public safety vehicles including fire vehicles and all other vehicles reasonably expected to utilize the same.
- 9) All trees, overhanging branches or other obstructions to the free passage of public safety vehicles shall be removed.
- 10) Obstructions on the prevailing windward side of the driveway which contribute to drifting of snow should, when possible, be removed.

B. Residential Driveways: Common access driveways must comply with Delaware County standards.

C. Commercial, Industrial, Public Facility and Apartment Complex Driveways: In addition to the conditions imposed by Section 21.11(A) hereinbefore set forth, the following standards shall apply to driveways serving all commercial and industrial uses and apartment complexes containing ten (10) or more units and served by a common parking area:

- 1) Driveways shall be not less than twenty (20) feet in width and shall be constructed over an aggregate base of reasonable depth (in no event less than ten (10) inches).
- 2) Driveway base and surface shall be designed by a professional engineer to sufficient depth for anticipated use and access by public safety vehicles.
- 3) The finished surface of the driveway shall be hard surfaced and may be of any Ohio Department of Transportation approved materials.

SECTION 21.13 – TRAILERS USED FOR STORAGE: No trailer, whether operable or not, shall be used for the storage of goods in any use district. A trailer may be used as a temporary construction office or tool shed during the construction or remodeling of any structure.

SECTION 21.14 – STORAGE BUILDINGS: A one-story storage building with no permanent foundation may be constructed in any Residential/Commercial District for the purpose of storing household and/or personal property of the lot's occupant. Such building shall not exceed two hundred (200) square feet and shall meet the district's building envelope/setback provision EXCEPT upon written consent of adjoining lot owner in fee. The storage building shall be painted a color which compliments its environment and shall bear no advertisement, lettering, picture or visual image. The storage building shall be considered an accessory use.

SECTION 21.15 – SWIMMING POOL FENCES AND SETBACKS: All swimming pools shall be surrounded on all sides by a minimum of a four and one-half (4 1/2) foot fence with a self-closing gate. All swimming pools, including both in-ground and aboveground, shall comply with the same setback requirements as accessory buildings applicable in the district in which it is located.

SECTION 21.16 – RESERVED

SECTION 21.17 – FENCES: All fencing shall conform with the following guidelines:

- A. Stockade fences (solid fence or wall) shall be built behind the rear building line of the principal building on the lot.
- B. Notwithstanding paragraph (A) hereinbefore set forth in this section stockade fences (solid fence or wall) shall not be built within one hundred fifty (150) feet of the right-of-way of a Class A or Class B road unless it is perpendicular to said road.
- C. A patio or deck enclosure of three hundred (300) square feet or less, attached to the house may be permitted.
- D. A stockade fence (solid fence or wall) may be built without regard to the building lines, if it is more than one hundred fifty (150) feet from any property line or any road right-of-way.
- E. Fences shall not be built in the right-of-way.
- F. Stone, masonry or other material built higher than forty-two (42) inches shall be considered stockade fencing (solid fence or wall), and must meet the stockade fence setback requirements. Entry features to private properties are excluded from this regulation.
- G. Chain link fence shall follow the guidelines for stockade fence.
- H. Up to fifty (50) lineal feet of fence may be built parallel to the roadway to connect the principal building to the fence at or beyond the rear building line.

Additional Definitions:

Sign: A sign is any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location, by any means including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

Temporary Sign: Any sign intended to be displayed or appropriate to be displayed for a limited period of time. All signs that do not qualify as permanent signs shall be classified to be temporary signs.

Permanent Sign: Any on-premises sign constructed of durable materials and intended, designed or constructed to exist for more than twelve (12) months or the duration of time that any use or occupant is located on any premises, or any on-premises or off-premises sign that is intended to be displayed or that is displayed for more than twelve (12) months, excepting signs permitted as temporary signs and subject to a permit renewal or extension.

ARTICLE XXII - SIGN REGULATIONS: As amended effective June 17, 2010

SECTION 22.01 – PURPOSE: The purpose of this Sign Regulation is to promote and protect the public health and safety by regulating existing and proposed signs of all types and for all purposes. It is intended to enhance and protect the physical appearance and preserve the scenic and natural beauty of the Township; reduce sign distraction and obstructions that may contribute to traffic or pedestrian accidents; provide more open space; and generally curb the deterioration of the natural environment.

SECTION 22.02 – APPLICATION OF REGULATION – PERMITS REQUIRED: Unless otherwise specified in this Article, no person shall erect, locate, relocate, construct, modify or change any sign in Liberty Township without first applying for and obtaining a Zoning Permit. All signs proposed to be erected, located, relocated, constructed, modified or changed within this Township are subject to review and approval by the Township Zoning Inspector prior to the performance of any work, whether a Zoning Permit is required or not, except that for the purposes of this Article national or state flags, athletic scoreboards, and official government signs including any sign erected and maintained pursuant to and in discharge of any governmental function or as required by law or by other governmental regulations, and signs required by an order of a court of competent jurisdiction, and public safety and directional signs approved by and/or installed by the government, are not considered signs.

SECTION 22.03 – APPLICATION OF REQUIREMENTS AND CONDITIONS:

22.03.A - Application: Each Application for a Zoning Permit to erect or locate a temporary or permanent sign shall be accompanied by scaled drawings and plans showing the proposed location, configuration, size, height and design of the sign and its foundation, supporting and enclosing structure including all dimensions, total number of square feet of display area for each side of the sign, font sizes, font styles, all colors, all lines, all words, all figures, symbols, logos, and characters, and shall disclose the method of and specifications of fixtures for illumination. In addition, the details and specifications for construction shall be provided to show compliance with all requirements of Section 22.05 and any other applicable requirements of this Zoning Resolution. A scaled site plan shall be submitted showing the exact location of the sign in relation to the building and the property.

22.03.B - Fees: The applicant for a Zoning Permit herein shall pay such fees as prescribed by the Liberty Township Trustees. The Zoning Department shall have no authority to modify or waive such fees.

22.03.C - Inspection: By filing an application an applicant consents to allow the Township Zoning Inspector or his or her designee to enter upon the property or premises upon which the sign is located or proposed to be located to perform an inspection to ascertain whether the provisions of this Article are being complied with. Such inspection may be made at any

reasonable time during the thirty (30) day period following any sign construction, location, relocation, or modification. The Township Zoning Inspector may order the removal of any sign that is not erected, located, and maintained in accordance with the provisions of this Resolution.

SECTION 22.04 – REMOVAL OF SIGNS WITHIN RIGHT-OF-WAY: The Township Zoning Inspector may affect removal of any sign within the right-of-way of any road within this Township if the Inspector and/or his or her designee finds that such sign interferes with vehicular or pedestrian visibility, or creates a safety hazard. The Zoning Inspector shall reasonably retain said sign, and shall attempt to notify the owner thereof of its location. If the owner of any sign fails to claim the same within forty-five (45) days after notice by the Zoning Inspector, said sign may be destroyed.

SECTION 22.05 – GENERAL REQUIREMENTS: The following restrictions shall apply to all signs located and erected within the Township regardless of type, style, location, design or other classification:

22.05.A - Stability: All permanent signs shall be designed and constructed so that they will be structurally safe, and withstand all foreseeable wind, rain, environmental and locational risks and hazards, including the possibility of vandalism. All signs shall be fastened, suspended or supported so that they will not be a menace or safety hazard to persons or property. All signs shall be constructed of stabilized materials that will not rapidly deteriorate due to weather conditions. No sign shall be installed in such a way that it is subject to displacement, relocation, or destruction by wind or rain.

22.05.B - Location: Every sign shall be relevant to the use of the property on which it is located except that off-site billboards are permitted as described in Section 22.07.A. No sign shall be located in or project into the right-of-way of any public or private road within the Township. No sign shall interfere with free ingress to or free egress from any door, window or fire escape, or with visibility at intersections of public roads, private roads, and/or private driveways. Location of all signs shall be in compliance with this Resolution, in compliance with an approved Development Plan governing signs on the property, and/or in compliance with all restrictions imposed by the Board of Zoning Appeals. The size, height and location of all free-standing signs shall be in accordance with Section 22.05 unless otherwise specified.

22.05.C - Illumination: Illumination of all signs shall comply with the applicable requirements as specified in Section 21.05 Lighting Regulations. All new illuminated, wall-mounted signs for which approval is requested after the effective date of adoption of this section shall use only halo or halo-like illumination unless other methods of illumination are required in an approved Development Plan and/or by the Board of Zoning Appeals. Any replacement sign may be illuminated in the same manner as the original sign provided that it is in all other respects in compliance with this Resolution or with an approved Development Plan, and/or all restrictions imposed by the Board of Zoning Appeals. Any change to illumination of any sign shall comply with the Lighting Regulations contained in this Zoning Resolution.

22.05.D - Appearance: No sign shall in any way resemble any official street sign or traffic control signal or device in any manner. No sign shall use the words "STOP", "LOOK", "DANGER", or other similar word or words, symbols, graphics, or signals that may mislead or confuse traffic, or that may be detrimental to the provision of emergency response or any other governmental service. The reverse side of every one-sided permanent sign shall be completely enclosed and finished in a manner that blends with its surroundings.

22.05.E - Maintenance: All signs constructed or erected within Liberty Township shall be maintained as follows:

22.05.E.1 - All sign surfaces, supports, braces, guys and anchors shall be kept in good condition and repair.

22.05.E.2 - All illumination of signs shall be maintained in complete working order or shall be turned off until necessary repairs are made.

22.05.F - Height: No sign shall be erected to a greater height than permitted by the specific provisions of Sections 22.05 and 22.07 of this Resolution unless otherwise specified. No free-standing sign not governed by one of these Sections shall be erected at a height greater than twelve (12) feet as measured from the surrounding finished grade to the top of the sign. Surrounding ground and ground underneath a sign shall not be mounded such to increase the overall height of the sign compared to the surrounding topography.

22.05.G - Display Area: The area that includes the entire face of a sign and any framing, trim, or molding, but not including any supporting structure, inclusive of all blank areas between and around letters, symbols, borders and graphics. If a sign is mounted directly on a building wall but is not installed within a sign cabinet or on a sign board or any similar fixture, the display area shall be identified by drawing a box or circle around and completely encompassing the letters, symbols, borders and graphics.

22.05.H - Calculation of Display Area: The size (in square feet) of the display area of a sign shall be calculated by multiplying the height x the width of the display area or, if a sign is mounted directly on a building wall but not installed within a sign cabinet or on a sign board or similar fixture, by multiplying the height x width of a boxed area completely encompassing the letters, symbols, graphics, etc. or by determining the area of a circle that completely encompasses the letters, symbols, borders and graphics.

22.05.I – Interior Signs: Words and/or symbols appearing as labels on products and/or services on display and/or for sale, menu signs for restaurants, and other advertising signs located inside a building and incidentally visible from outside are not regulated by this Article.

22.05.J - Free-Standing Signs in all Zoning Districts: Unless otherwise specified, all permanent or temporary signs mounted on, supported by, or suspended from posts, pillars, columns, or on other structures or bases, and which are not mounted on or attached to a building wall, nor an extension of a building wall, nor attached to a canopy or other architectural feature covering a sidewalk serving an entry to the building shall be regulated in all zoning districts as follows:

22.05.J.1 - Such signs may have a display area on one (1) surface, or on two (2) surfaces which are comprised of two (2) directly opposing surfaces, or of two (2) surfaces that are completely attached to one another along one edge to form a v-shape at no greater than a forty-five (45) degree angle. No free-standing sign shall have any sign surface with a display area of more than thirty (30) square feet, and the total display area of two (2) surfaces of one sign shall not exceed sixty (60) square feet. All free-standing signs shall be sized and located as indicated below, unless otherwise specified:

Display Area Per Sign Surface (square feet)	Maximum Allowable Sign Height (feet)	Minimum Required Setback From Any Right-of-Way (feet)
Less than 18	8	15
18 to less than 21	9	16
21 to less than 24	10	17
24 to less than 27	11	18
27 to less than 30	12	19
30	12	20

22.05.J.2 - Not more than one (1) permanent free-standing sign may be allowed for identification of any one (1) operation or establishment. Where more than one (1)

operation or establishment is located on a single tract of land, having an entrance, service drive or drives, or parking area or areas used in common by the customers of such operations or establishments, only one (1) permanent free-standing sign may be authorized for identification of the entire tract, unless more are permitted by an approved development plan or approved as a conditional use. For the purpose of this paragraph, the existence and boundaries of each operation or establishment shall be determined by community of use, rather than by the ownership thereof, it being intended by this provision to limit each operation, establishment or community of use to one (1) permanent free-standing identification sign unless otherwise approved in a planned unit development plan or conditional use approval.

22.05.J.3 - No part of any free-standing sign shall be located closer to any road right-of-way line than fifteen (15) feet, nor closer to any other property line than the applicable side and rear building setback lines of the property on which it is located unless otherwise specified.

22.05.J.4 - The function of every freestanding sign permitted by this Section 22.05 shall be relevant to the use of the property on which it is located.

22.05.J.5 - Every permanent free-standing identification sign in a planned zoning district shall be mounted on a base constructed of stone, brick, stucco or other more permanent material (also known as a monument-style sign) consistent with the exterior building materials used in the development or on the building which it identifies. The width of the sign face shall not exceed the width of the exposed base that supports the sign. The sign face shall be centered horizontally on the base. The height of the exposed base shall not exceed one-half (1/2) the height of one face of the sign which it supports.

22.05.J.6 - All permanent free-standing identification signs shall be monument-style signs. All such signs proposed to be located in any planned zoning district are subject to approval as part of a Development Plan. Permanent free-standing signs in any other zoning district may be permitted only upon approval by the Board of Zoning Appeals as a Conditional Use.

22.05.J.7 - A temporary free-standing sign may be mounted on poles or posts made of wood, wire, or other appropriate material installed only for the purpose of supporting such sign, and shall not be a monument-style sign.

SECTION 22.06 – PERMITTED SIGNS – NO ZONING PERMIT REQUIRED: The following signs shall be permitted in the Township, subject to compliance with this Article XXII. No Zoning Permit shall be required for any sign constructed or erected under the terms of this Section. Under no circumstances shall any signs permitted by this Section 22.06 be located in any road right-of-way nor illuminated in any manner, except that a business may display an illuminated “open” sign of not more than four (4) square feet in size during the hours when the business is open to the public. No sign shall have more than two (2) sides. The location, size, and height of all signs shall be in accordance with Section 22.05 unless otherwise specified.

22.06.A - Signs For Sale, Lease, or Rent: Temporary free-standing signs or window signs may be used to advertise the sale, lease, or rent of a building, portion of a building, or premises on which the sign is located. Not more than two (2) signs shall be displayed on any lot or parcel, except that multi-family buildings or commercial buildings with individual units for sale, lease, or rent may each display one sign inside the window of each such unit. Such signs shall not be illuminated, and shall not exceed six (6) square feet of area per side with not more than two (2) sides. All such signs shall be removed within thirty (30) days after the sale, lease, or rental of the premises for which the sign was erected or installed. Pursuant to Section 22.07.C of this Resolution, for signs larger than six (6) square feet on parcels greater than fifteen (15) acres,

and for temporary sale, lease, or rent signs during the construction period in a Planned Commercial zoning district, permits are required.

22.06.B - Vehicular Signs: Permanent or temporary free-standing directional signs, pavement markings, or other signs designed and intended only for the purpose of assisting, directing, or controlling vehicular or pedestrian traffic on the private property on which they are located are permitted, provided that such signs shall not exceed two (2) square feet of area per side, shall not display a business name or logo, and shall not interfere with or obstruct visibility when entering or leaving said property. A maximum of three (3) free-standing directional signs may be located upon any one property. Directional arrows may be painted on pavement, provided that no one (1) directional arrow painted on pavement shall exceed six (6) square feet in area. Pavement marking required by public safety laws or regulations are exempt from this regulation.

22.06.C - Name and Address of Occupants: A permanent or temporary free-standing or wall-mounted sign may be displayed on a residential property to announce the occupant's name and address, or a temporary sign or signs to identify or promote school academic or athletic activities, provided that such signs shall not include designations as to employment or home occupation, shall not be larger than four (4) square feet in area per side, and shall not be monument-style signs. No more than one (1) such name and address sign shall be permitted for any residential property. In the case of one property having been developed with more than one dwelling unit, not more than one (1) name and address sign shall be permitted for each dwelling unit.

22.06.D - Political Signs: The erection of temporary free-standing or wall-mounted political signs shall be permitted in any district of the Township, provided they are located outside the right-of-way and that such signs:

22.06.D.1 - Shall not interfere with vehicular or pedestrian traffic.

22.06.D.2 - Shall be capable of being posted and removed without destruction of or damage to public or private property.

22.06.D.3 - Shall not be attached to any accessory structure such as a utility pole, light poles, fence, shed or garage.

22.06.D.4 - Shall display the name and address of the landowner and/or political candidate, and shall identify committee charged with removal of the sign.

22.06.D.5 - Comply with Section 22.05, General Requirements for signs.

22.06.E - Window Advertising Signs: Window advertising signs must be displayed from inside windows and doors, and may be located only on the premises where the use, commodity, or service is available within a Planned Commercial District, Planned Industrial District, Industrial District, or Neighborhood Retail District. Window advertising signs shall be permitted for each principal structure or for each individual business if located in a building containing multiple businesses; provided that the total sign area of all window advertising signs per business or per tenant shall not exceed twenty (20) square feet, EXCEPT when used to advertise special public or institutional events as permitted by Section 22.06 F of this code.

22.06.F - Special Events Signs: A temporary free-standing or window advertising sign announcing a special public or institutional event may be located upon the premises on which the event is to take place. Such sign may be used to advertise a grand opening, a seasonal event, or a community event. Such a sign shall not exceed thirty-two (32) square feet in area per side, and shall not be permitted to be displayed for more than thirty (30) days prior to the planned event, nor more than seven (7) days after said event. Such signs must include identification (name and address) of the person charged with the duty of removing said sign.

Not more than two such (2) signs shall be allowed to be displayed on any one (1) lot or parcel of land at any time

22.06.G - Farm Signs: On active and operating farms, permanent or temporary free-standing or wall-mounted signs may be used to denote the name and address of the occupants, to denote membership in organizations, and to advertise produce or products for sale on the premises. Free-standing farm signs are not required to be monument-style signs. No sign advertising produce or products for sale on the premises may exceed thirty-two (32) square feet of area per side and all other signs shall be limited to six (6) square feet per side.

22.06.H - Business / Professional Signs: One (1) permanent or temporary sign having not more than ten (10) square feet of display area mounted on an exterior wall of a building housing a business establishment, on or over a window or door, or mounted or displayed not more than three (3) feet from the main entrance of a business establishment, announcing without display or elaboration only the name of the proprietor and the business name as registered with the Secretary of the State of Ohio, or a shortened version thereof, disclosing the nature of the business, and the address shall be permitted.. Such signs may also display a graphic drawing or image to illustrate the nature of the business.

22.06.I - Public Use Facilities: Permanent or temporary free-standing and wall-mounted signs designating public uses or facilities shall be constructed and displayed in conformity with all provisions of this Resolution.

22.06.J - Address Numbers for Each and Every Premises: All premises within Liberty Township shall be easily identified by permanent street address numbers visible from the street; address numbers shall be permanently affixed to an exterior wall of the building they identify so as to be read from the street, and/or shall be permanently affixed to both sides of the mailbox serving the property, or to its supporting structure. If by these methods it cannot be determined which premises is being identified, then a permanent free-standing sign shall be installed adjacent to the intersection of the private driveway with the public road, but outside the road right-of-way. Address numbers shall be of a color that contrasts with the color of the structure to which they are affixed, and shall be large enough to enable the reading of such numbers from the street. Address numbers of properties located on and taking access from a Common Access Driveway shall be displayed in accordance with the Delaware County Subdivision Regulations.

22.06.K - Commercial, Industrial, Multi-family, Condominium, and Apartment Buildings: On all commercial, industrial, multi-family, condominium and apartment buildings permanent address numbers shall be displayed, and shall be a minimum of six (6) inches in height. Such address numbers shall be located on the structure not more than three (3) feet from the main entrance. Address numbers or address ranges for buildings containing multiple units shall be displayed on the exterior walls of buildings facing the street or driveway serving such buildings, to show unit numbers contained within each building. In addition, all such properties shall have address numbers posted on or directly adjacent to all exterior doors.

22.06.L - Historical Signs, Commemorative Plaques or Cornerstones: Free-standing or wall-mounted permanent signs placed by recognized historical agencies are permitted, provided that such signs are not more than twelve (12) square feet in area per side and are not illuminated.

22.06.M - Yard, Garage, or Moving Sales, or Auctions: A temporary free-standing sign advertising the sale of personal property may be temporarily erected on the property where the sale is being or is to be conducted, provided such sign is not located in the right-of-way of any public street or road, and provided that such sign shall not interfere with or obstruct visibility when entering or leaving the property. Such sign may be installed not more than seven (7) days prior to, and shall be removed not more than two (2) days after completion of any yard, garage, or moving sale, or auction.

22.06.N - Signs Identifying Home Occupations: One (1) permanent or temporary flush-mounted wall or window sign per residence no larger than two (2) square feet in area shall be permitted for the purpose of identifying a home occupation which has complied with all of the requirements of this ordinance, and all conditions imposed by the Board of Zoning Appeals for a Conditional Use to permit a home occupation.

22.06.O - Property Control Signs: Permanent or temporary signs to control or protect private property or for operational and/or instructional purposes (No Hunting, Keep off Grass, No Soliciting, Neighborhood Watch, Automated Teller Machine operating instructions, signs disclosing hours of operation, etc.), with such signs not to exceed two (2) square feet per sign in size, are permitted. Such signs used for control or protection of private property may be either free-standing, wall-mounted, or window-displayed, and when used for operational and/or instructional purposes, shall be mounted on or directly adjacent to the structure or device to which they apply.

22.06.P - Directory Signs: Free-standing permanent or temporary signs displaying only business names, address numbers, and directional arrows, which are designed to assist the public in locating a business establishment within a property containing multiple business establishments, may be posted within the interior of a property, provided that such signs shall not be installed at locations where they can be read from an exterior or perimeter street or road. No such sign shall be more than six (6) feet in height, and no business name shall occupy more than two (2) square feet of area on any free-standing directory sign. All business names on such sign shall be of the same font type and color.

22.06.Q - Sidewalk Signs: Free-standing temporary sandwich-board or A-frame signs advertising special offers may be placed on a sidewalk in front of a business establishment, provided that no such sign shall be located or placed in any roadway right-of-way or ingress/egress easement. One such sign, not to exceed nine (9) square feet in display area, and not more than three and one-half (3½) feet high and two and one half (2½) feet wide, is permitted for each business establishment,. Location of such signs shall not interfere with pedestrian or emergency services ingress, egress, use of or access to any sidewalk or to any door. Such signs shall be allowed only during the hours when a business establishment is open to the public, and shall be stored inside or removed from the site at all other times.

SECTION 22.07 – PERMITTED SIGNS – PERMIT REQUIRED: The following signs shall be permitted upon obtaining a written Zoning Permit in areas clearly delineated herein and subject to the reasonable regulations set forth herein, upon obtaining a written Zoning Permit. All such signs shall comply with the general standards for all signs and shall be sized and located in accordance with Section 22.05 unless otherwise specified.

22.07.A - Outdoor Advertising or Billboards: Free-standing permanent or temporary signs to advertise a product or service not located upon the premises on which the sign is located shall be classified as a business use and shall be permitted in all Commercial and Industrial Districts and/or on lands used for agricultural purposes subject to regulations set forth herein:

22.07.A.1 - No billboard shall exceed two hundred (200) square feet in area per side nor have more than two (2) sides.

22.07.A.2 - The measured height from the top of any billboard to the ground level shall not exceed twelve (12) feet in height nor have a length in excess of four (4) times the height of the sign face.

22.07.A.3 - All billboards shall be located in compliance with all State and Federal Regulations controlling the same and such proof shall be submitted to the Zoning Inspector prior to issuance of a Zoning Permit.

22.07.A.4 - All billboards shall be located behind the front building setback lines established for the district in which the sign is located.

22.07.A.5 - No billboard or outdoor advertising sign shall be located nearer than twenty-five (25) feet to any side or rear lot line.

22.07.A.6 - No billboard shall be closer than four hundred (400) feet to any residence regardless of whether or not it is inhabited.

22.07.A.7 - No billboard or outdoor advertising sign shall be continued once its commercial or business purpose has ended. The commercial or business purpose of signs for real estate subdivision sales of parcels and/or buildings shall end at such time as all parcels or buildings have been sold or are no longer advertised for sale by the subdivision landowner or developer.

22.06.A.8 - A zoning permit shall be required prior to any change to an existing billboard.

22.07.B - Construction Signs: Upon application and approval one temporary free-standing sign identifying a new construction project may be erected upon the same lot as the project which is under construction. Such sign shall be permitted only for the length of the construction project or for eighteen (18) months, whichever is shorter. Any extension past the eighteen (18) months shall be subject to approval by the Zoning Inspector. Such signs shall be approved by the specific project owner and/or developer prior to a Zoning Permit being issued. A construction sign may contain any or all of the following information: the name of the construction project, the construction firm(s), the engineer, the architect and/or the subcontractors involved in the project, the address of the project and/or lot number, and contact information including telephone numbers and web site addresses. Only one (1) construction sign shall be permitted per parcel or lot. Maximum sign area permitted shall be six (6) square feet for each single-family residential dwelling unit up to a maximum of twenty (20) square feet per side on a parcel or lot to be developed with multi-family residential, condominiums, commercial, or industrial uses.

22.07.C - Real Estate For-Sale Signs in All Zoning Districts: Upon application and approval on parcels exceeding fifteen (15) acres, one (1) temporary free-standing sign not to exceed twenty-four (24) square feet per side, and height and setback determined by Section 22.05 may be permitted to advertise that it is for sale, rent or lease. Where a parcel has frontages on two (2) or more roads, one (1) such sign may be permitted along each dedicated road. Said signs may remain on premises for a period not to exceed eighteen (18) months without renewal of the Zoning Permit.

During the initial period of construction of any building in the planned commercial zoning district, a secondary sign may be permitted, as follows: a secondary sign not to exceed twenty (20) square feet in area per side may be suspended from the bottom of a permitted construction sign to denote that the building(s) or tenant space(s) or units to be constructed on the property will be for sale, lease, or rent, regardless of the size of the property on which the project is located. The combined total display area of one (1) side of the construction sign and one (1) side of the attached secondary sign shall not exceed forty (40) square feet, and such sign shall be located no less than twenty (20) feet from any road right-of-way and no less than the minimum building setback line from any other property line, and shall not exceed twelve (12) feet in height. Such secondary sign may remain on the premises for a period not to exceed eighteen (18) months without renewal of the Zoning Permit. Such secondary sign shall be removed prior to or upon removal of the construction sign from which it is suspended.

22.07.D - Subdivision Sale Signs: One (1) temporary free-standing sign providing information on the sale of lots within an approved and recorded subdivision may be placed upon the property and maintained until ninety percent (90%) of the lots within the subdivision are sold.

Subdivision sale signs shall contain only the name of the subdivision, the name of the owner, the name of the developer, and information regarding the price, terms, and the location, web site address, and telephone number of the sales office or sales agent.

22.07.E - Model Home Signs: Temporary model home signs proposed to be located in any planned zoning district require approval as part of a Development Plan., Temporary model home signs proposed to be located in any other residential zoning district shall require approval by the Board of Zoning Appeals as a Conditional Use. There shall be not more than one (1) temporary free-standing sign and not more than one (1) temporary wall-mounted or window sign per model home. Such signs may provide information on the builder, telephone number, web site address, and days and hours of operation. Such temporary free-standing sign shall not be a monument-style sign, and shall not be larger than twenty (20) square feet per side. Temporary free-standing model home signs may be illuminated subject to Section 21.05 – Lighting Regulations. Wall-mounted or window signs may also display the name of the model home. Such wall-mounted or window signs shall be no larger than six (6) square feet in size and shall not be illuminated. No Zoning Permit for model home signs shall be valid for longer than eighteen (18) months; such Permits may be renewed as long as the model home use exists. All model home signs shall be removed upon discontinuance of the model home use.

22.07.F - Bulletin Board: Permanent or temporary free-standing or wall-mounted bulletin board signs with changeable copy shall be permitted for the following non-public owned and operated buildings and facilities provided that each sign displaying only changeable copy does not exceed twelve (12) square feet in size, or the portion of each free-standing permanent identification sign that is designed for changeable copy does not exceed one-half (1/2) of the total display area of each such sign and otherwise meets the other requirements of this Article: churches, private schools and colleges, or as required by law.

22.07.G - Menu Board and Preview Menu Board: One (1) free-standing menu board and one (1) free-standing preview menu board may be approved for each drive-thru lane of a business establishment having one or more drive-thru lanes, to advertise only those products that can be ordered, obtained and paid for at a drive-thru window. Such signs shall not be used to advertise services, nor shall they be used to advertise products for sale that can only be obtained inside the business establishment. Such signs may contain changeable copy. The total display area of a menu board shall not exceed forty (40) square feet and the total display area of a preview menu board shall not exceed twenty-five (25) square feet. All such signs shall be located adjacent to a drive-thru lane in such a manner that the sign face is not visible from any dedicated road, and placed so they are intended to be read only by customers using the drive-thru lane. The back and sides of such signs shall be of a finished material that matches or compliments the exterior building materials of the building it serves. If the back side of any such sign is visible from any dedicated road, it shall be completely screened from view from such dedicated road by use of permanent landscaping.

22.07.H - Commercial or Industrial Permanent Identification Sign: A permanent wall sign may be used to display only the name of the business as it is registered with the Secretary of the State of Ohio or a shortened version of the registered business name, and may also display a graphic drawing or image to illustrate the nature of the business. Permanent identification signs shall be mounted on the building that houses the business establishment identified by such signs, EXCEPT as otherwise specifically authorized by this Resolution. One (1) such sign for each established business or tenant within a building may be mounted on each building wall or on a building wall extension that has been designed and constructed to be architecturally compatible with the building and does not extend beyond any required building setback line of the building to which such wall extension is attached, provided that such wall or extension of such wall has frontage on a dedicated public or private street and/or frontage on a service drive. Such sign shall not project above the roof line or the cap of parapets on the side of the building or wall extension to which it is attached. In cases where a building has frontage on more than one dedicated public or private street or on a service drive, the applicant shall designate the

primary frontage. The maximum allowable display area of the each such sign shall be determined based on the tenant being a Small, Medium or Large tenant, by meeting either the Minimum Building or Store Frontage or Gross Area applicable to each category of tenant as follows:

Tenant Type	Minimum Building or Store Frontage	Gross Area (square feet)	Maximum Wall Sign Display Area on Each Frontage	
			Primary	All Others
Small	20-39 feet	Less than 3,000	40	25
Medium	40-59 feet	3,001 – 4,999	75	40
Large	60 or more feet	5,000 or more	95	60

All such signs shall be parallel to the wall on which they are installed, and shall not project more than eighteen (18) inches from such wall, it being hereby intended to prohibit signs projecting outward from the wall, at right angles or otherwise, EXCEPT as follows:

22.07.H.1 - Each business established within a building may display one (1) permanent identification sign not to exceed fifteen (15) square feet in size on an attached canopy or similar architectural feature which projects beyond the building over a walk or yard. Such sign may be erected on any side of a building where no other wall sign is displayed for the same established business, provided that no part of such sign may extend above the roof or cap of parapets on the side of the building on which such sign is located.

22.07.H.2 - One (1) permanent identification sign may be installed at each main entrance to a business establishment as follows: Such sign shall not be more than fifteen (15) inches in height and five (5) square feet in area, may project outward from the building wall not more than three (3) feet, or may be suspended from the underside of an architectural feature such as a canopy or roof which covers a sidewalk serving an entry to a building. The three (3) foot projection limit does not apply to any sign suspended from the underside of a canopy or roof or similar architectural feature covering a sidewalk.

No part of any sign shall be less than eight (8) feet above the sidewalk or ground level if such projects forward of the wall on which it is mounted to such an extent as to constitute a hazard or inconvenience to pedestrian or vehicular traffic. No part of any sign shall be closer to either end of the building face (including any wall extension) on which it is erected than eighteen (18) inches. Where more than one (1) sign is erected on the same face of a building, there shall be a distance of at least three (3) feet between signs. Letters, numerals or other graphics attached directly to the building wall shall be considered a wall sign. Unlighted letter numerals or other graphics carved into the face of the building shall generally not be considered wall signs, unless they are more than nineteen (19) inches high, or one (1) inch thick, or the color contrasts with that of the building. Super graphics (large scale painted graphic devices) and architectural detailing that has a graphic or signage function painted upon a building, shall be subject to regulation as a wall sign.

SECTION 22.08 – CONDITIONALLY PERMITTED SIGNS – PERMIT REQUIRED: No conditionally approved sign shall be implemented, erected, or constructed until the Zoning Inspector issues a Zoning Permit therefore.

22.08.A: Within any zoning district the following signs may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Such signs shall be sized and located in accordance with Section 22.04.K.

22.08.A.1 - Permanent Identification Signs in all zoning districts, if not approved as part of a Development Plan. One (1) such sign may be approved at entrances along major thoroughfares and shall not obstruct the visibility at any intersection. Such sign shall be either free-standing or affixed to an approved structure such as a landscape wall or fence constructed at the entrance to a subdivision or commercial or industrial development. Such signs shall contain only the name of the subdivision or similar operation or community of use that they identify, same address and/or use of the premises upon which the sign is located or to which it is affixed, shall not exceed six (6) feet in height, and shall be landscaped. Such identification signs shall not contain any advertising of products or changeable copy, nor shall they be portable signs on wheels.

22.08.A.2 - Free Standing Signs for commercial and related type businesses.

22.08.A.3 - Model Home Signs in residential developments if not approved as part of a Development Plan.

22.08.A.4 - Similar types of use.

22.08.B: The Board of Zoning Appeals may grant a Conditional Use Permit for the erection or maintenance of the aforementioned signs only upon compliance with the following requirements:

22.08.B.1 - The filing of a written Application for a Conditional Use for such sign, with scaled drawings of the proposed sign showing its design, colors and materials, and a scaled Site Plan showing the location of the proposed sign.

22.08.B.2 - A determination by the Board that a free-standing sign is necessary to the conduct of the business, professional or commercial activity on the site, or identification of the use and/or of the premises on which it is located.

22.08.B.3 - A determination that the proposed sign meets all the requirements as designated in Section 22.04.K.

22.08.B.4 - In making its determination, the Board shall take into consideration all pertinent factors relating to the compatibility of such sign with the surrounding neighborhood, including, but not limited to, its size, shape, color, brightness, design and its general appearance.

22.08.B.5 - The filing of a plan for the perpetual maintenance of signs, identifying the responsibilities of the applicant, the public, the landowner or other parties. Such plan shall be subject to approval by the Board of Zoning Appeals.

22.08.B.6 - Not more than one (1) free standing sign may be authorized for any one (1) operation or establishment. Where more than one (1) operation or establishment is located on a single tract of land, having an entrance or parking area or areas used in common by the customers of such operations or establishments, only one (1) free standing sign may be authorized for the entire tract. The existence and boundaries of such tract shall be determined by community of use, rather than by the ownership thereof, it being intended by this provision to limit each operation, establishment or similar joint operation to one (1) free standing sign, EXCEPT in the case of an operation or establishment that is contiguous to two (2) streets in which case one (1) free standing sign, fronting on each street, may be authorized.

SECTION 22.09 – PROHIBITED SIGNS: The following signs shall be prohibited in Liberty Township:

22.09.A: Signs mounted upon the roof of any building or structure.

22.09.B: Signs not otherwise specifically authorized by this Resolution.

22.09.C: Moving or rotating signs, portable billboards, pennants, streamers, spinners, banners, flashing lights, fluctuating lights, blinking lights, intermittent lights, string of lights, or inflatable and/or floating attraction devices, animation of signs and other similar devices.

22.09.D: Signs or advertising erected and maintained on trees or painted or drawn upon rocks or other natural features.

22.09.E: No sign or billboard shall be painted directly upon the roof of any building or structure except for identification signs on agricultural buildings.

22.09.F: No sign shall be attached to any fence within the right-of-way of any road, and no advertising sign shall be attached to any fence regardless of location.

22.09.G: Advertising devices that attempt, or appear to attempt, to direct the movement of traffic, or which interfere with, imitate or resemble an official sign, signal or device, are prohibited,

22.09.H: No signs shall be posted, attached, mounted or otherwise applied on utility poles, bus shelters, benches, trash receptacles, newspaper vending machines, boxes, or any other unapproved supporting structure.

22.09.I: The use of building walls for display of advertising is prohibited.

22.09.J: No vehicle, trailer or equipment of any type may be parked on a business premises or a lot for the purpose of advertising a business, product, service, event, object, location, organization or the like.

22.09.K: No sign shall be located on a vacant lot, EXCEPT for the purpose of advertising the lot for sale or lease, or for such purpose as the notification of a present danger or the prohibition of trespassing, or a billboard sign that has been permitted in accordance with Section 23.06.A of this Resolution.

SECTION 22.10 – ABANDONED SIGNS: If any sign or billboard shall become abandoned or defective in the manner defined herein, such sign or billboard is declared to be a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and blighting influence on nearby properties. An abandoned or defective sign or billboard is any sign or billboard that meets any of the following criteria:

22.10.A: Any sign or billboard associated with an abandoned nonconforming use.

22.10.B: Any sign or billboard that remains after the termination of a business. A business has ceased operations if it is closed to the public for at least one hundred eighty (180) days. Seasonable businesses are exempted from this determination.

22.10.C: Any sign or billboard that is not maintained in accordance with this Resolution.

22.10.D: Any sign that is structurally defective or is a hazard to public safety or aesthetically incompatible with the surrounding property or properties.

When, upon investigation, the Zoning Inspector finds that a sign or billboard has been abandoned or defective as defined herein, he/she shall notify the owner of said sign, together with the owner of the land on which the sign is located, of his/her findings. Such notice shall advise the owners that the sign has been declared abandoned and must be removed within thirty (30) days from the date of said notice.

The owners may appeal such decision to the Board of Zoning Appeals as provided in Section 28.05 of this Resolution.

It shall be the duty of the Zoning Inspector to maintain a photograph and file of said sign together with a written report of his/her findings for submission to the Board of Zoning Appeals upon request. If the sign is not removed as ordered, the Township shall be entitled to a judgment that allows the same to be removed by the Township at the expense of the lessee or owner.

SECTION 22.11 – NON-CONFORMING SIGNS: Any sign in existence within the Township prior to the effective date of this Resolution, which was erected in compliance in all respects with all applicable laws in existence on the date of its erection, but that does not conform with the provisions of this Article, is considered to be non-conforming.

Any non-conforming sign shall be allowed to continue in its non-conforming state until it is removed or declared abandoned in accordance with Section 22.10.

A non-conforming sign shall not be relocated unless it is brought into compliance with the provisions of this Article. Substitution of a non-conforming sign with a different sign for which a Zoning Permit is required by this Article, may be permitted by the Zoning Inspector upon issuance of a Zoning Permit, provided such sign does not exceed the dimensions of the previous non-conforming sign and otherwise complies with the provisions of this Article. A non-conforming sign shall be maintained or repaired in accordance with the following provisions:

22.11.A: The sign and structural shape shall not be changed or altered.

22.11.B: The text and/or graphics may be changed, but the total display area may not be enlarged, provided that the change applies to the original non-conforming use associated with the sign.

22.11.C: In the case where damage occurs to the sign to the extent of fifty percent (50%) or more of either the structure or the replacement value of the sign, such sign shall be removed or it shall be brought into compliance with this Article within thirty (30) days of such damage.

Where the damage to the sign or billboard is less than fifty percent (50%) of the structure or its replacement value, the sign or billboard shall be repaired within sixty (60) days or it shall be deemed abandoned.

SECTION 22.12 – REPLACEMENT SIGNS: The Zoning Inspector may approve upon application being made and the required fee being paid, without public hearing, the replacement of any sign and/or the structural support for any sign that has been initially approved by the Board of Township Trustees, the Zoning Commission, or the Board of Zoning Appeals subject to there being no increase in the square feet of display area on any side of the sign, and no increase in sign height, and no reduction of setback from any right-of-way or from any property line which varies from the originally-approved sign; however, the materials from which a sign is constructed may be changed. Such replacement sign shall conform to all applicable standards in this Article unless variances therefore previously have been granted by either the Board of Trustees and/or the Zoning Commission, or by the Board of Zoning Appeals. An applicant for a replacement sign shall submit a written explanation of the need to replace the sign to the Zoning Inspector for review, and shall obtain any required Zoning Permit prior to making any change to any sign. If upon review the Zoning Inspector determines that a proposed replacement sign differs in size, height, or location from the a sign originally approved by the Board of Trustees and/or the Zoning Commission or by the Board of Zoning Appeals, the Zoning Inspector shall not approve such sign and the applicant shall be required to submit the appropriate application with accompanying plans, drawings, documentation, and fee for a public hearing if he desires to pursue the approval of such replacement sign.

ARTICLE XXIII - RESERVED

ARTICLE XXIV – NON-CONFORMING USES

SECTION 24.01 – INTENT: Within the districts established by this Resolution or Amendments that may later be adopted, there exists lots, uses of land, structures, and uses of structures and land in combination which were lawful before this Resolution was passed or its present amendments adopted, but which would be prohibited, regulated or restricted under the terms of this Resolution or amendments. It is the intent of this Resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival. Non-conformities are declared by the Resolution to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged more than ten percent (10%). Nothing in this Resolution shall be deemed to require a change in the plans, constructions or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of amendment of this Resolution and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, providing that work shall be carried out diligently.

SECTION 24.02 – SINGLE NON-CONFORMING LOTS OF RECORD: In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on a single lot of record at the effective date of adoption or Amendment of this Resolution. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable within the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirement of this Resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals. No portion of any lot shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution.

SECTION 24.03 – NON-CONFORMING USES OF LAND: Where, at the time of adoption of this Resolution, lawful uses of land exist which would not be permitted by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

- A. No such non-conforming uses shall be enlarged or increased, nor extended, to occupy more than ten percent (10%) of the area of land that was occupied on the date the use first became a lawful non-conforming use.

- B. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses on the date the use first became a lawful nonconforming use.
- C. If any non-conforming uses of land are discontinued or abandoned for more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.
- D. No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such nonconforming use of land.

SECTION 24.04 – NON-CONFORMING STRUCTURES: Where a lawful structure exists at the effective date of the adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged or extended more than ten percent (10%), moved or structurally altered EXCEPT in changing the use of the structure to a use permitted in the district in which it is located.
- B. Should such non-conforming structure or non-conforming portion of a structure be destroyed, it may not be reconstructed.
- C. Should any structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 24.05 – NON-CONFORMING USES OF STRUCTURES AND LAND IN COMBINATION: If a lawful use involving individual structures, or a structure and land in combination, exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged or extended by more than ten percent (10%), moved or structurally altered EXCEPT in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such a use at the time of

adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building.

- C. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
- D. When a non-conforming use of structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years, the structure or structure and land combination shall not thereafter be used EXCEPT in conformity with the regulations of the district in which it is located.
- E. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

SECTION 24.06 – REPAIRS AND MAINTENANCE: On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of walls, fixtures, wiring or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased EXCEPT as hereinabove provided. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 24.07 – SINGLE DWELLING UNIT EXCEPTION: Notwithstanding the provisions of Section 24.01 to Section 24.06, inclusive, of this Resolution, any one (1) or two (2) family dwelling units located in any use district in this Township may be expanded or enlarged so long as its use is not changed from that of a one (1) or two (2) family dwelling unit. Such expansion or enlargement shall be subject to the minimum setback requirements.

SECTION 24.08 – ACCESSORY USE EXCEPTION: Notwithstanding the provisions of Section 24.01 to Section 24.06, inclusive, of this Resolution, the owner or occupant of any one (1) or two (2) family dwelling unit located in any use district may engage in any accessory use or construct any accessory building that would be permitted in the FR-1, Farm-Residential District, in accordance with the provisions of Article VII.

ARTICLE XXV - TOWNSHIP ZONING INSPECTOR - ZONING CERTIFICATES AND APPLICATIONS

SECTION 25.01 – TOWNSHIP ZONING INSPECTOR: The Board of Township Trustees shall appoint a Township Zoning Inspector, together with such assistants as may be necessary. It shall be the duty of the Township Zoning Inspector to compare each Zoning Certificate Application with the then existing Zoning Map. The Township Zoning Inspector, before entering upon the duties of his/her office, shall give bond signed by a bonding or surety company authorized to do business in this state, or, at his/her option, signed by two (2) or more freeholders having real estate in the value of double the amount of the bond, over and above all encumbrances to the state, in the sum of not less than one thousand dollars (\$1,000.00) or more than five thousand dollars (\$5,000.00) as fixed by the Board of Township Trustees. Such surety company or real estate bond shall be approved by the Board of Township Trustees and the bond shall be conditioned upon the faithful performance of such Zoning Inspector's official duties. Such bond shall be deposited with the Township Clerk. The compensation for such Zoning Inspector shall be set and paid by the Board of Township Trustees.

SECTION 25.02 - ZONING CERTIFICATE REQUIRED: No structure shall hereafter be located, constructed, reconstructed, enlarged or structurally altered, nor shall any work be started upon same, nor shall any use of land be commenced until a Zoning Certificate for same has been issued by the Liberty Township Zoning Inspector, which Certificate shall state that the proposed building and use comply with all the provisions of this Zoning Resolution.

SECTION 25.03 – PROCEDURES FOR OBTAINING ZONING CERTIFICATE: No Zoning Certificate shall be issued by the Township Zoning Inspector until the Zoning Certificate Application shows that the property is being or is to be used in complete conformity with this Zoning Resolution and the official Zoning Map. In every case where the lot is not served and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the Application shall be accompanied by a Certificate of Approval by the Health Officer of Delaware County of the proposed method of water supply and/or disposal of sanitary wastes. No Zoning Certificate shall be issued by the Township Zoning Inspector until the Applicant for said Zoning Certificate has submitted a Plot Plan of the area upon which the Applicant's use or structure is proposed. Said Plot Plan shall show the type or proposed use, structural dimensions at the ground, lot dimensions, side, front and rear yard setbacks, compliance with all applicable development standards and a signed statement that said Applicant will conform with all Zoning Regulations then in force for said area.

SECTION 25.04 – CONDITIONS OF CERTIFICATION: No Zoning Certificate shall be effective for more than eighteen (18) months unless the use specified in the Permit is implemented in accordance with the approved Plans within said period or timetable attached to said Plans.

SECTION 25.05 – CERTIFICATE OF COMPLIANCE: It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a Certificate of Compliance shall have been issued therefore by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Resolution.

SECTION 25.06 – TEMPORARY CERTIFICATE OF COMPLIANCE: A Temporary Certificate of 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.

SECTION 25.07 – ZONING CERTIFICATE (CHANGE OF USE): No change of use shall be made in any building or part thereof now or hereafter located, constructed, reconstructed, enlarged or structurally altered EXCEPT for agricultural purposes, without a Zoning Certificate being issued therefore by the Township Zoning Inspector. No Zoning Certificate shall be issued to make a change in use unless the changes have been made in conformity with the provisions of this Zoning Resolution, or unless a Variance or Special Permit has been granted by the Board of Zoning Appeals.

SECTION 25.08 – NON-CONFORMING USES: Nothing in this article shall prevent the continuance of a non-conforming use as hereinbefore authorized unless a discontinuance is necessary for the safety of life or property.

SECTION 25.09 – RECORDS: A record of all Zoning Certificates shall be kept on file in the office of the Township Zoning Inspector and shall be open for public review during normal business hours.

SECTION 25.10 – COMPLAINTS: The Zoning Inspector shall investigate all complaints received from residents alleging illegal activity and shall report findings to the Township Trustees. The Zoning Inspector may require that all such complaints be submitted in writing and shall be signed by the complaining party.

SECTION 25.11 – CERTIFICATE FEES: The Board of Township Trustees shall prescribe a fee schedule for the issuance of Zoning Certificates, and such fees shall be collected by the Zoning Inspector prior to issuing the required Zoning Certificate. The Board of Township Trustees may amend the fee schedule from time to time when necessary.

ARTICLE XXVI - TOWNSHIP ZONING COMMISSION

SECTION 26.01 – TOWNSHIP ZONING COMMISSION: The Board of Township Trustees hereby creates and establishes a Township Zoning Commission. The Commission shall be composed of five (5) members who reside in the unincorporated area of the Township, to be appointed by the Board, and the terms of the members shall be of such length and so arranged that the term of one (1) member will expire each year. Where there is a County or Regional Planning Commission the Board may appoint qualified members of such Commission to serve on the Township Zoning Commission. The time of service of each member shall be limited to two (2) consecutive full terms of five (5) years each. Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office or other cause by the Board, upon written charge being filed with the Board, 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 registered mail or by leaving such copy at his 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 Township Trustees and shall be for the unexpired term. Prior to making any appointment to the Township Zoning Commission, the Board of Township Trustees shall publish public notice of the vacancy, hold a public hearing no sooner than twenty (20) days after publishing said notice and interview each candidate or applicant for such position. The appointment shall be made by public vote at such hearing or at a later public meeting of the Board of Township Trustees.

SECTION 26.02 – FUNCTIONS OF THE TOWNSHIP ZONING COMMISSION: The Township Zoning Commission shall submit a plan, including both text and maps, representing the recommendations of the Zoning Commission for the carrying out by the Board of Township Trustees of this Zoning Resolution when requested to do so by the Township Trustees.

The Township Zoning Commission may, within the limits of the monies appropriated by the Board of Township Trustees for the purpose, employ or contract with such planning consultants and executive and other assistants as it deems necessary.

The Township Zoning Commission shall organize, adopt rules for the transaction of its business and keep a record of its actions and determinations.

Members of the Township Zoning Commission may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide.

No Township Trustee shall be employed by the Township Zoning Commission.

The Zoning Commission shall make use of such information and counsel as is available from appropriate public officials, departments and agencies, and such

officials, departments and agencies having information, maps and data pertinent to Township Zoning shall make them available for the use of the Zoning commission.

In any county where there is a County or Regional Planning Commission, the Zoning commission may request such Planning Commission to prepare or make available to the Zoning Commission a Zoning Plan, including text and maps, for the unincorporated area of the Township or any portion of the same.

SECTION 26.03 – ZONING SECRETARY: To assist in the administration of this Zoning Resolution, the Township Trustees shall appoint a Zoning Secretary whose duty it shall be to maintain Township zoning records, confirm information in Applications, process all Notices required under this Zoning Resolution, record the minutes of the Zoning Commission and the Board of Zoning Appeals, assist the Zoning Inspector and perform such other duties relating to this Zoning Resolution as the Township Trustees may from time to time direct. The Zoning Secretary shall be compensated at rates set from time to time by the Township Trustees. The Township Clerk may be named to this position and may receive compensation for such services in addition to other compensation allowed by law.

SECTION 26.04 – MEETINGS AND AGENDA OF TOWNSHIP ZONING COMMISSION: The Zoning Commission shall establish by rule a schedule for both regular and special meetings. The Commission shall consider all items on the agenda. In the event there are no items on the agenda, no meeting need be held. The Commission shall adopt rules of procedure governing the conduct of each meeting. Special meetings can be called by the Chairman of the Commission or Chairman of the Township Trustees upon ten (10) days written notice to all Commission members. All meetings of the Zoning Commission shall be open to the public.

SECTION 26.05 – MINUTES: The minutes of each meeting of the Zoning Commission shall be kept by the Zoning Secretary on file in the Township Hall with the other zoning records. Said minutes shall be open for public inspection during Commission meetings and normal business hours.

ARTICLE XXVII – AMENDMENTS (ZONING CHANGES)

NOTE: This article is intended to be a restatement of Section 519.12 of the Revised Code of Ohio (most recently amended January 1, 1992) and is adopted herein for the convenience of the Citizens of Liberty Township. Any amendments to Section 519.12 adopted by the Ohio Legislature shall be considered adopted herein:

519.12 – AMENDMENTS TO ZONING RESOLUTION – PROCEDURE – REFERENDUM:

- A. Amendments to the Zoning Resolution may be initiated by motion of the Township Zoning Commission, by the passage of a Resolution therefore by the Board of Township Trustees, or by the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the Township Zoning Commission. The Board of Township Trustees may require that the owner or lessee of property filing an Application to amend the Zoning Resolution pay a fee therefore to defray the cost of advertising, mailing, filing with the County Recorder and other expenses. If the Township Trustees require such a fee, it shall be required generally, for each Application. The Board of Township Trustees shall, upon the passage of such Resolution, certify it to the Township Zoning Commission.

Upon the adoption of such motion, or the certification of such Resolution or the filing of such Application, the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such Resolution or the date of adoption of such motion or the date of the filing of such Application. Notice of such hearing shall be given by the Township Zoning Commission by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing.

- B. 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, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within, contiguous to, directly across the street from, and within 200 feet of the perimeter boundaries of such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any such Amendment.
- C. 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 published and mailed notices shall set forth the time, date and place of the public hearing and shall include all of the following:

- 1) The name of the Zoning Commission that will be conducting the public hearing.
- 2) A statement indicating that the Motion, Resolution or Application is an Amendment to the Zoning Resolution.
- 3) A list of the addresses or all properties to be rezoned or redistricted by the proposed Amendment and of the names or owners of these properties, as they appear on the County Auditor's current tax list.
- 4) The present zoning classification of property named in the proposed Amendment and the proposed zoning classification of such property.
- 5) The time and place where the Motion, Resolution or Application proposing to amend the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the public hearing.
- 6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail.
- 7) Any other information requested by the Zoning Commission.
- 8) A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.

D. If the proposed Amendment alters the text of the Zoning Resolution or rezones or redistricts more than ten (10) parcels of land, as listed on the County Auditor's current tax list, the published Notice shall set forth the time, date and place of the public hearing and shall include all of the following:

- 1) The name of the Zoning Commission that will be conducting the public hearing on the proposed Amendment.
- 2) A statement indicating that the Motion, Application or Resolution is an Amendment to the Zoning Resolution.
- 3) The time and place where the text and maps of the proposed Amendment will be available for examination for a period of at least ten (10) days prior to the public hearing.
- 4) The name of the person responsible for giving notice of the public hearing by publication.
- 5) A statement that after the conclusion of such hearing the matter will be submitted to the Board of Township Trustees for its action.

6) Any other information requested by the Zoning Commission.

- E. Within five (5) days after the adoption of such Motion or the Certification of such Resolution or the filing of 'such Application, the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto to the County or Regional Planning Commission, if there is such a Commission.

The County or Regional Planning Commission shall recommend the approval or denial of the proposed Amendment or the approval of some modification thereof and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed Amendment.

The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed Amendment, or the approval of some modification thereof and submit such recommendation together with such Application or Resolution, the text and map pertaining thereto and the recommendation of the County or Regional Planning Commission thereon to the Board of Township Trustees. The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed Amendment, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the Board by one (1) publication in one (1) or more newspapers of general circulation in the Township, at least ten (10) days before the date of such hearing.

- F. 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 published notice shall set forth the time, date and place of the public hearing and shall include all of the following:

- 1) The name of the Board that will be conducting the public hearing.
- 2) A statement indicating the Motion, Application or Resolution is an Amendment to the Zoning Resolution.
- 3) A list of the addresses of all properties to be rezoned or redistricted by the proposed Amendment and of the names of owners of these properties, as they appear on the County Auditor's current tax list.
- 4) The present zoning classification of property named in the proposed Amendment and the proposed zoning classification of such property.

- 5) The time and place where the Motion, Application or Resolution proposing to amend the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the public hearing.
 - 6) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail.
 - 7) Any other information requested by the Board.
- G. If the proposed Amendment alters the text of the Zoning Resolution, or rezones or redistricts more than ten (10) parcels of land as listed on the County Auditor's current tax list, the published Notice shall set forth the time, date and place of the public hearing, and shall include all of the following:
- 1) The name of the Board that will be conducting the public hearing on the proposed Amendment.
 - 2) A statement indicating that the Motion, Application or Resolution is an Amendment to the Zoning Resolution.
 - 3) The time and place where the text and maps of the proposed Amendment will be available for examination for a period of at least ten (10) days prior to the public hearing.
 - 4) The name of the person responsible for giving notice of the public hearing by publication.
 - 5) Any other information requested by the Board.
- H. Within twenty (20) days after such public hearing, the Board shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Board denies or modifies the recommendation of the Township Zoning Commission, the unanimous vote of the Board shall be required.

Such Amendment adopted by the Board shall become effective in thirty (30) days. After the adoption of the Amendment, there is presented to the Board of Township Trustees a Petition, signed by a number of registered electors residing in the unincorporated area of the Township, or part thereof, included in the Zoning Plan equal to not less than eight percent (8%) of the total vote cast for all candidates for governor in such area at the last preceding General Election at which a governor was elected, requesting the Board of Township Trustees to submit the Amendment to the electors of such areas for approval or rejection at a special election to be held on the day of the next Primary or General Election. Each part of this petition shall contain the number of the full

and correct title, if any, of the Zoning Amendment Resolution, Motion or Application, furnishing the name by which the Amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section, each Petition shall be governed by the rules specified in Section 3501.38 of the Ohio Revised Code.

The form of a Petition calling for a Zoning Referendum and the statement of the circulator shall be substantially as follows:

“PETITION FOR ZONING REFERENDUM”

(If the proposal is identified by a particular name or number or both, these should be inserted here.) _____

A proposal to amend the Zoning Map of the unincorporated area of _____ Township, _____ County, Ohio, Adopted _____ (Date) _____.

(Followed by a brief summary of the proposal.)

To the Board of Township Trustees of _____ Township, _____ County, Ohio:

We, the undersigned, being electors residing in the unincorporated area of _____ Township, included within the _____ Township Zoning Plan, equal to not less than eight percent (8%) of the total vote cast for all candidates for governor in the area at the preceding General Election at which a governor was elected, request the Board of Township Trustees to submit this Amendment of the Zoning Resolution to the electors of _____ Township residing within the unincorporated area of the Township included in the _____ Township Zoning Resolution, for approval or re3ection at a special election to be held on the day of the next Primary or General Election to be held _____ (Date) _____ pursuant to Section 519.12 of the Ohio Revised Code.

<i>Signature</i>	<i>Street Address Or R.F.D.</i>	<i>Township</i>	<i>Precinct</i>	<i>County</i>	<i>Date of Sign</i>
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STATEMENT OF CIRCULATOR

_____ (Name of Circulator) _____ declares under penalty of election falsification that he/she is an elector of the State of Ohio and resides at the address appearing below his/her signature hereto; that he/she is the meeting circulator of the foregoing part petition containing _____ (Number) _____ signatures; that he/she witnessed the affixing of every signature; that all signers were ' to the best of his/her knowledge and belief qualified to sign; and that every signature is to the best of his/her knowledge and belief the signature of the person whose signature it purports to be.

(Signature of Circulator)

(Address)

(Township and Zip Code)

The penalty for election falsification is imprisonment for not more than six (6) months, or a fine of not more than one thousand dollars (\$1,000.00) or both.

The Petition shall be filed, accompanied by an appropriate map of the area affected by the zoning proposal, with the Board of Township Trustees, which shall then transmit the Petition within two (2) weeks of its receipt to the Board of Elections, which shall determine the sufficiency and validity of the Petition. The Petition shall be certified to the Board of Elections not less than seventy-five (75) days prior to the election at which the question is to be voted upon.

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

Within five (5) working days after an Amendment's effective date, the Board of Township Trustees shall file the text and maps of the Amendment in the Office of the Court Recorder and with the Regional or County Planning Commission if one exists.

The Board shall file all Amendments, including text and maps, that are in effect on January 1, 1992, in the office of the County Recorder within thirty (30) working days after that date. The Board shall also file a duplicate of the same documents with the Regional or County Planning Commission, if one exists, within the same period.

The failure to file any Amendment, or any text and maps, or duplicates of any of these documents, with the Office of the County Recorder or the County or Regional Planning

Commission as required by the section does not invalidate the Amendment and is not grounds for an appeal of any decision of the Board of Zoning Appeals.

ARTICLE XXVIII – BOARD OF ZONING APPEALS

SECTION 28.01 – BOARD OF ZONING APPEALS: A Township Board of Zoning Appeals is hereby created. Said Board of Zoning Appeals shall be composed of five (5) members who shall be appointed by the Board of Township Trustees and who shall be residents of the unincorporated territory of Liberty Township included in the area zoned by this Zoning Resolution. The terms of all members shall be five (5) years in length and so arranged that the term of one (1) member will expire each year. The time of service of each member of the Board of Zoning Appeals shall be limited to two (2) consecutive full terms. Members of the Board of Appeals shall be removable for the reason specified and in compliance with the procedure established in Chapter 519 of the Revised Code of Ohio. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. Prior to making any appointment to the Board of Zoning Appeals, the Board of Township Trustees shall publish public notice of the vacancy, hold a public hearing no sooner than twenty (20) days after publishing said notice and interview each candidate or applicant for such position. The appointment shall be made by public vote at such hearing or at a later public meeting of the Board of Township Trustees.

SECTION 28.02 – ORGANIZATION: The Board of Zoning Appeals shall organize, electing a Chairman and Acting Chairman, and adopt rules in accordance with the provisions of this Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such other times as the Board of Zoning Appeals may determine. The Chairman, or his designee, may administer oaths and the Board of Zoning Appeals may compel attendance of witnesses. All meetings of the Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees and shall be a public record. The Board of Township Trustees, the Township Zoning Inspector and the Township Clerk shall be notified in advance of all meetings conducted by the Board.

SECTION 28.03 – COMPENSATION AND EXPENSES: The members of the Board of Zoning Appeals may be allowed their expenses or such compensation, or both, as the Board of Township Trustees may approve and provide. The Board of Zoning Appeals may, within the limits of moneys appropriated by the Board of Township Trustees for the purpose, employ such executives, professional, technical and other assistants, as it deems necessary.

SECTION 28.04 – POWERS OF THE BOARD: The Township Board of Zoning Appeals may:

- A. Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of Sections 519.02 to 519.25 of the Ohio Revised Code, or of any Resolution adopted pursuant thereto.

- B. Authorize, upon appeal, in specific cases, such Variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done.
- C. Grant Conditional Zoning Certificates for the use of land, buildings or other structures if such uses are provided for in the Zoning Resolution.
- D. Revoke a Conditional Zoning Certificate granted for the extraction of minerals, if any condition of the Certificate is violated. The Board shall notify the holder of the Certificate by certified mail of its intent to revoke the Certificate under Division Three (3) of this section, and of his/her right to a hearing before the Board, within thirty (30) days of the mailing of the notice, if he/she so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person by his/her attorney or other representative, or he/she may present his/her position in writing. He/she may present evidence and examine witnesses appearing for or against him/her. If no hearing is requested, the Board may revoke the Certificate without a hearing. The authority to revoke a Certificate is in addition to any other means of zoning enforcement provided by law.

In exercising the above mentioned powers, such Board may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken.

SECTION 28.05 – PROCEDURE ON HEARING APPEALS: Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Township affected by any decision of the Zoning Inspector. Such Appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector from whom the Appeal is taken and with the Board of Zoning Appeals a Notice of Appeal specifying the grounds thereof. The Zoning Inspector, from whom the Appeal is taken, shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the Appeal, give ten (10) days written notice by ordinary mail to the parties in interest, give notice of such public hearing by one (1) publication in a newspaper of general circulation within the Township at least ten (10) days before the date of such hearing and decide the same within a reasonable time after it is submitted. At the hearing, any party may appear in person or by attorney.

SECTION 28.06 – PROCEDURE ON APPLICATION FOR USE AND AREA VARIANCE: Township Board of Trustees, may, in appropriate cases and subject to appropriate conditions and safeguards, vary the strict appliance of the term of this

Zoning Resolution in harmony with its general purpose and intent, in accordance with the specific rules contained herein:

- A. Public Notice: Written Application for a Use or Area Variance shall be made to the Township Zoning Inspector who shall transmit said Application to the Board of Zoning Appeals. The Board of Zoning Appeals shall cause a public hearing to be held. The Board of Zoning Appeals shall give written notice by ordinary mail to all owners of land within two hundred (200) feet of the exterior boundaries of the land for which a Variance is requested. An Application For a Variance shall be advertised at least once (1x) ten (10) days in advance of the time set for the public hearing, in a newspaper of general circulation within the Township.
- B. Hearing and Decision: At such hearing the applicant shall present a statement and adequate evidence in such form as the Township Board of Zoning Appeals may require. The Board of Zoning Appeals shall not grant a Use Variance unless it finds that all of the following conditions apply to the case in question:
- 1) There are special circumstances or conditions applying to the land, building or use referred to in the Application, which circumstances or conditions were not created by the applicant.
 - 2) The granting of a Variance Application is necessary for the preservation and enjoyment of substantial property rights.
 - 3) The granting of the Application will not materially affect, adversely, the health or safety of persons residing or working in the neighborhood of the proposed use, and will not be materially detrimental to the public welfare, or injurious to property or improvements in such neighborhood.

The Board of Zoning Appeals shall not grant an Area Variance unless the property owner has encountered practical difficulties in the use of his/her property. The factors to be considered and weighed by the Board are:

- 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 required to be observed and substantial justice done by granting the Variance.

In granting any Variance under the provisions of this section, the Board of Zoning Appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions in the Application on which the Variance is granted.

- C. Form of Application: All Applications for Use and Area Variances under this section shall be submitted on such forms as designated and approved by the Township Trustees. No application will be considered unless the same is fully completed and accompanied by all required information listed on said Application.

SECTION 28.07 – PROCEDURE ON APPLICATION FOR CONDITIONAL USE PERMIT: The owner or lessee of any land or building within a zoning district within the Township may apply to the Board of Zoning Appeals for authority to carry out any use designated as a Conditional-Use within that district.

- A. Application: An Application for Conditional Use Permit shall be submitted on such forms as designated and/or approved by the Township Trustees. A Site Plan shall be prepared and attached to each Application. No Application shall be considered unless the same is fully completed and accompanied by all required information on said Application.
- B. Hearing: The Application shall be transmitted to the Board of Zoning Appeals who shall cause a public hearing to be held.
- C. Notice: Notice of the Application for Conditional Use Permit and the hearing thereof shall be given to all property owners within two hundred (200) feet of the premises on which the use is planned. Notice shall be given by ordinary mail. In addition thereto one (1) Notice of said meeting shall be published in a newspaper of general circulation within the Township not less than ten (10) days prior to the scheduled hearing.
- D. Decision: The Board shall make its decision within a reasonable time after the hearing. In the event the Board approved the Conditional Use Permit, it may impose such reasonable conditions, as it deems necessary to insure that the use will be conducted in the best interest of the Zoning District.

SECTION 28.08 – DECISION OF BOARD: The Board of Zoning Appeals shall act by Resolution, in which three (3) members concur, and every action shall be accompanied by a written finding of fact, based on testimony and evidence and specifying the reason by a granting or denying the request. A copy of the Board's Resolution, accompanied by the Board's finding of fact, shall be mailed to the Applicant by ordinary mail.

SECTION 28.09 – PUBLIC INFORMATION: All communications to members of the Board of Zoning Appeals, written or oral which shall be reduced to writing, pertaining to any matter before the Board shall be made a part of the record. The record of the Board's proceeding in any matter shall be kept on file in the Township Hall, subject to the order of the Delaware County Common Pleas Court and available for inspection by the public.

SECTION 28.10 – RECORD: For any hearing at which the Applicant desires a record to be made other than that prepared by the Township Zoning Secretary, said Applicant may retain at his/her own expense a Court Reporter to make such record. In all hearings wherein no such request has been made for a record, the minutes of the Township Zoning Secretary of the Board of Zoning Appeals shall serve as the sole transcript.

SECTION 28.11 – FEES TO ACCOMPANY NOTICE OF APPEAL OR APPLICATION FOR VARIANCE OR CONDITIONAL USE: For all actions of the Board of Zoning Appeals the Board of Township Trustees shall establish fees to be deposited with each Application. Such fees shall be set annually and shall be required generally for each Application to defray the costs of advertising, mailing and other expenses.

ARTICLE XXIX - ENFORCEMENT

SECTION 29.01 – VIOLATIONS: No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, and no land shall be used in violation of this Zoning Resolution, or Amendment or supplement to such Resolution, adopted by the Liberty Township Board of Township Trustees pursuant to Chapter 519, Ohio Revised Code. Each day's continuation of a violation of this section shall be deemed a separate offense irrespective of whether or not a separate Notice of Violation or Affidavit Charging a Violation has been served upon the violator for each day the offense continues.

SECTION 29.02 – REMEDIES: In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of Chapter 519, Ohio Revised Code, or of this Zoning Resolution or Amendments hereto adopted by the Liberty Township Board of Township Trustees under such Resolution, such Board, the Prosecuting Attorney of the County, the Township Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use. The Board of Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this section.

SECTION 29.03 – PENALTY: Whoever violates the provisions of this Zoning Resolution shall be fined not more than five hundred dollars (\$500.00) for each offense as per Section 29.01 - Violations above.

ARTICLE XXX - SEVERABILITY AND REPEAL

SECTION 30.01 – SEVERABILITY: If for any reason any one (1) or more articles, sections, sentences, clauses or parts of this Zoning Resolution are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Zoning Resolution, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Zoning Resolution held invalid and the invalidity of any section, sentences, clauses or parts of this Zoning Resolution in any one (1) or more instances shall not attest or prejudice in any way the validity of this Zoning Resolution in any other instance.

SECTION 30.02 – REPEAL: This Zoning Resolution may be repealed only by complying with the requirements of Chapter 519 of the Revised Code of Ohio as amended.

NOTICE: The attached is only a copy of the original Liberty Township Zoning Map. The official Liberty Township Zoning Map is in the possession of the Zoning Inspector. Only the official Liberty Township Zoning Map is regularly updated and only it should be consulted to determine the correct and current zoning classification of any property in Liberty Township.