



Liberty Township Zoning Resolution

Amended October 15, 2025

Effective November 15, 2025

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This document is formatted and managed by the staff of the Delaware County Regional Planning Commission.
For questions or concerns, please contact DCRPC staff at 740-833-2260.

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ARTICLE 1 – GENERAL PROVISIONS

Section 1.01 – TITLE & AUTHORITY

This Resolution shall be known and may be cited and referred to as the “Resolution,” “Zoning Resolution,” or “Zoning Code” to the same effect. It is adopted under authority granted to Ohio Townships in Chapter 519 of the Ohio Revised Code.

Section 1.02 – PURPOSE

The purpose of this Zoning Resolution is to promote the public health, safety, and general welfare of the residents of Liberty Township; to protect the Township’s natural resources; to support environmentally sustainable development and efficient land use, by assuring the compatibility of uses and practices within established districts; and to provide for adequate public services and amenities and orderly development of land in accordance with the Comprehensive Plan and the ORC Chapter 519.

Section 1.03 – INTERPRETATIONS OF STANDARDS

- 1.03.A** When interpreting and applying the provisions of this Resolution, they shall be held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience, and general welfare. This Zoning Resolution shall not repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of laws or ordinances or any rules or regulations previously adopted or issued, or which shall be adopted or issued pursuant to law regulating the use of buildings or premises. However, where this Resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger lots or yards than are imposed or required by such existing provisions of law or ordinance or by such rules or regulations, the provisions of this Zoning Resolution shall control.
- 1.03.B** In the case of any conflict or inconsistency between two (2) or more provisions of this Resolution or any other Township, County, State, or Federal ordinance, regulation, or standard, the provision which imposes the greater or higher or more restrictive standard shall control.
- 1.03.C** Except as shall be expressly provided for in this Resolution, the adoption of this Resolution shall not:
 1. Nullify or make void any action pending under, or by virtue of, any prior zoning resolution;
 2. Discontinue, nullify, void, abate, modify, or alter any penalty accruing or about to accrue under, or by virtue of, any prior zoning resolution;
 3. Affect the liability of any person, firm, or corporation under, or by virtue of, any prior zoning resolution or subdivision code;
 4. Waive any right of the Township under any section or provision of any prior zoning resolution or subdivision code; or
 5. Vacate or annul any rights obtained by any person, firm, or corporation by lawful action of the Township under, or by virtue of, any prior zoning resolution or subdivision code;
- 1.03.D** Prior adopted versions of the Liberty Township Zoning Resolution included various districts that are not used in Liberty Township and/or that are no longer in effect and/or that may not be approved for new applications. Examples of this include Planned Multi-Family District, which is now titled Planned Residence-4 District, and Neighborhood Apartment District, Neighborhood Retail District, Planned Residence Conservation District, and Planned Industrial District, which have been

eliminated. After the effective date of this Resolution, no applications for the aforementioned districts shall be accepted by the Township.

1.03.E Prior adopted versions of the Liberty Township Zoning Resolutions included Planned Elderly or Retirement Residential Community District, (PERRC) of which there is only one zoned parcel located at 10410 Olentangy River Road and which is no longer in effect. This parcel was rezoned to PERRC in 2008 and has not been developed. A future applicant may wish to request approval of an updated Development Plan based on the Article 12–Planned Retirement Residential Community District of the Liberty Township Zoning Resolution effective on November 3, 2023 or may choose to rezone the property in accordance with this Zoning Resolution.

1.03.F Prior adopted versions of the Liberty Township Zoning Resolutions included Neighborhood Apartment District (R-3) of which there is only one zoned parcel located at 8939 Riverside Drive and which is no longer in effect. The standards of that District as detailed in Article 9–Neighborhood Apartment District of the Liberty Township Zoning Resolution effective on November 3, 2023 shall be met or the property owner may choose to rezone the property in accordance with this Zoning Resolution.

Section 1.04 – SEVERABILITY

If for any reason any one 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. The invalidity of any section, sentence, clause, or part of this Zoning Resolution in any one or more instances shall not attest or prejudice in any way the validity of this Zoning Resolution in any other instance.

Section 1.05 – REPEAL OF CONFLICTING RESOLUTION

The Liberty Township Zoning Resolution or parts thereof previously in effect in Liberty Township, Delaware County, Ohio, not otherwise adopted as part of this Zoning Resolution, and in conflict with the currently adopted Zoning Resolution are hereby repealed. However, all suits at law or in equity and/or all prosecutions resulting from violation of any Zoning Resolution or part thereof heretofore in effect, which are now pending in any of the Courts of the State of Ohio or of the United States, shall not be abated or abandoned by reason of the adoption of any amendment to this Zoning Resolution but shall be prosecuted to their finality the same as if amendments to this Zoning Resolution had not been adopted; and any and all violations of existing Zoning Resolutions, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Zoning Resolution shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may have heretofore been instituted or prosecuted.

Section 1.06 – GENERAL APPLICABILITY OF ZONING RESOLUTION

No structure, or part thereof shall be placed upon or moved onto land, constructed, reconstructed, enlarged, or structurally altered, nor shall any structure, building or land be used or occupied in a manner which does not comply with the district regulations established by this Resolution for the district in which the building, structure, and/or land is located.

Section 1.07 – BUILDINGS UNDER CONSTRUCTION AND NEW CONSTRUCTION

Nothing contained in this Resolution shall require any change to the plans, construction, size, or designated use of a building upon which construction had commenced prior to the effective date of this Resolution or any applicable amendments hereof.

ARTICLE 2 – TOWNSHIP ZONING DEPARTMENT, INSPECTOR, AND ZONING PERMITS

Section 2.01 – TOWNSHIP ZONING INSPECTOR

The Board of Township Trustees shall appoint a Township Zoning Inspector, together with such assistants as may be necessary, and in accordance with ORC 519.16.

Section 2.02 – ZONING PERMIT REQUIRED

No person shall locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure within the Township included in this Zoning Resolution without obtaining a zoning permit and no such zoning permit shall be issued unless the plans for the proposed building or structure fully comply with the zoning regulations then in effect, unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, a Variance, or Conditional Use or unless the permit is approved through the Administrative Review process as authorized in this Resolution.

A Zoning Permit shall be required for all Dwellings, all Principal Structures and Uses, all Accessory Structures and Accessory Uses, all Signs, all Swimming Pools, and all Temporary Uses unless otherwise specified within this Resolution. For the purposes of Zoning Permits, any permanently sited, level surfaced area greater than nine (9) square feet shall require a Zoning Permit. This includes, but is not limited to, driveways, patios, walkways, equipment pads, etc.

Section 2.03 – PROCEDURES FOR OBTAINING ZONING PERMIT

Zoning Permits shall only be issued for properties that are in complete conformity with this Zoning Resolution and the official Zoning Map. No Zoning Permit shall be issued by the Township Zoning Department until the Property Owner for said Zoning Permit has submitted a complete Liberty Township Permit Application as required by the Liberty Township Zoning Department and paid any and all applicable fees.

Section 2.04 – COMPLIANCE INSPECTIONS

By filing a Liberty Township Permit Application, the property owner consents to authorize the Township Zoning Inspector or their designee to enter the property for which the application was filed to perform an inspection to ascertain whether the provisions of the Zoning Resolution pertaining to the Zoning Permit Application have been complied with. The Township Zoning Department may order the removal or correction of a project, sign, etc. that is not installed, located or maintained in accordance with the provisions of the Zoning Resolution.

Section 2.05 – COMPLIANCE REQUIRED

The Zoning Inspector shall have the authority to determine when Compliance Inspections are required for Zoning Permits. Compliance Inspections and Compliance Certification from the Zoning Department, indicating that the proposed building and/or land conforms to the requirements of this Zoning Resolution, are required for all new builds. The property owner and/or contractor named on the Zoning Permit shall request a Compliance Inspection prior to the expiration date of the Zoning Permit. Properties which are not in compliance with this Zoning Resolution and for which there is no unexpired Zoning Permit shall be considered in violation of this Resolution. A Zoning Permit may be renewed in order to attain Compliance Certification from the Zoning Department.

Section 2.06 – DURATION OF ZONING PERMIT

If work described in the Zoning Permit has not begun within six (6) months from the date of issuance, said Zoning Permit shall expire. Zoning Permits for all Districts shall be effective for eighteen months from the date of issuance. Extensions in 18-month increments may be granted if the Zoning Department determines that reasonable

progress has been made. Zoning Permits issued for Temporary Facilities shall be effective for six (6) months from date of issuance.

Section 2.07 – ENFORCEMENT, VIOLATIONS AND PENALTIES

- 2.07.A** It shall be the duty of the Liberty Township Zoning Inspector to enforce this Resolution.
- 2.07.B** Any Zoning Permit issued upon a false statement of any fact, which is material to the issuance thereof, shall be void.
- 2.07.C** 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 this Resolution, the Board of Township Trustees, the Delaware County Prosecutor, 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 proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.
- 2.07.D** Any person, firm or corporation violating any regulation, provision, amendment or supplement to this Resolution, or failing to obey any lawful order of the Liberty Township Zoning Inspector issued in pursuance thereof, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to fines allowed under Ohio Revised Code Section 519.99. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

Section 2.08 – ZONING FEES

The Board of Township Trustees shall authorize a fee schedule for all zoning-related matters, the Board of Trustees may amend the fee schedule as necessary. Paid Zoning Fees are non-refundable except as authorized by the Zoning Inspector and/or Board of Trustees.

ARTICLE 3 – DISTRICTS AND BOUNDARIES

Section 3.01 – ZONING DISTRICTS

In order to carry out the purposes and provisions of this Resolution, Liberty Township is hereby divided into the following Zoning Districts:

- RR-1 Rural Residence District – Article 11
- PR-1.5 Planned Residence District 1.5 – Article 12
- PR-4 Planned Residence District-4 (high density) – Article 13
- PMU Planned Mixed Use – Article 14
- PC Planned Commercial District – Article 15
- IND Industrial District – Article 16
- INS Institutional District – Article 17
- POD Planned Overlay Districts – Article 18

Section 3.02 – OFFICIAL ZONING MAP

The Township districts are shown on the official Liberty Township Zoning Map. The Zoning Map shall be located in the Township Administrative Offices on the Township's official website. This map shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Township.

Section 3.03 – RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

The provisions of this Section provide the methods for clarifying the boundaries of the established districts as shown on the Zoning Map.

- 3.03.A** Where district boundaries are indicated as approximately following the center line or right-of-way line of streets, the center line or right-of-way line shall be construed to be such district boundaries.
- 3.03.B** Where district boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of streets, 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 the Zoning Map.
- 3.03.C** Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- 3.03.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.
- 3.03.E** Where the boundary of a district follows a stream, or other body of water, the centerline of the body of water shall be deemed to be the boundary of the zoning district unless otherwise indicated.
- 3.03.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.

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ARTICLE 4 – GENERAL DESIGN & DEVELOPMENT STANDARDS

Section 4.01 – GENERAL

It is the purpose of these standards to set forth certain general rules to be adhered to, regardless of the type or classification of development. The standards within this Article 4 – General Design & Development Standards control, unless a separate standard within this Zoning Resolution, an approved Planned District, or an approved Development Plan explicitly changes these provisions. 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.

Please note Final Development Plans, Parcel Deed Restrictions and Homeowners and Condo Associations, and the like, may have additional restrictions/requirements stricter to those listed in these General Design & Development Standards and in the District Specific Standards. The Applicant is responsible for researching and obtaining written permission, as needed, before applying for a Zoning Permit Application. The Zoning Commission and/or Board of Trustees may impose additional conditions relating to development plans 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 4.02 – ACCESS

Direct access to one or more dedicated and improved public roads is required. Approval from the Liberty Township Fire Department shall be required for all roadway plans. Provisions for future connections to other public roads may be required by the Township, Delaware County Engineer, and/or the Delaware County Regional Planning Commission.

Section 4.03 – ADDRESS NUMBERS

- 4.03.A** Residential Premises shall be easily identified by street address numbers 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 of properties located on and taking access from a Common Access Driveway shall be displayed in accordance with the Delaware County Subdivision Regulations.
- 4.03.B** Commercial, Industrial, Multi-family, Condominium, and Apartment Buildings shall display permanent address numbers each of which are 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.

Section 4.04 – DRIVEWAY CONSTRUCTION

It is important that Driveways are constructed in a manner which ensures access by emergency vehicles and the free and safe flow of traffic from public streets or roads. The following standards shall apply:

4.04.A Driveway construction, including Common Access Driveways, must be in compliance with and approved by the Delaware County Engineer's Office and must comply with requirements of the Liberty Township Fire Department and recommendations, if any, from Delaware County Soil & Water.

4.04.B Residential driveways serving one dwelling/structure and less than one-hundred fifty (150) feet in length shall be a minimum width of twelve (12) feet and shall be located a minimum of five (5) feet from side or rear property lines.

4.04.C Residential driveways that exceed one-hundred fifty (150) feet in length shall be a minimum width of sixteen (16) feet or shall be fourteen (14) in width with a pull-off located every fifty (50) feet and shall be approved by the Liberty Township Fire Department.

4.04.D 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 forty (40) 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.

4.04.E In addition to the conditions imposed by this Section of the Zoning Resolution, the following standards shall apply to driveways serving all commercial, industrial, and multi-family uses, and any other driveway not restricted to use by only a single family:

1. Driveways shall be not less than twenty (20) feet in width and shall be constructed over an aggregate base of no less than ten (10) inches.
2. Driveway base and surface shall be designed and certified 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 composed of any Ohio Department of Transportation approved materials.

4.04.F All trees, overhanging branches or other obstructions to the free passage of public safety vehicles shall be removed.

Section 4.05 – EXTERIOR OF BUILDINGS

Permitted building materials shall be high quality, durable materials including but not limited to stone, manufactured stone, full depth brick, brick veneer, wood siding, and fiber cement siding. Other high quality synthetic materials may be approved by required reviewing body with examples of successful, high-quality installations in comparable climates. Vinyl siding is prohibited on primary residential structures in all Districts. Exterior materials of all accessory structures must be cohesive and coordinate to the primary structure. Structures with walls made primarily of glass or other transparent materials are prohibited in planned residential districts (e.g., greenhouses, detached sunrooms, etc.).

Exterior materials include traditional materials listed above plus high-quality synthetic materials, including, but not limited to, engineered wood siding and poly-ash (or similar) siding.

Section 4.06 – FLOODPLAIN REGULATIONS

Certain limited areas of Liberty Township lie within the Floodplain of the Olentangy and Scioto Rivers. No structures shall be erected or altered within the one-hundred-year (100-year) floodplain. No land lying within the Floodplain shall be filled or excavated except with approval from appropriate County and State authorities.

Section 4.07 – HEIGHT

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

Section 4.08 – JOINT ECONOMIC DEVELOPMENT DISTRICT (JEDD) & COMMERCIAL/MIXED-USE DISTRICTS

Unless otherwise excluded by resolution approved by the Board of Trustees, no permits or Certificates of Compliance shall be issued by the Zoning Department until such time that all real property put to a commercial or planned mixed use that is part of an approved rezoning application has joined a joint economic development district created under Section 715.72 of the Ohio Revised Code and in which Liberty Township is a contracting party (“JEDD”), as required herein. Applicant shall include as part of the development text contained within the Development Plan a requirement that the Applicant shall affirmatively take all steps necessary to assist in the submission of the property to an existing JEDD, or the creation of a new JEDD in which Liberty Township is a contracting party by agreeing to add all real property put to a commercial mixed in a new JEDD. The applicant shall be required to obtain an executed petition or petitions that fulfill the statutory requirements of R.C. 715.72(J) from the owner(s) or record, and the owner(s) of any businesses operating thereon, for any property included in the Application and Development Plan that is put to a commercial or planned mixed use, to effectuate and acknowledge said property owner(s) and business owner(s) consent and subjection to the JEDD.

Section 4.09 – LANDSCAPING

These landscape standards are intended to enhance the physical and environmental appearance of all property in the Township. The Street Tree standards established in this Section replace the Liberty Township Tree Planting & Management Policy dated August 8, 2011. It is intended that, through these standards, landscaping, screening, and buffering will:

- Help absorb stormwater to reduce stress on stormwater management infrastructure.
- Protect non-invasive, non-dangerous trees from removal.
- Allow for additional planting of non-invasive species to enhance quality of life and quality of place.
- Reduce noise nuisances that may carry over between certain districts and properties.

4.09.A Landscaping Plans General Standards

1. The lot owner shall be responsible for the maintenance of all landscaping.
2. Landscape material and/or trees shall not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard. It shall be the primary responsibility of the property owner, homeowners association or other agent owning property to ensure landscape material/tree(s) will not shade or obstruct street lights, street signs, traffic control signs or devices, or obstruct pedestrian or vehicular traffic on sidewalks and streets.
3. All yards and open space not covered by structure, paving, and the like, shall be landscaped with lawn as a minimum.

4. Vacant lots shall be kept seeded and maintained.
5. No landscaping material of any type shall be permitted in the right-of-way, except as may be required by other government agencies.
6. For residential dwellings, all sides that front a street shall be landscaped:
 - a. Front yard landscaping shall have a minimum depth of five (5) feet;
 - b. Side yard landscaping shall have a minimum depth of five (5) feet;
 - c. Landscaping shall have a minimum opacity of 75%; year round landscaping must be no less than 50% of the landscaping, such as evergreen plantings, unless otherwise specified in an approved development plan.
7. Landscaping shall be maintained, in accordance with development plan, if applicable, and shall be kept free of noxious weeds.
8. For Development Plans, all organized open spaces or non-residential use areas shall be landscaped.

4.09.B Developments Requiring Landscaping Plans

A landscaping plan identifying existing landscaping elements and natural features and proposed trees, shrubs and ground covers which detail tree caliper, height, number, name and placement, is required for all Site Plan Review submissions and all Development Plan submissions.

4.09.C Buffer Zone Landscaping Requirements

A buffer zone, containing a minimum of 1 tree per 40 feet of lineal boundary and a continuous 6-foot-high minimum planting, hedge, fence, wall or earth mound, in a snaking or other non-straight line style, shall be installed in accordance with the following chart:

When the use below	adjoins the following or vice versa	Minimum Buffer Width
Residential Use	Any Non-Residential Use (except Industrial)	25'
Any Use	Industrial Use	50'
Any use except Agricultural Use	A federal or state roadway or major arterial roadway	25'
Any use except Agricultural and Industrial Use	Railroad	25'
Any property boundary, including road or street rights of way	Utility substation or similar uses	25'
Any property used for vehicular sales or service	Public or private street right-of-way, or service road	25'

Natural foliage shall be retained where possible. Grass or ground cover shall be planted on all portions of the buffer not occupied by other landscape material. All lineal measurements shall be rounded up to the nearest dimension requiring a planting. Trees do not have to be equally spaced, but may be grouped.

4.09.D Vehicular Use (Parking and Driveway) Area Perimeter Requirements:

A vehicular use area is any open or unenclosed area containing more than 1,800 square feet of area and/or used by six or more of any type of vehicle, whether moving or at rest, including, but not limited to, parking lots, loading and unloading areas and sales and service areas. Driveways are considered to be vehicular use areas whenever they are non-residential, adjacent to public streets or roads or other vehicular use elements described previously in this paragraph, and where intervening curbs, sidewalks, landscape strips, etc. do not eliminate adjacency.

When the use below	adjoins the following or vice versa	the minimum landscaping within a buffer zone of this average width is required	which will contain this material, to achieve opacity required.
Any property	Any vehicular use areas or any adjacent property	5 foot minimum to all trees from edge of paving.	1 tree per 40 feet of boundary of vehicular use area, and a 3-foot average height continuous planting, hedge, fence, wall or earth mound.
Any public or private street right-of-way or service road.	Any vehicular use area	Same as above, except applies to vehicular use area portion facing public or private street or road	1 tree per 50 feet and 1 low shrub per 10 feet (opacity requirements do not apply).
A Commercial parking area	An adjacent public street right-of-way	15 foot minimum	“green belt” (grass)

- Grass or ground cover shall be planted on all portions of easements not occupied by other landscape material.
- All linear measurements shall be rounded up to the nearest dimension requiring a planting

4.09.E Street Trees

Street Trees are required in all districts except Rural Residence (RR1). Street Trees shall be planted at a minimum of forty (40) feet apart and placed one for every fifty (50) lineal feet of road frontage land shall be deciduous species normally attaining full grown height in excess of fifty (50) feet and shall be of two and a half (2 1/2") inch caliper or greater at time of planting. Street Trees shall be located outside of the right-of-way and shall not be located in between any sidewalk and roadway. District Specific Standards and Development Plan standards shall also apply.

4.09.F Plant Material Specifications

The following sections include specifications for plant materials. Alternatives to these specified plant materials, which demonstrate both the intent and requirements of this Resolution, may be approved as part of the Landscaping Plan.

1. Deciduous Trees

A minimum caliper of at least two and one-half (2 1/2") inches measured twelve (12") inches above ground level at time of planting.

2. Evergreen Trees

A minimum of six (6') feet high and a minimum spread of three (3') feet at time of planting.

3. Shrubs

Shrubs shall be at least 12" in diameter at the time of planting.

4. Ground Cover and Grass

Ground cover shall be planted in such a manner so as to present a finished appearance and seventy-five percent (75%) coverage after one complete growing season. If approved as part of a Site Plan, ground cover may also consist of rocks, pebbles, shredded bark, and mulch. Grass shall be planted in species normally grown as permanent lawns.

5. Prohibited Tree/Shrub/Invasive Species

The following tree and shrub species shall not be used unless already existing in the proposed landscape area:

- Ash - all species (*Fraxinus*)
- Box Elder (*Acer negundo*)
- Mulberry (*Morus Alba*)
- Bradford Pear (*pyrus calleryana Bradford*)
- Upright English Oak (*Quercus robur Fastigiata*)
- Willow (*Salix babylonica*)
- Siberian Elm (*Ulmus pumila*)
- European Mountain Ash (*Sorbus aucuparia*)
- European Alder-Buckthorn (*Rhamnus frangula*)
- European White Birch (*Betula pendula*)
- Paper Birch (*Betula papyrifera*)
- Common Buckthorn (*Rhamnus cathartica*)
- Autumn Olive (*Elaeagnus Umbellata*)
- Multiflora Rose (*Rosa multiflora*)
- Purple Loosestrife (*Lythrum salicaria*)
- Tree of Heaven (*ailanthus altissima*)
- Silver Maple (*Acer Saccharinum*)
- Black Locust (*Robinia pseudo-acacia*)
- Gingko (female) (*Gingko biloba*)
- Osage Orange (*Maclura pomifera*)
- Catalpa (all species)
- Poplar - this is a species of the genus *Populus* which includes Cottonwoods and Aspens
- Running Bamboo

Section 4.10 – LIGHTING REGULATIONS**4.10.A General Requirements:**

1. All lighting shall be controlled in such a way as to not shine up into the sky or onto any neighboring properties and shall be fully shielded, cut-off fixtures, preventing light from being seen from adjacent property or roads.
2. Downward directed or "downlighting" exterior lighting.
3. Use of lower wattage bulbs.
4. 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.
5. All illuminated signs shall be halo or halo-like illumination and follow all other provisions in Article 20.

6. 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.
7. Outdoor light pole fixtures shall not exceed a maximum height of twenty (20) feet and shall be exempt from all otherwise applicable setback requirements, EXCEPT that no outdoor light poles and fixtures shall be located in any road right-of-way.
8. The following types of lighting are prohibited: search lights, beacons, laser source lights, or any similar high-intensity or flashing lights.
9. In addition to the provisions of this Section, all outdoor light fixtures shall be installed in conformity with all other applicable provisions of this Zoning Resolution.

4.10.B 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.
3. Outdoor light fixtures required by governmental and/or public safety regulations are exempt from the requirements of this Section.

Section 4.11 – MULTI-USE TRAILS - WALKWAYS, BIKEPATHS, BIKEWAYS

- 4.11.A** All arterial and collector roads in Liberty Township shall have a multi-use trail with a minimum width of eight (8) feet or as determined by the Development Plan and/or Zoning Inspector along one side of the road. Multi-Use Trails shall be incorporated into all Development Plans as directed and approved by the Zoning Commission and/or Zoning Inspector in order to connect with existing or planned trail systems external to the development. Trails shall be built in accordance with the Delaware County Engineer standards. Trails may be constructed within the road right-of-way when allowed by the appropriate authorities. The responsibility for the maintenance of the trail shall be specified in the Development Plan.
- 4.11.B** Where a multi-use trail or walkway is not able to extend to the end of a parcel for connectivity to an existing or proposed trail, the path will then end at an intersection which is equipped with a safe crossing, including pedestrian signals and a marked crosswalk for safe crossing.
- 4.11.C** Sidewalks and/or walkways with landscaping and trees connecting all dwelling areas and any Open Spaces shall be required in all Residential Districts. Sidewalks and/or walkways shall be separated from the paved street surface in accordance with Delaware County Engineer standards and shall be built to Delaware County Engineer Standards.

Section 4.12 – OPEN SPACE, CONSERVATION AREAS & PRESERVATION AREAS**4.12.A Open Space**

At least twenty percent (20%) of the total gross acreage of Planned Residential Districts must be devoted to open space. Open Space shall be designated upon the Development Plan as "Common Open Space," "Open Space," and/or "Natural Green Space." Such Open Space shall be designed to provide active recreation, passive recreation, the preservation of natural site amenities or any combination thereof. Any buildings, structures, and improvements to the open space must be appropriate to the uses which are authorized for the Open Space. The Open Space shall be

conducive to use by all residents of property. Right-of-ways for water courses and other similar channels are not acceptable as open space dedication unless such lands or Easements are usable as a Trail or have been approved by the Zoning Commission.

Storm water retention or detention facilities and/or land under high-voltage power line easements shall not be considered in Open Space calculations. No Open Space shall be narrower in any direction than the development's average lot width.

The responsibility for the maintenance of all Open Spaces shall be specified in the Development Plan. The required amount of Common Open Space reserved in a Development Plan shall either be held in corporate ownership by owners of the project area or be dedicated to a homeowners' association that shall have title to the land. Such Open Space shall be used only for the purposes for which it is designated within the approved Development Plan.

4.12.B Conservations Areas

The Liberty Township Comprehensive Plan identifies specific Conservation Areas. It is recommended that these Conservation Areas have a minimum of fifty percent (50%) of the total gross acreage of a Development Plan be designated Permanent Open Space.

4.12.C Preservation Areas

Wetlands, steep (over twenty percent (20%)) slopes, and ravines shall be preserved to the greatest extent possible and shall be delineated on a Development Plan. No building or structure shall be placed or constructed in any Preservation Area.

Applicants are encouraged to grant conservation easements to an outside party such as the Delaware County Soil and Water Conservancy District, the Nature Conservancy, Ohio Department of Natural Resources (ODNR) or other non-profit, conservation land trust or governmental agency, rather than to developer or a homeowners association, so that the easement(s) can be appropriately monitored and maintained.

Section 4.13 – PARKING

All parking spaces/areas shall adhere to the following requirements under this Zoning Resolution:

- 4.13.A** Dimensions: All parking spaces shall be not less than ten (10) feet wide and twenty (20) feet long and shall be served by aisles of at least twenty (20) feet between rows of spaces to permit easy, smooth, and safe access to all parking spaces.
- 4.13.B** Paving: EXCEPT in the Rural Residence District (RR-1), unless required elsewhere in this Zoning Resolution or in an approved Development Plan, all parking areas and adjacent aisles or driveways shall be paved with asphaltic material or cement within six (6) months of occupancy.
- 4.13.C** Parking Area Location: 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 area locations may be further restricted in the District specific standards.
- 4.13.D** 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 this Zoning Resolution.

4.13.E Interior Parking Area Landscaping: All parking areas and drive-throughs shall provide a minimum surface area of landscaping and a minimum of trees within the parking area per the Interior Parking Area Landscaping Chart below. Interior landscaping shall be dispersed across the parking area to break otherwise uninterrupted expanses of pavement into smaller areas. Interior landscaping may be located along internal pedestrian walkways as a means of protecting the walkway. Mulch is prohibited as a landscaping material within or around parking areas or drive-throughs.

Total Surface Area of Existing or Proposed Parking Area	Minimum Required Surface Area of Landscaping	Minimum Required Number of Trees with 2 ½ inch caliper minimum
Less than 2,000 square feet	None	None
2,000 square feet to less than 20,000 square feet	Five percent (5%) of total parking area	1 tree per every 200 square feet of required interior landscaping area
20,000 square feet to less than 100,000 square feet	Seven percent (7%) of total parking area	
Over 100,000 square feet	Nine percent (9%) of total parking area	

4.13.F Required Number of Off-Street Parking Spaces: All parking spaces shall comply, at minimum, with Delaware County parking standards, and as may be specified by the Zoning Inspector and/or Zoning Commission and/or Board of Zoning Appeals.

USE	Required Parking Spaces
Single-family Residential	Two and one-fourth (2 ¼) spaces per dwelling unit
Multi-family Residential	One and one-half (1 ½) spaces per unit
Commercial Uses (including general office)	The lesser of (A) 0.5 spaces per person at full capacity; or (B) 1 space per 500 square feet of gross floor area
Industrial Uses	The lesser of (A) 1 space per anticipated employee; or (B) 1 space per 10,000 square feet of gross floor area
Institutional Uses	As recommended by the Developer in accordance with industry standards, institutional standards, and as recommended by the Township dependent upon specific institution, including, but not limited to school, church, hospital, residential care facility, etc.

Section 4.14 – RIGHT-OF-WAY - CONSTRUCTION AND MAINTENANCE

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, bike paths, and/or driveway approaches shall be the responsibility of the adjoining property owner unless otherwise approved in the Development Plan.

Section 4.15 – SCREENING – MECHANICALS, OUTDOOR WASTE DUMPSTERS & STORAGE AREAS

Chain link, vinyl, and unfinished or non-decorative concrete/stone are prohibited screening materials.

4.15.A Ground Mounted Mechanical Equipment:

1. All ground-mounted mechanical equipment shall be fully screened from view on all sides using one of the following option:
 - a. Landscape material which provides a minimum of 50% year round opacity; or
 - b. Decorative wall or fence that incorporates at least one of the primary materials and colors of the nearest wall of the principal structure and that provides 75% year round opacity.
2. The wall or screen materials shall be at least one foot taller than the height of the mechanical equipment being screened, up to a maximum of twelve (12) feet.
3. All or some of the Screening Standards shall not apply if the only feasible location for screening would impede the function of the mechanicals being screened.

4.15.B Trash Dumpsters and Storage Areas:

1. All trash dumpsters and outdoor storage areas shall be fully screened from view on all sides by a decorative wall or fence finished and constructed to match the materials and design of the nearest wall of the principal structure, with decorative landscaping, and shall be fully opaque year round.
2. The wall or screen shall be at least one foot taller than the height of the dumpster, storage area or enclosure being screened, up to a maximum of twelve (12) feet.
3. Screening structures may contain access doors to accommodate servicing equipment and emptying or replacement of containers. The access doors shall be self-closing and shall be constructed and finished to coordinate with the materials and design of the nearest wall of the principal structure. Access doors shall remain closed and all containers fully within the structure when not being used. Offset openings may be used in lieu of man doors provided the service structures remain

Section 4.16 – SETBACK REGULATIONS

Setbacks for all districts shall be in accordance with the following standards, except as are approved in Development Plan(s) or as may be specified in this Zoning Resolution under District Specific Standards.

With regard to parcels located in the "Chippewa Subdivision" and for parcels of an irregular shape, size or location, or which do not have a clearly distinguishable front street and/or front lot line, the Zoning Inspector shall determine the front setback and/or front lot line based on the recorded address of the subject property and the improvements on the subject property and their proximity to a given public right-of-way

For corner lots or lots which extend through the block from street to street, the required front yard setback must be provided along each street unless a variance is granted.

The Zoning Inspector may administratively approve variances from the minimum setback regulations in this Section, providing that such variance does not conflict with the intent of this Resolution and does not cause undue hardship on neighboring properties.

4.16.A Setbacks To Roadway

No building or structure shall be located closer to the centerline of adjoining streets, roads, highways, or approved private roadways than the distances in this Section, unless otherwise defined in an approved Development Plan, District Specific Standards, Use Specific Standards or as otherwise specified in this Resolution. Where conflicts may arise between "Setbacks to Roadway"

standards and “Minimum Standards – General Setbacks,” the strictest or furthest setback shall apply. For purposes of this Zoning Resolution, the Zoning Department shall determine the appropriate classification based on the Delaware County Engineer roadway classifications, standards, and in considering the following:

Class A: Major Arterial – the primary purpose of carrying through traffic to and from residential, commercial and industrial areas and the secondary purpose of providing access to abutting property.

Class B: Collector Roads – provide access to abutting property and also deliver traffic from local streets to the nearest Arterial street.

Class C: Local Streets – the primary function is to serve abutting land use, such as neighborhood streets.

Minimum Setbacks - Front Setbacks To Roadway Standards Chart

USE CLASSIFICATION	ROAD CLASSIFICATION		
	Class A	Class B	Class C
ALL Residential Districts unless otherwise defined below	130	60	60
I – Industrial	130	130	100
INST - Institutional	130	80	60
PC – Planned Commercial	130	80	60

4.16.B Minimum Setbacks - General Standards Chart

The physical relationship of permitted uses and structures and their minimum yard space shall be determined in accordance with this Section, EXCEPT as may be approved in a Development Plan, as established in Specific District Standards or as established in other Structure Specific or Use Specific Sections of this Resolution.

MINIMUM SETBACKS - GENERAL STANDARDS CHART

District	FRONT SETBACK	SIDE SETBACK	REAR SETBACK
RR-1 – Rural Residence	See Chart in 4.16.A	25'	Principal Structure: 60' Accessory Structure: 15'
PR1.5 and PR4 – All Planned Residence Districts **	Residential Bldg.: 30' from ROW Non-Residential Bldg.: 100' from ROW Accessory Structures: the front building line of the principal structure	Residential Bldg.: 12.5' Non-Residential Bldg.: 100' Accessory Structures: 10'	Residential Bldg.: 25' Non-Residential Bldg.: 100' Accessory Structures: 10'

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MINIMUM SETBACKS - GENERAL STANDARDS CHART (continued)

DISTRICT	FRONT SETBACK	SIDE SETBACK	REAR SETBACK
PMU – Planned Mixed Use **	Residential Bldg.: 30' from ROW Non-Residential Bldg.: 100' from ROW Accessory Structures: the front building line of the principal structure	Residential Bldg.: 12.5' Non-Residential Bldg.: 100' Accessory Structures: 25'	Residential Bldg.: 25' Non-Residential Bldg.: 100' Accessory Structures: 25'
PC - Planned Commercial	See Chart in 4.15.A	1/3 of the sum of the height and depth of the structure but not less than 100' from a Residential Use	1/3 of the sum of the height and width of the structure but not less than 100' from a Residential Use
PC - Planned Commercial - Parking Areas	See Landscaping requirement for a 15' wide "green belt"	35' from adjacent property lines	35' from adjacent property lines
I-Industrial	See Chart in 4.15.A	No less than 150' when abutting any Residential District/Use	No less than 150' when abutting any Residential District/Use
I - Industrial - Parking Areas	See Landscaping requirement for a 15' wide "green belt"	35' from adjacent property lines	35' from adjacent property lines
INST - Institutional	See Chart in 4.15.A	80'	60'

**unless approved as Cluster Housing, Common Wall Housing, or similar variations.

Section 4.17 – STRUCTURE SEPARATION

There shall be a minimum of 25 feet separation between any two primary structures unless the adjacent walls of both structures are fire resistant masonry, free of any openings, and capable of stopping the spread of any fire in which said event principal structures shall not be closer than fifteen feet.

Section 4.18 – STREETS/ROADWAYS

All streets shall have a minimum pavement width of twenty-two (22) feet. All Streets, including private Streets, shall conform to all applicable Delaware County specifications.

Section 4.19 – SUPPLEMENTAL CONDITIONS AND SAFEGUARDS

The Zoning Commission and/or Board of Trustees may impose additional conditions relating to a development plan 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 4.20 – UTILITIES & POWER LINES

All utilities constructed to service the proposed use shall be located underground. Water supply and wastewater disposal systems shall be approved by the appropriate agencies at the time of the preliminary plan.

Section 4.21 – WATER IMPOUNDMENTS

All water impoundments such as ponds or lakes, but excluding swimming pools, shall be constructed and developed in compliance with, and as recommended by the Delaware County Engineer and the Delaware County Soil & Water Commission. Additionally, except adjacent to Class "A" and "B" roadways, no impoundment shall be located closer than twenty-five (25) feet to the right-of-way or fifty-five (55) feet of the centerline of any adjacent approved road. No impoundment shall be located closer than fifty (50) feet to the right-of-way of a Class "A" or "B" roadway. No impoundment shall be located less than ten (10) feet from any adjacent property.

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ARTICLE 5 – FENCES AND WALLS

Fences and walls must comply with applicable development plan standards, deed restrictions and/or HOA standards.

Section 5.01 – GENERAL

- 5.01.A** A Zoning Permit shall be obtained to construct, enlarge, alter and/or replace any Fence or Wall.
- 5.01.B** All posts and supporting members shall be on the “interior” side of the Fence. Masonry columns may be used in lieu of posts.
- 5.01.C** Fences and Walls shall at all times be kept in proper repair and maintained.
- 5.01.D** Existing Fences and Walls are permitted to remain until total replacement. Upon total replacement this code shall apply.
- 5.01.E** Fencing for all parcels adjacent to Sawmill Parkway, north of Hyatts Road to the Liberty Township line, shall be wood (cedar or pressure treated), black in color, and of the cross buck style.
- 5.01.F** Permit Applications for fences/walls which do not meet the standards in this Article or which do not meet the standards in a Development Plan but do have approval of the appropriate Homeowners Association are subject to Administrative Review by the Zoning Department. If the application is denied, the applicant may proceed with a Variance Application to the Board of Zoning Appeals.

Section 5.02 – LOCATION

- 5.02.A** Rural Residence District and Platted Developments with no HOA or deed restrictions regarding fencing: Fences/Walls are permitted to be placed along a property line but shall not extend beyond the property line or into any right-of-way area. It is a property owner's responsibility to locate property lines and it is suggested that a surveyor locate property lines before installing fences/walls. Placement of a Fence on a property line constitutes the acknowledgment of the property owner that a Fence on a neighboring property may be installed to "tie-in" to such Fence so that duplicate, parallel Fences on adjacent properties can be avoided, and the neighbor can perform routine yard maintenance that may result in impact on the Fence.
- 5.02.B** All other Planned Residential Districts: Fence/Wall location shall be as approved by the appropriate Homeowners Association (HOA). In the absence of an HOA, fence/wall location shall be as approved in the Final Development Plan. In absence of fence regulations in the Development Plan, fencing shall be subject to Administrative Review and Approval.
- 5.02.C** If the installation of an approved Fence/Wall would result in the creation of an area on a property owner's lot that cannot be accessed for maintenance purposes other than from an adjacent owner's property, a gate must be installed so that the property owner can maintain his/her entire lot without trespassing/entering upon such neighbor's property.

Section 5.03 – REAR/SIDE YARD STANDARDS

- 5.03.A** Residential Fences/Walls shall be built no closer at or behind the furthest rear corners of the Principal Building. The rear/side yard restrictions do not apply to RR1 Flag or CAD lots where Fencing is permitted on all other portions of a flag lot or on a CAD parcel, including front, side, and rear yards, except for the Pole, as provided in Section 5.05.
- 5.03.B** Permitted styles of Fence include crossbuck, split rail, or 3 or 4 rail “horse” post and board fencing, with or without welded, tied or woven wire, masonry wall, picket, and chain link. Permitted materials include aluminum, steel, chain link, wrought iron, vinyl, wood, masonry, stone, or composite material (materials made from a combination of recycled plastic and recycled wood products). Privacy fencing is also permitted.
- 5.03.C** A rear/side yard Fence shall not exceed 6 feet in height, measured from the finished grade to the top of the highest point of the Fence or Wall.

Section 5.04 – FRONT YARD STANDARDS

- 5.04.A** Front yard Fences/Walls are prohibited in all zoning districts, except on lots zoned RR1 with frontage on major arterial or collector roadways, as defined in Section 4.16.A of this Zoning Resolution. All front yard Fences must meet the requirements of this Section.
- 5.04.B** Permitted types of Fences shall be cross buck, split-rail, 3 or 4 rail “horse” post and board Fence, with or without welded, tied or woven wire.
- 5.04.C** Except for Fences adjacent to Sawmill Parkway, north of Hyatts Road to the Liberty Township line, permitted colors of Fences shall be white, black, dark brown, dark green, or natural wood.
- 5.04.D** Permitted materials shall be wood (cedar or pressure treated) or composite materials.
- 5.04.E** Fences shall not exceed 48" in height, measured from the finished grade to the top of the rail.
- 5.04.F** Front Yard Fences shall not be built within 5' of any established road right-of-way of any public or private road.

Section 5.05 – FLAG LOTS AND COMMON ACCESS DRIVEWAY (CAD) FENCING

The following conditions are permitted deviations or further restrictions for Fences/Walls on flag lots and along common access driveways (CAD):

- 5.05.A** Fencing along the side yard lot lines of the portion of the lot containing the driveway (“Pole”) is prohibited unless the width of the Pole at the road frontage is at least 175' and the Fence is constructed at least 175' away from the road along the Pole side yard lot lines. Such Fence shall comply with the style, material, height, and setback requirements in this Section.
- 5.05.B** Except for the Pole as provided in this Section, a Fence is permitted on all other portions of a flag lot or on CAD parcel (“Flag”), including front, side and rear yards. Such Fence shall comply with the style, material, height, and setback requirements in this Section.

Section 5.06 – SECURITY/SCREENING FENCING/WALL

In Industrial and Commercial Zoning Districts only, a security and/or screening Fence/Wall may be permitted around a portion of the lot or the entire perimeter of the lot when all the following criteria are met:

- 5.06.A** The Fence/Wall shall not be located closer than 3' to any lot line.
- 5.06.B** The Fence/Wall is of a style and material permitted by this Section or that most closely matches any existing Fence/Wall on the property or adjacent properties.
- 5.06.C** The minimum height shall be six-feet and the maximum height shall be eight-feet, measured from the finished grade to the top of the highest point of the Fence/Wall. The post height shall not extend above the top of the Fence/Wall.

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ARTICLE 6 – SWIMMING POOLS, SWIMMING POOL FENCE, SWIMMING POOL COVERS

Section 6.01 – APPLICATION AND PERMIT FOR SWIMMING POOL

No Swimming Pool shall be constructed until a Swimming Pool permit has been issued. The Permit Application must include all documentation and information as may be required by the Zoning Department. A Swimming Pool in a Residential District shall be intended solely for the enjoyment of the occupants and guests of the property on which it is located.

Section 6.02 – SWIMMING POOL FENCE

Unless a Swimming Pool is constructed above ground consistent with the requirements provided in this Zoning Resolution or installed with a pool cover meeting the requirements provided in this Zoning Resolution, all Swimming Pools and accompanying concrete, patios, and decking shall be surrounded on all sides and enclosed by a fence with a minimum height of 54 inches at all points on the Fence perimeter, and a maximum of 72 inches with self-closing and self-latching gate(s) on all gates, regardless of Fence style. The height shall be measured from the finished grade surface to the top edge of the fence; the height of the post(s) is not used to determine fence height. One or more sides of the Fence may be comprised by a building, including a dwelling.

The Fence shall comply with the following standards:

- 6.02.A** A split rail, cross buck, or 3 or 4 rail “horse” fences is permitted, only if securely backed with chain link fencing or welded, tied, or woven wire; the “diamond” in such backing fence shall not exceed 2 $\frac{1}{4}$ " maximum width. See Pool Fencing – Figure A
- 6.02.B** The space between each vertical member shall not exceed 4".
- 6.02.C** The Township may administratively approve a pool fence application in which the fence height and/or location meets the requirements of this Section but does not meet the development plan standards upon submission of a written approval from the appropriate homeowners association. HOA approval must cite the specific property address and plot plan submitted with the application.

Section 6.03 – ABOVE GROUND SWIMMING POOLS

- 6.03.A** The Swimming Pool shall be at least 48 inches high measured from final grade.
- 6.03.B** The Swimming Pool shall have a removal ladder or secured ladder. A non-removal ladder must have a barrier around the ladder capable of self-latching and self-closing or securing to prevent access.

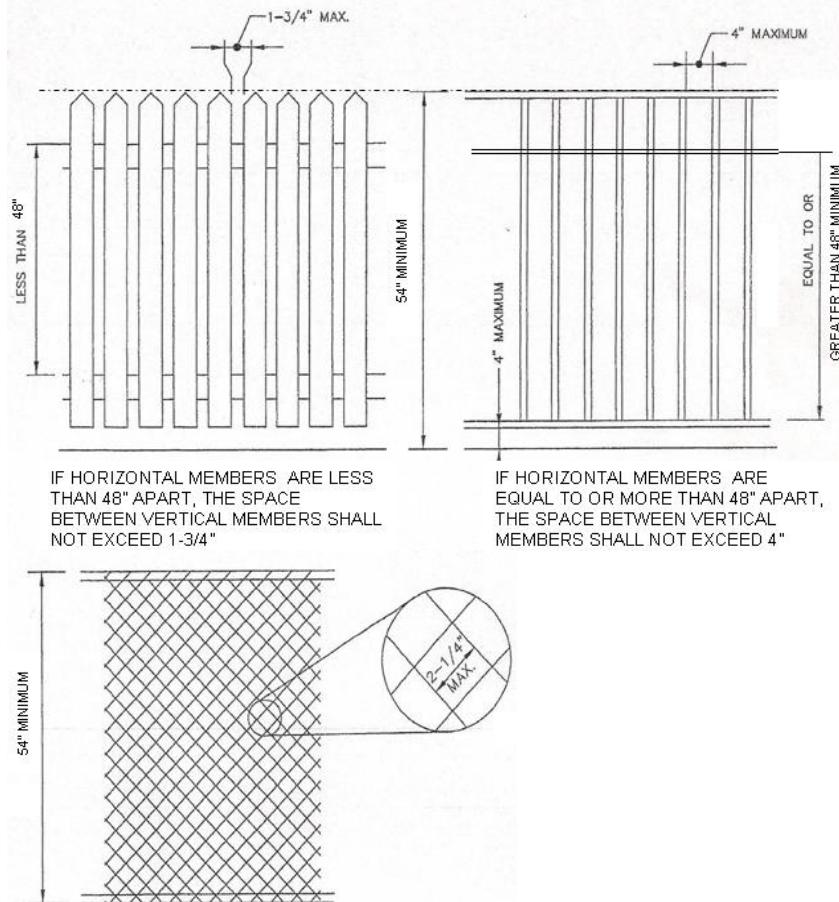
Section 6.04 – SWIMMING POOL COVER IN LIEU OF FENCING

A residential swimming pool that is intended and is to be used solely for the enjoyment of the occupants of the single-family dwelling of the parcel on which it is located, that parcel being equal to or greater than one acre (43,560 square feet), may comply with the following auto-cover standards in lieu of fencing:

- 6.04.A** The Swimming Pool Cover is completely closed and secured when the Swimming Pool is not in use or visually supervised by an in-person adult owner or occupant of the dwelling.
- 6.04.B** The Swimming Pool is located behind the rear building line of the Dwelling.

6.04.C The Swimming Pool Cover must be capable of manual closure in the event of a power outage or mechanical failure.

POOL FENCING – FIGURE A



ARTICLE 7 – SPECIAL AND MISCELLANEOUS STANDARDS

Section 7.01 – AGRICULTURE

For the purposes of this Resolution the definition of agriculture shall be that prescribed by Section 519.01 of the Ohio Revised Code.

7.01.A Agricultural Exemption

Any parcel wishing to be recognized as agricultural use, must complete and submit an Agricultural Exemption Designation form with the Liberty Township Zoning Department.

No zoning permit shall be required for any use of land for agricultural purposes or the construction or use of buildings or structures incidental to the agricultural use on any tract of land that is five acres or greater in size.

7.01.B Agriculture shall be regulated as follows in any platted subdivision approved under Ohio Revised Code sections 711.05, 711.09, or 711.10, or in any area consisting of fifteen 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:

7.01.C Agriculture is prohibited on lots of one acre or less.

7.01.D Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres must conform to the setbacks, size and height requirements for the underlying zoning district.

7.01.E Dairying and animal and poultry husbandry are permitted on lots greater than one (1) acre but not greater than five (5) acres until thirty-five (35) percent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under section 4503.06 of the Ohio Revised Code. After thirty-five percent (35%) of the lots in the subdivision are so developed, ongoing dairying and animal and poultry husbandry shall be considered a nonconforming use pursuant to ORC Section 519.19 and Article 21 of this Zoning Resolution. Dairying and animal and poultry husbandry shall be prohibited on such lots after thirty-five percent (35%) of the lots are so developed.

7.01.F This Section confers no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for biodiesel production, biomass energy production, or electric or heat energy production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under ORC Sections 5713.30 to 5713.37 for real property tax purposes. As used in this Section and in division (C)(2) of ORC Section 519.21, “biodiesel,” “biomass energy,” and “electric or heat energy” have the same meanings as in ORC Section 5713.30.

7.01.G This Section confers no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for biologically derived methane gas production if the land on

which the production facility is located qualifies as land devoted exclusively to agricultural use under ORC Sections 5713.30 to 5713.37 for real property tax purposes and if the facility that produces the biologically derived methane gas does not produce more than seventeen million sixty thousand seven hundred ten British thermal units, five megawatts, or both. As used in this Section and in division (C)(3) of ORC Section 519.21, "biologically derived methane gas" has the same meaning as in ORC Section 5713.30.

Section 7.02 – AGRITOURISM AND FARM MARKETS

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 conform with those zoning requirements applicable to the district in which it is located, insofar as such regulations pertain to such factors as the size of the structure, size of parking areas that may be required, building setback lines and egress or ingress, and where such regulations are necessary to protect the public health and safety, in accordance with ORC 519.21(C)(1).

To maintain safe roadways, no part of a farm market (as that term is defined by ORC 519.21(C)(1)) 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. The size of the farm market may be increased by two (2) square feet for every one (1) foot increase in setback from the right of way to a maximum of six hundred (600) square feet. No part of the farm market shall exceed fifteen (15) feet in height. Setbacks described in Article 4 of the Township Zoning Resolution apply to any farm market where the structure remains in operation for more than six (6) months during the year.

To prevent objects from relocating into the right-of-way, building materials not typically used in the construction of permanent structures 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 7.03 – ENTRY FEATURES TO PRIVATE RESIDENTIAL PROPERTIES

Elements, including hardscape (i.e. brick, stone, rocks, fences, walls) and softscape (i.e. plants, trees, shrubs) features, located near the entrance to a private residential property shall not be located within fifteen (15) feet of the right-of-way. Entry features with a gate shall locate the gate in such a manner so that the gate is located a minimum of fifty (50) feet from the edge of the paved roadway or face of curb.

Section 7.04 – RESIDENTIAL FACILITIES

For purposes of this Zoning Resolution, a Residential Facility licensed pursuant to ORC 5119 of five (5) or fewer unrelated residents, or a Residential Facility licensed pursuant to RC 5123 of six (6) but not more than eight (8) (excluding care-givers) shall be regulated as a single-family dwelling. A Residential Facility licensed pursuant to ORC 5119 of six (6) or more residents, or a Residential Facility licensed pursuant to 5123 of at least nine (9) but not more than sixteen (16) residents (excluding care-givers) shall be regulated as a multi-family dwelling structure in any multi-family straight district.

7.04.A Definition of Residential Facilities

1. A Residential Facility licensed by the state of Ohio and as defined within Chapter 5119 or 5123 of the Ohio Revised Code.

2. Does not mean:

- a. The home of a relative or legal guardian in which an individual with a developmental disability resides;
- b. A respite care home certified under Section 5126.05 of the Ohio Revised Code;
- c. A county home or district home operated pursuant to Chapter 5155 of the Ohio Revised Code; or
- d. A dwelling in which the only residents with developmental disabilities are in independent living arrangements or are being provided supported living.

7.04.B Location of Residential Facilities

1. A Residential Facility licensed pursuant to ORC 5119 of five (5) or fewer residents (excluding care-givers) shall be permitted in any residential zoning district. Such facilities shall comply with area, height, yard, and architectural compatibility requirements for the district.
2. A Residential Facility licensed pursuant to ORC 5123 of six (6) but not more than eight (8) (excluding care-givers) shall be permitted in any residential zoning district. Such facilities shall comply with area, height, yard, and architectural compatibility requirements for the district.
3. Residential Facility licensed pursuant to ORC 5119 of six (6) but not more than sixteen (16) residents, or a Residential Facility licensed pursuant to RC 5123 of at least nine (9) but not more than sixteen (16) residents (excluding care-givers):
 - a. shall be permitted as a conditional use in any multi-family residential district;
 - b. shall be prohibited uses and are excluded from any planned-unit development, except as otherwise set forth herein;
 - c. shall be permitted as a conditional use within the Institutional and Commercial zoning districts, subject to the standards within those districts and this zoning resolution, and, in order for the BZA to approve a conditional use permit, the Residential Facility must meet the following criteria:
 - i. the architectural design and site layout of the home and location, nature, and height of any walls, screens, and fences shall be compatible with adjoining land uses and the residential character of the neighborhood; and
 - ii. the property shall comply with yard, parking, and sign regulations.
4. Residential Facilities licensed pursuant to ORC 5119 and 5123 are prohibited in a Mixed-Use District (MU).
5. Prior versions of this Zoning Resolution included a Planned Multi-Family Residence District (PMFR); Residential Facilities are prohibited in any current and/or future Planned Multi-Family Residence District (PMFR).

7.04.C Standards of Permitted Residential Facilities

1. All permitted Residential Facilities shall comply with General Development and Design Standards and District Specific Standards in this Zoning Resolution which are applicable to zoning district in which the facility is located.
2. In order to promote the benefits of residential surroundings for the residents of Residential Facilities licensed pursuant to RC 5119 and to further the goal of deinstitutionalization of persons whose disabilities or status limit their ability to live independently and to foster their integration into the mainstream of society, no Residential Facility shall be located within 1,320 feet of any other Residential Facility.

Section 7.05 – SATELLITE-SIGNAL-RECEIVING ANTENNAS

Satellite dish antennas are allowed in all districts and shall be considered both an accessory use and an accessory structure. Satellite dish antennae one (1) meter (39.37 inches) or smaller are not subject to Township zoning regulations and do not require a Zoning Permit.

The following provisions shall apply to satellite dish antennas:

- 7.05.A** Maximum diameter - Structure mount: One (1) meter (39.37 inches).
- 7.05.B** Maximum height - Roof mount: Four (4) feet.
- 7.05.C** All satellite dish antennas shall be located behind the front building line of the principal building situated on the lot or parcel.
- 7.05.D** The satellite dish apparatus shall be a color which complements its environment.
- 7.05.E** Every antenna shall be contained within the building envelope/setback of the district in which it is located.
- 7.05.F** Ground mounted satellite dish antennas are prohibited.

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 requested height Variance shall be justified in writing 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, such as ham radio operators.

Section 7.06 – SINGLE PARCEL SMALL SOLAR FACILITIES - SOLAR PANELS

Roof-mounted and/or integrated solar panels and solar energy systems shall require a Zoning Permit and shall be located in such a manner as to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide ventilation opportunities, and provide emergency egress from the roof. Ground mounted and all other small solar facilities are prohibited in all residential zoning districts. Additionally, the following provisions shall apply:

- 7.06.A** Rooftop or Integrated Solar Energy Systems shall not be placed on the architectural front roof surface in any Residential Zoning District unless they are non-reflective panels/shingles or do not look like solar panels/shingles. All Solar Energy Systems shall be designed and installed to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.
- 7.06.B** The maximum height of any Rooftop or Integrated Solar Energy System shall not exceed the maximum height applicable to principal structures located in the zoning district where located. An Integrated or Rooftop Solar Energy System mounted on a roof shall not vertically exceed the highest point of the roof to which it is attached.

- 7.06.C** All supporting facilities (e.g., conduits, cabinets, etc.) shall blend with their adjacent structure(s) materials..
- 7.06.D** Permit Applications for solar energy systems in a residential district in which the approved development plan prohibits such systems may be approved by the Zoning Department through an Administrative Review but shall require the approval of the Homeowners Association and must meet all other standards in this Zoning Resolution.

Section 7.07 – SMALL WIND PROJECT FARMS LESS THAN FIVE (5) MEGAWATTS

Small wind turbines are permitted on parcels three (3) acres or greater in size and shall service only one residence. A zoning permit shall be required before construction can commence. As part of the permit process, the applicant shall ensure the Delaware County Code Compliance Office approves of the location and height. Applicant shall provide the Township Zoning Department with appropriate documentation to demonstrate all local, state, and federal requirements have been met. Additionally, the following standards shall be met and maintained:

- 7.07.A** No part of the wind turbine structure, shall extend closer than 20 feet to the property line.
- 7.07.B** Decibel Levels: Noise coming from the small wind turbine shall not exceed 65dBA to the nearest property line.
- 7.07.C** Fencing: The supporting tower shall be enclosed by a six (6) foot high fence unless the base of the tower is not climbable for a distance of twelve (12) feet.
- 7.07.D** Wiring and electrical apparatuses: All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground.

Section 7.08 – TELECOMMUNICATION TOWERS

Cellular telephone towers, when notification of objection to the siting of the cellular tower is met, per requirements of Section 519.211 of the ORC, cellular towers shall be located one thousand (1,000) feet from any residential lot line or any recorded platted residential subdivision lot. No tower shall be constructed to a height greater than the distance from the center of the base of the tower to the nearest property line of said tract.

If Objections are timely filed consistent with ORC 519.211(B) for a proposed tower in a residential district, then the telecommunications tower shall only be permitted as a conditional use by the Board of Zoning Appeals. The conditional use application process in this Resolution must be followed and the Zoning Resolution design standards, as determined appropriate by the Board of Zoning Appeals and in accordance with the Ohio Revised Code must be met.

Section 7.09 – TEMPORARY/PORTABLE STRUCTURES AND TRAILERS

Portable storage units, including trailers or temporary units of any design, may be placed in any zoning district on a temporary basis only, provided a Zoning Permit is obtained, that such placement shall not exceed seven (7) days in any six (6) month period, and provided further that the placement of the unit shall not compromise the flow of traffic, obstruct line-of-sight visibility, or present a nuisance to the community or to the general public. This Section does not apply to trailers which are used as a temporary construction office or tool shed during the period of construction or remodeling of a structure.

Temporary use of open top dumpsters or other portable/temporary storage units for construction sites as accessory to and in association with an ongoing construction project shall be permitted for a period of up to one hundred twenty (120) total days in any three hundred sixty-five (365) consecutive day period or upon the completion of the project, whichever occurs sooner.

ARTICLE 8 – PERMITTED USES IN ALL RESIDENTIAL DISTRICTS – RR1, PR1.5 & PR4

All Permitted Uses require an approved Zoning permit and must comply with all applicable provisions of this Resolution.

Section 8.01 – SINGLE FAMILY HOMES

Section 8.02 – TEMPORARY STRUCTURES

Temporary structures such as manufactured/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. Renewal of the Permit shall be at the discretion of the Zoning Department on finding of reasonable progress toward completion of the permanent structure or project. No structure shall be occupied as a dwelling.

Section 8.03 – CASUAL SALE OF GOODS

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 for a period of more than three (3) consecutive days.

Section 8.04 – LIMITED HOME OCCUPATIONS

Limited Home Occupations are characterized as computer and telephone-based businesses that have no or limited in-person customer or client traffic to the subject property. Limited Home Occupations require an approved Zoning Permit. Such activities are carried on solely within the confines of the dwelling, do not occupy more than twenty percent (20%) of the dwelling, retain no non-residential employees (whether paid or voluntary), generate no greater traffic, parking or deliveries than would normally be expected in a residential neighborhood, do not create a nuisance to the neighborhood or general public, and are imperceptible from the exterior of the dwelling and display no signage. The Zoning Inspector is authorized to classify proposed uses as Limited Home Occupations or Conditional Home Occupations based on the criteria in this Resolution. The following professional or business activities shall be considered:

- 8.04.A** Real estate sales, insurance sales, consulting, financial planning, and similar occupations;
- 8.04.B** Providing childcare, teaching, tutoring, or musical or dance, or similar lessons to no more than three (3) individuals unrelated to the resident at any one time.

Section 8.05 – MODEL HOMES

Model Homes with and without Sales Offices: Within a platted and recorded subdivision, a limited number of dwelling units may be used as offices by a home builder or by a developer to market and/or to display their models and styles of homes for sale, and/or to serve as a location for their sales office. The interior of same may be furnished in order to display to prospective buyers available features and options for the dwelling units (such as exterior siding treatments, roofing materials, interior trim, moldings, floor coverings, etc.) in the environment of a completed home, and may be staffed by the builder/developer's sales force. Model Homes with and without Sales Offices shall be subject to the following restrictions:

- 8.05.A** Hours of operation: All business operations shall cease prior to 9:00 p.m. during the spring, summer, and fall seasons, and prior to 8:00 p.m. during the winter season. No business shall be conducted on any Saturday or Sunday before 10:00 a.m.

8.05.B Screening and Trash Receptacles: Landscape drawings shall be required and such shall show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the model home/sales office lot. Trash receptacles shall be provided near each model home/sales office for use by the public. The number, style, and locations of such trash receptacles are subject to approval by the Zoning Department.

8.05.C Termination of Use: The use of Model Homes with and without Sales Offices within a platted and recorded residential subdivision, or within any single platted and recorded phase of a multi-phase subdivision, shall terminate when zoning permits have been issued for ninety percent (90%) of the lots therein.

8.05.D Signage: Model Home signage must comply with Article 20 of this Zoning Resolution.

ARTICLE 9 – CONDITIONAL USES FOR ALL RESIDENTIAL DISTRICTS – RR1, PR1.5 & PR4

Within Residential Zoning Districts, the following Conditional Uses may be permitted if all criteria in the Article is met. A Conditional Use Permit Application shall be submitted to the Board of Zoning Appeals (BZA) pursuant to the provisions this Zoning Resolution. The BZA may require additional conditions necessary to protect the public health, safety, and welfare. No Conditional Use shall be implemented until such Use is approved by the BZA.

Section 9.01 – EXPANDED HOME OCCUPATIONS

Expanded Home Occupations are characterized as businesses that provide services to in-person customers or clients on a regular scheduled basis and may be conducted by a member of the immediate family residing on the premises. A Conditional Use Application must be approved by the Board of Zoning Appeals.

- 9.01.A** There shall be 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.
- 9.01.B** The Expanded Home Occupation shall occupy less than 50% of the floor area of the primary structure on the same property and less than 50% of the total floor area of any accessory structures on the same property.
- 9.01.C** Not more than one (1) non-resident employee shall work on said premises.
- 9.01.D** Services may be rendered on the premises or elsewhere.
- 9.01.E** No traffic or parking shall be generated by such Expanded Home Occupation in greater volumes than would normally be expected in a residential neighborhood.
- 9.01.F** Waste materials, solid, liquid, or gaseous, shall not be created on the premises at a level greater than normal to the residential use.
- 9.01.G** No activity shall be conducted or permitted which creates a nuisance to neighboring properties.

Section 9.02 – BORROW PITS

Borrow Pits, provided that 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 ensure regrading, reseeding, and general restoration of the area.

Section 9.03 – TELECOMMUNICATION TOWERS

As provided in Section 7.08 of this Zoning Resolution.

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ARTICLE 10 – PROHIBITED USES & PERFORMANCE STANDARDS FOR ALL DISTRICTS

Section 10.01 – PROHIBITED USES

Uses not specifically authorized by the express terms of this Zoning Resolution shall be prohibited, in addition to the following:

- 10.01.A** Junkyards.
- 10.01.B** No trailer of any type, no boats, no campers, and no equipment of any type shall be parked in front of the front building line on any parcel within this district. No motor home or camper of any type may be occupied for more than seven (7) days within a thirty (30)-day time.
- 10.01.C** The storage or accumulation of trash, debris, unused property, inoperable, unused or unlicensed vehicles, machinery of any type, 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 similar materials) shall be deemed a nuisance to the neighborhood and general public, and shall be prohibited on any parcel or lot or portion thereof, or on any public or private streets, 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 twenty-four (24) hours before its regularly scheduled pick-up. This excludes vehicles, equipment or machinery entirely enclosed within a permitted accessory building so as to not be visible from any adjoining property or road.
- 10.01.D** Private landing fields for aircraft, hot air balloons, ultra-light aircraft, and other mechanical flying equipment.
- 10.01.E** Commercial Breeding Kennels.
- 10.01.F** Harboring wild, dangerous, or undomesticated animals on lots less than five (5) acres in area, subject to the limitations contained in ORC Section 519.21. For the purposes of this provision, a “wild, dangerous, or undomesticated animal” shall be as defined in ORC Chapter 935 or as an animal which makes noises with sufficient frequency and volume as to constitute a nuisance to persons in the vicinity of such animal.
- 10.01.G** 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.
- 10.01.H** No cultivators, processors, or retail dispensaries of medical or recreational marijuana.

Section 10.02 – PERFORMANCE STANDARDS

In addition to any other provisions of this Zoning Resolution no use shall be conducted within this district which fails to maintain the following standards:

- 10.02.A** Fire and Explosion Hazards: All activities and 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.

- 10.02.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.
- 10.02.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.
- 10.02.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.
- 10.02.E** Vibrations: 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.
- 10.02.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 perceptible at any point at or beyond the property on which the use is located.

ARTICLE 11 – RURAL RESIDENCE 1 DISTRICT (RR1)

Section 11.01 – NATURE OF DISTRICT

Rural Residence Districts (RR-1) provide for the use of land for single family dwellings on large lots with adequate green space, areas for agricultural activities and related uses. Development in this district is low density and may or may not be serviced with public water and sanitary sewer lines. It is intended that the Standards for this District align with and support the Liberty Township Comprehensive Plan.

Section 11.02 – GENERAL DESIGN & DEVELOPMENT STANDARDS

All lands and uses within the Rural Residence District shall be developed in strict conformance with the General Design & Development Standards in Article 4 of this Zoning Resolution.

Section 11.03 – DISTRICT SPECIFIC DEVELOPMENT STANDARDS

All main buildings and lots shall meet the following development standards:

11.03.A Lot Size: No parcel of land in this district shall have an area of less than one (1) acre (43,560 square feet).

11.03.B Building Size Requirements:

1. Dwelling Dimensions (Floor Space Requirements): Each single story dwelling hereafter erected in this district shall have a ground floor living area of not less than one thousand one 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.
2. Accessory Building(s) Cumulative Dimensions (Cumulative Floor Space Limitations): The permissible cumulative dimensions of all accessory building(s) erected on any lot or parcel in this district shall be determined by the acreage on said lot or parcel in which all accessory buildings are to be located. Accessory buildings square footage cumulatively may be up to one-thousand (1,000) square feet for each acre as identified on the Delaware County Auditor's website (e.g. 1.572 acres x 1,000 = 1,572 square feet), but not to exceed the size of the existing dwelling (the size of the dwelling shall include first and second floors, attached facilities, such as a garage, but not including space in basements, decks, porches, or patios). The accessory building(s) shall compliment the primary structure in color and exterior materials. No accessory building shall be used for human occupancy.

11.03.C 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 appropriate government authority:

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 an adjoining public or private road or street must have a lot width fifty (50) feet forward of the building line which is equal to, or greater than, the corresponding 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, nor shall the width of the lot be less than sixty (60) feet in any point forward of the building line. If an irregularly-shaped lot (i.e., pie-shaped) located on a curve or cul-de-sac widens to the minimum lot frontage within seventy-five (75) feet of the right-of-way line, then additional setback shall be required to conform with setback lines for principal structures on adjoining lots.

11.03.D Maximum Lot Coverage: Buildings shall not cover more than twenty-five percent (25%) of the lot area in this zoning district, nor shall any impervious surfaces be constructed on any lot or parcel which cover more than sixty-five percent (65%) of the total lot or parcel area.

Section 11.04 – PERMITTED USES

In addition to the Permitted Uses as defined in Article 8, Rural Residence District (RR-1) parcels shall be limited to one (1) single-family dwelling per parcel, lot, or tract.

Section 11.05 – ACCESSORY USES, BUILDINGS, STRUCTURES

As defined in this Zoning Resolution, accessory uses, buildings, and structures may be permitted when located on the same parcel and only when incidental or subordinate to and in association with a principal permitted use. No accessory building within any zoning district shall be used for human occupancy.

11.05.A Exterior Materials: Vinyl siding at a minimum thickness of 0.46 and which complements and/or coordinates with the primary structure is permitted in this district for Accessory Structures only.

Section 11.06 – CONDITIONAL USES

Within this zoning district, the Conditional Uses in Article 9 of this Zoning Resolution and the following uses may be permitted subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of this Zoning Resolution. The Board of Zoning Appeals may require additional conditions necessary to protect the public health, safety, and welfare. No Conditional Use shall be implemented until such Use is approved by the BZA.

11.06.A 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, vegetables, straw, hay, flowers, and plants. In addition, the following regulations shall apply:

1. The market must be located upon a lot or parcel owned by or at the place of residence of the market owner/operator having a minimum road frontage of three hundred (300) feet. The market may not be located in any platted residential subdivision. The market shall be located no closer than three hundred (300) feet from the nearest residence fronting the same roadway as the market, excluding any residence located on the same lot as the market.
2. The market owner/operator may have no more than one (1) non-resident 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 have 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. The size of the seasonal market may be

increased by two (2) square feet for every one (1) foot increase in setback from the right-of-way to a maximum of six hundred (600) square feet. Setbacks described in Section 4.16 of this Resolution apply to any farm market where the structure remains in operation for more than one half (1/2) of the year.

5. 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 sale of goods or equipment shall be permitted EXCEPT within the structure.
9. No activity shall be conducted or permitted which creates a nuisance to neighboring properties.

Section 11.07 – PROHIBITED USES

See Prohibited Uses, Article 10.

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ARTICLE 12 – PLANNED RESIDENCE-1.5 DISTRICT (PR1.5)

Section 12.01 – NATURE OF DISTRICT

Planned Residence-1.5 Districts (PR1.5), are created pursuant to Section 519.021(C) of the Ohio Revised Code, with a maximum density of one and one-half (1.5) dwelling units per net developable acre in recognition that with increased urbanization and population growth comes increased demand for well-organized residential areas which take into account preservation, contemporary land use concepts, and a balanced residential environment. It is intended that the Standards for this District align with and support the Liberty Township Comprehensive Plan.

Section 12.02 – GENERAL DESIGN & DEVELOPMENT STANDARDS

The Planned Residence-1.5 District shall be developed in strict conformance with the General Design & Development Standards in Article 4 of this Zoning Resolution and meet minimum District Specific Standards. The use of conservation practices, where applicable and practicable, shall be included in all Planned Residence developments. These practices include, but are not limited to:

- 12.02.A** Permanently preserve and integrate Open Space within residential developments;
- 12.02.B** Offer landowners alternatives to standard tract development of their land;
- 12.02.C** Establish a less sprawling, more efficient use of land, streets, and utilities;
- 12.02.D** Preserve natural topography in wooded areas;
- 12.02.E** Create usable and accessible open space, recreational areas, and green corridors for wildlife, walking trails, and/or bike paths; and
- 12.01.F** Creativity in design.

Section 12.03 – DISTRICT SPECIFIC STANDARDS

The Development Plan shall incorporate the following standards in addition to the General Design & Development Standards in Article 4 of this Zoning Resolution:

- 12.03.A** Density: The maximum overall density for any single-family development shall be one and one-half (1.5) dwelling units per net developable acre.
- 12.03.B** Landscape Plans: All Development Plans for the Planned Residence-1.5 District must include Landscape Plans which, at the minimum, meet the General Design & Development Standards in Article 4.

Section 12.04 – PERMITTED USES

In addition to the Permitted Uses as defined in Article 8, within the Planned Residence-1.5 District (PR1.5) the following structures and uses, developed in strict conformance with an approved Development Plan and standards, shall be permitted:

- 12.04.A** Residential Buildings: Dwelling units including single-family detached, Modular, Cluster, Industrial Units, or Manufactured Homes on permanent foundations, but not including Mobile Homes or any type of Manufactured Homes not on a permanent foundation.

12.04.B The proposed uses for common Open Space shall be described in the Development Plan and approved by the Township. All open space lands shall be permanently owned by the Homeowners Association or Developer until a Homeowners Association is established.

Section 12.05 – ACCESSORY USES, BUILDINGS, AND STRUCTURES

As defined in this Zoning Resolution, Accessory Uses, Buildings, and Structures may be permitted only when incidental or subordinate to and in association with a principal permitted use. No accessory building within any zoning district shall be used for human occupancy.

Section 12.06 – CONDITIONAL USES

Within this zoning district the Conditional Uses in Article 9 may be permitted subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of this Resolution. The Board of Zoning Appeals may require additional conditions necessary to protect the public health, safety, and welfare. No Conditional Use shall be implemented until such Use is approved by the BZA.

Section 12.07 – PROHIBITED USES

See Prohibited Uses, Article 10.

ARTICLE 13 – PLANNED RESIDENCE DISTRICT-4 (PR4)

All currently zoned Planned Multi-Family Residence District parcels shall be renamed to Planned Residence District-4 and are subject to the standards in this Article or those standards that were in place at the time of the zoning was approved. It is intended that the Standards for this District align with and support the Liberty Township Comprehensive Plan.

Section 13.01 – NATURE OF DISTRICT

Planned Residence-4 Districts (PR4), are created pursuant to Section 519.021(C) of the Ohio Revised Code, with a maximum density of four (4) dwelling units per net developable acre recognizing that with increased urbanization and population growth comes increased demands for well-organized residential areas with diversity in housing options, and which take into preservation, contemporary land use concepts, and a balanced residential environment.

Section 13.02 – GENERAL DESIGN & DEVELOPMENT STANDARDS

The Planned Residence District-4 (PR4) shall be developed in strict conformance with the General Design & Development Standards in Article 4 of this Zoning Resolution and meet minimum District Specific Standards.

Section 13.03 – DISTRICT SPECIFIC STANDARDS

The Development Plan shall incorporate the following standards in addition to the General Design & Development Standards in Article 4 of this Zoning Resolution:

- 13.03.A** Planned Residence District-4 (PR4): Maximum density shall not exceed four (4) dwelling units per net developable acre within the area proposed to be rezoned.
- 13.03.B** Landscape Plans: All Development Plans for the Planned Residence-4 District must include Landscape Plans which, at the minimum, meet the General Design & Development Standards in Article 4.

Section 13.04 – PERMITTED USES

In addition to the Permitted Uses as defined in Article 8, within the Planned Residence District-4 (PR4) the following uses developed in strict conformance with the approved Development Plan and standards may be permitted:

- 13.04.A** Single-family residential structures.
- 13.04.B** Multi-family residential structures having two (2) or more dwelling units per building.
- 13.04.C** Cluster Housing: For purposes of this Section, “Cluster Housing” shall mean a residential development wherein the overall density is consistent with the Planned Residence District-4 (PR4), but modifications are permitted in lot size and shape to concentrate residential development in a portion of the overall tract, thereby maintaining the remainder of the tract as Permanent, Open Space. Cluster Housing does not permit any increase in the permitted densities of the PR4.
- 13.04.D** Detached single family structures; zero lot line home; cluster housing; patio homes; common wall housing; as well as any reasonable variation on these themes which also has 2 or more dwellings on one lot.

13.04.E The proposed uses for common Open Space shall be described in the Development Plan and approved by the Township. All open space lands shall be permanently owned by the Homeowners Association or Developer until a Homeowners Association is established.

13.04.F Rental Complex Offices: One (1) rental office shall be allowed within a dwelling unit in a rental complex. Trash receptacles shall be provided near the rental complex office for use by the public.

Section 13.05 – ACCESSORY USES, BUILDINGS, AND STRUCTURES

Accessory Uses as defined this Zoning Resolution may be permitted only when incidental or subordinate to and in association with a principal permitted use, and further provided that such accessory uses are specifically set forth in the Development Plan and approved as accessory uses by the Township. No accessory building within any zoning district shall be used for human occupancy.

Section 13.06 – CONDITIONAL USES

Within this zoning district, the Conditional Uses in Section 8 of this Zoning Resolution may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to this Resolution. The Board of Zoning Appeals may require additional conditions necessary to protect the public health, safety, and welfare. No Conditional Use shall be implemented until such Use is approved by the BZA.

Section 13.07 – PROHIBITED USES

See Prohibited Uses, Article 10.

ARTICLE 14 – PLANNED MIXED USE DISTRICT- (PMU)

Section 14.01 – NATURE OF DISTRICT

Planned Mixed Use Districts (PMU) provide an appropriate mix of uses while protecting the rural character of the Township and to create a diversity of housing options combined with commercial uses to create a more walkable community and sense of place.

The Zoning Commission has the authority to determine the appropriate mix of single-family v. multi-family residences based upon need, location, overall development, and alignment with the Liberty Township Comprehensive Plan. A Pre-Submittal Meeting must be scheduled through the Liberty Township Zoning Department prior to the submission of an Application for Amendment of the Zoning Resolution to the Planned Mixed Use District, see Section 14.09. It is intended that the Standards for this District align with and support the Liberty Township Comprehensive Plan.

A Planned Mixed Use District:

- 14.01.A** Provides an opportunity for an appropriate mix of residential, commercial, and retail, with open space, which includes recreational areas.
- 14.01.B** Allows the creation of development standards that respect the unique characteristics, natural quality, and resources of the site and the immediate vicinity and protects the community's natural resources.
- 14.01.C** Requires an extensive review of design characteristics to ensure that projects are properly integrated into the surroundings and are compatible with adjacent development.
- 14.01.D** Assures compatibility between proposed land uses through appropriate development controls.
- 14.01.E** Provides a pedestrian friendly environment, interconnecting with adjacent neighborhoods.
- 14.01.F** Enhances the economy of the Township by making available a variety of employment opportunities.
- 14.01.G** Provides a pedestrian friendly environment interconnecting with adjacent neighborhoods.

Section 14.02 – RESIDENTIAL PURPOSE OF DISTRICT

Along with the general nature of this District, the following additional purposes relative to residential development are applicable:

- 14.02.A** A clustered neighborhood design, with a gross density which is in keeping with the Comprehensive Plan and the physical development potential of the area.
- 14.02.B** The utilization of conservation design principles and preservation of a substantial amount of permanent open space, integrated into the development and providing for a pedestrian friendly environment.
- 14.02.C** A variety of different lot areas and architectural styles to create an integrated and imaginative residential environment.

14.02.D In areas identified on the Comprehensive Plan as "Higher Density Residential," it may be appropriate to consider single-family or multi-family developments at densities higher than those appropriate in other areas of the Township and where the Planned Mixed Use District will allow more creative site planning to accommodate these densities and provide appropriate transitions between adjacent higher intensity uses and lower intensity uses.

14.02.E Provide diversity in housing options.

Section 14.03 – COMMERCIAL PURPOSE OF DISTRICT

Along with the general nature of this District, the following additional purposes relative to commercial and office development are applicable:

14.03.A A portion of non-residential use, as determined appropriate during the Pre-Submittal Meeting, must be incorporated into all Planned Mixed Use Districts. Recreational areas, clubhouses, or other amenities ancillary to residential use shall not count towards this requirement.

14.03.B Commercial, retail, and office development shall be properly managed and the development standards of the Planned Mixed Use District clearly specified so that Township officials completely understand the design and impact of a development proposal.

Section 14.04 – DISTRICT SPECIFIC STANDARDS FOR MIXED-USE DISTRICT

General Development and Design Standards for a Planned Mixed Use District shall be proposed by the Applicant during the Pre-Submittal Meeting and the agreed upon text shall be incorporated into the Development Plan text that is submitted with an application for rezoning to the Zoning Commission. At minimum, the standards set forth below shall be addressed in the Pre-Submittal Meeting and shall be met, at the minimum:

14.04.A **Access:** Direct access to one or more dedicated and improved public roads is required. Approval from the Liberty Township Fire Department shall be required for all roadway plans. Provisions for future connections to other public roads may be required by the Township, Delaware County Engineer, and/or the Delaware County Regional Planning Commission.

14.04.B **Buildings:** To promote the purpose and intent of the Planned Mixed Use Development District and the goals of the Comprehensive Plan, all applications for amendment of the Official Zoning Map to Planned Mixed Use District shall detail the proposed design and development standards for all residential and non-residential buildings within the Planned Mixed Use District. The following standards apply to all residential and non-residential buildings within a Planned Mixed Use District.

1. The physical relationship of buildings and other site improvements to one another and the surrounding area, as created by building mass, floor area, height, shape, location on the site, and setback, shall result in a harmonious development both within the Planned Mixed Use District and in relation to its surroundings.
2. No building shall exceed forty (40) feet in height. All other freestanding structures including, but not limited to, flagpoles shall not exceed forty-eight (48) feet in height. All attached structures including, but not limited to, chimneys and church spires shall not exceed a height that is eight (8) feet greater than either the height of the building or other structure to which it is attached.

3. Buildings, structures, and parking areas shall be designed and located in such a way to conserve environmentally sensitive or unique natural, historic or cultural features.

14.04.C Density: While the densities of individual residential areas may vary within a large Planned Mixed Use District, the calculation of density for the entire Planned Mixed Use District shall be based upon the gross density proposed of total area devoted exclusively to residential use, including open space. Where open space is included within the calculation for residential density, such open space shall permanently remain as open space within the Planned Mixed Use District.

1. Single-family dwellings shall not exceed 1.5 dwelling units per net developable acre within the area proposed to be rezoned.
2. Multi-family dwellings of two or three units per structure shall not exceed six (6) dwelling units per net developable acre within the area proposed to be rezoned.
3. Multi-family dwellings of four or more units per structure shall not exceed ten (10) dwelling units per net developable acre within the area proposed to be rezoned.
4. No more than twenty (20) percent of the net developable acres of the area proposed to be rezoned shall be comprised of multi-family dwellings of four or more units per structure.
5. Proposed densities shall be clearly identified in the Pre-Submittal Meeting.

14.04.D Landscaping: All Pre-Submittal preliminary development plans shall include a detailed landscape plan for all uses and open spaces. The standards from Article 4-Section 4.09-Landscaping shall apply and shall be detailed in the landscape plan. In addition, the following standards shall be detailed in the landscape plan:

1. Landscaping shall be designed to enhance architectural features, screen incompatible uses, emphasize pedestrian environments, provide shade for streets and parking lots and strengthen views and vistas.
2. Landscape design and the specification and use of trees and plant materials shall discourage monoculture. For the purpose of this Section monoculture is defined as the dominance or overabundance of any one species that may expose the development to a substantial loss of plant material should said plant material be affected by pest or disease (ex. Emerald Ash Borer).
3. Street tree species native to the area shall be provided by the developer for all existing and proposed public streets and placed outside the public right-of-way in a maintenance easement. Size, shape, type and location of street trees shall be specified in the preliminary development plan.
4. Landscape buffers between lots and the public road serving the Planned Mixed Use District and buffers between lots and adjacent land should be placed in landscape easements or in dedicated open space areas.

14.04.E Lighting: All Pre-Submittal preliminary development plans shall include the type and description of all proposed street and parking lot lighting. Street lighting shall conform to the General Standards in Article 4 of this Zoning Resolution.

1. The lighting plan contained within the preliminary development plan shall specify the proposed pole and luminary design, maximum height, lighting source, wattage, shielding and any other information necessary to evaluate the lighting as proposed.

2. The lighting plan shall be designed to promote an overall cohesiveness in the development of the plan and to minimize the amount of light pollution affecting the neighboring properties and the rural character of the township.

14.04.F Open Space: A Planned Mixed Use District should have an open space component which is compatible with the size, nature, and design of the development. A Pre-Submittal Meeting preliminary development plan shall propose an Open Space plan comprised of at least 25 percent of the gross land area of the Planned Mixed Use District. Open space shall be prohibited from further subdivision or development by deed restriction, conservation easement or other agreement, in a form satisfactory to the Township. This restriction from further subdivision or development shall also be noted in the preliminary development plan and the recorded plat.

1. Open space shall be fully integrated into the overall design and should, absent unique and special circumstances, meet all standards and guidelines contained in this Zoning Resolution. The types of uses, buildings and structures proposed to be permitted in the open space shall be specified in the preliminary development plan.
2. Within a Planned Mixed Use District, public uses may be proposed for natural areas and preserves, parks and other active recreational areas, and public facilities, such as community centers, may likewise be proposed. Access to all public uses shall be specified.
3. In identifying the location of open space, the developer shall consider as priorities existing natural features such as natural woodlands, wetlands, identified species habitat, tree lines, stream, and FEMA designated 100-year floodplains.
4. Retention ponds (wet basins) may be permitted in an open space reserve provided such ponds are designed and maintained as natural features that blend into the landscape. A landscape design for each retention pond shall be submitted with the preliminary development plan. Detention ponds (dry basins) are not be permitted in the designated open space.
5. Except for bike paths and pedestrian trails, open space should be unified and massed so that no open space is narrower in any direction than the development's average lot width. Open space should be platted as an open space reserve, including appropriate conservation easements.
6. Open space should, when practicable, be interconnected with open space areas on adjacent parcels.
7. Areas that shall not be considered as open space include:
 - a. Private road and public road rights-of-way;
 - b. Parking areas, access ways, and driveways;
 - c. Required setbacks between buildings, parking areas, and project boundaries;
 - d. Required setbacks between buildings and streets;
 - e. Easements for overhead power transmission lines unless containing bike paths as part of an overall coordinated trail network;
 - f. Minimum spacing between buildings, and between buildings and parking areas;
 - g. Private yards;
 - h. Areas of fee simple lots to be conveyed for residential dwelling uses;
 - i. Other small fragmented or isolated open space areas that have a dimension less than 75 feet in any direction. (Excessive gaps and non-usuable spaces between buildings are discouraged, or pedestrian walkways should be established.)

8. Any open space intended to be devoted to active recreational activities should be of usable size and shape for the intended purposes.
9. Any area within the open space that is proposed to be disturbed during construction or otherwise not preserved in its natural state, other than required setback areas, should be noted on the preliminary development plan and the method and timing of any restoration shall be set forth.
10. **Open Space Ownership** – The ownership of the open space shall be specified in the preliminary development plan and shall be subject to the approval of the Township. Open space may be held by the individual members of a condominium association or may be held in common ownership by a homeowners' association, community association, or other similar legal entity. The association shall be capable of and responsible for maintenance, control, and insurance of common areas, including the open space.
11. **Open Space Management and Maintenance** – The owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, and valid and enforceable collection methods. The Management and Maintenance of Open Space, the enforcement of such management and maintenance, and the remedy when such management and maintenance fails to meet the standards of the Township and/or the Development Plan shall be detailed in the Development Plan. A failure to maintain the open space in reasonable order and in accordance with the approved development plans, shall constitute a violation of this Zoning Resolution.
12. **Transfer of Title of Open Space** – Title to any open space required within a Planned Mixed Use District which is included within any recorded subdivision plat of any section of the land zoned Planned Mixed Use District shall be transferred to the entity approved for ownership of the open space prior to the sale of more than 75% of the lots or units within that subdivision section.

14.04.G Parking and Loading Areas: Parking and access requirements and standards shall be as defined in the Pre-Submission preliminary development plan and shall meet the requirements of the Delaware County Engineer's Office, the applicable fire regulations, and the following standards:

1. Off-street parking and loading shall be provided for all non-residential buildings with adequate provisions for ingress and egress.
2. Parking areas shall not be designed as large single expanses of parking and rather smaller defined parking areas within the total parking system. Such parking areas shall be delineated and accentuated by landscaped areas and connected to sidewalks.
3. Parking areas shall be located on the interior of the development. Minimize large parking areas along public roads.
4. The layout of parking areas, service areas and related entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed and located to protect the character of the area as well as those areas adjacent to the Planned Mixed Use District.
5. To minimize the environmental impacts of large parking areas, shared parking between uses shall be encouraged and supported within the Planned Mixed Use District. Where shared parking is desired, the applicant shall submit a statement identifying how the parking is to be shared between the uses, and the percentage of parking and hours of parking allocated for each use.
6. All service and delivery and loading areas for all uses shall be arranged and located to minimize the impacts and view of such uses throughout the development.

14.04.H Public Improvements

1. Public roads shall be designed and constructed to the standards established by the Delaware County Engineer's Office and in accordance with the Liberty Township Fire Department.
2. Means for safe pedestrian and bicycle access and circulation shall be provided. Multi-use trails shall be integrated into open space with ownership and maintenance dedicated to the entity holding title to the open space.
3. All arterial and collector roads adjacent to the Planned Mixed Use District shall have constructed a multi-use trail with a minimum width of eight (8) feet. Multi-Use Trails shall be incorporated into all Development Plans as deemed appropriate by the Zoning Commission and/or Zoning Inspector in order to connect with existing or planned trail systems external to the development. Trails shall be built in accordance with the Delaware County Engineer standards. Trails may be constructed within the road right-of-way when allowed by the appropriate authorities. The responsibility for the maintenance of the trail shall be specified in the Development Plan.

14.04.I Signage: At the Pre-Submission Meeting, preliminary development plans shall include a signage plan and or standards for all uses and subareas within the Planned Mixed Use District. Residential, Commercial, Directional, and other Signage, within the Planned Mixed Use District shall follow the standards in Article 20 of this Zoning Resolution, except where District Specific Standards may apply. Additionally, the signage plan shall include the following provisions:

1. A detailed sign plan and standards to include the design, layout and dimensions of all proposed ground, window and wall signs as well as the setbacks from the rights-of-way and the type and intensity of illumination.
2. An overall cohesive design, reflecting simplicity, reducing visual clutter and complimenting the rural character of the Township.
3. Wall signs shall be controlled and designed in a manner to compliment the architecture of any proposed buildings. Ground signs shall be designed to relate to and share common elements with the proposed architecture.

14.04.J Setbacks and Yard Areas: All proposed required setbacks and yard areas within a Planned Mixed Use District shall be identified during the Pre-Submission Meeting in the development plan prior to being submitted with the application for amendment of the Official Zoning Map to Planned Mixed Use District. Setback for the Planned Mixed Used District shall consider the following:

1. Setbacks shall be configured to appropriately balance open space and provide safe separation between buildings and uses to compliment the rural character of the Township and the Comprehensive Plan, when possible.
2. Perimeter setbacks and/or appropriate screening, when a commercial use is proposed to be located adjacent to residential uses.

Section 14.05 – PERMITTED USES

Within the Mixed-Use District a creative mix of uses shall be used to establish an efficient and sustainable use of the land and infrastructure and to result in a well-integrated, pedestrian friendly development.

Permitted uses within a Planned Mixed Use District shall be proposed by the Applicant during the Pre-Submission Meeting and shall consist of more than one use. A Planned Mixed Use District contains both residential and non-residential uses. The proportion of such uses in the entire development shall be based upon the characteristics of the site, the immediate area in which the proposed development is located, the Liberty Township Comprehensive Plan, and other related planning documents. Uses based upon NAICS Standards shall be incorporated into the development plan text when submitted with the application for amendment of the Official Zoning Map to Planned Mixed Use District. Any use not specified as a permitted or conditional use in the approved preliminary development plan shall be prohibited.

Section 14.06 – ACCESSORY USES, BUILDINGS, AND STRUCTURES

Accessory Uses, as defined in this Zoning Resolution, may be permitted only when incidental or subordinate to and in association with a principal permitted use, and further provided that such accessory uses are specifically set forth in the Pre-Submission Preliminary Development Plan.

Section 14.07 – CONDITIONAL USES

Within this zoning district, Conditional Uses shall be proposed in the Pre-Submittal Application; such uses must be approved in the Final Development Plan by the Zoning Commission. Conditional Uses included in the Final Development Plan may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to this Resolution. The Board of Zoning Appeals may require additional conditions necessary to protect the public health, safety, and welfare. No Conditional Use shall be implemented until such Use is approved by Liberty Township Zoning Inspector, Zoning Commission and/or Board of Zoning Appeals.

Section 14.08 – PROHIBITED USES

In addition to the Prohibited Uses defined in Article 10 of this Resolution, other uses may be prohibited as detailed and approved in the Final Development Plan. Prohibited Uses shall be included in the Pre-Submittal Application.

Section 14.09 – PRE-SUBMITTAL MEETING

A Pre-Submittal meeting shall be scheduled by the Applicant and offers the applicant and the development team the opportunity to meet with Township Staff and representative(s) from the Township Zoning Commission to discuss preliminary concepts for a Planned Mixed Use District development. These meetings are designed to serve as a comprehensive question and answer session to uncover and address potential issues, create an understanding of the expectations of Township Zoning, and to streamline the development process. Pre-Submittal Meeting comments are not comprehensive, but preliminary in nature. Additional comments not discussed in this meeting may be generated during the application hearing process. Pre-Submittal Meeting Packets, including Pre-Submittal Checklist and instructions, are available in the Zoning Department.

- 14.09.A** At the Pre-Submittal Meeting, the applicant shall present a complete application, including the Pre-Submittal Checklist, which meets the requirements of the Planned Mixed Use District, addresses, at a minimum, each of the standards in Section 14.04 – District Specific Standards for Planned Mixed-Use District.
- 14.09.B** The Applicant may incorporate the recommendations, changes, additions, etc. which were identified and addressed during the Pre-Submittal Meeting into Development Plan and Text prior to submitting the Application for Amendment to the Zoning Resolution.
- 14.09.C** Zoning Commission members shall receive a summary of the Pre-Submittal Meeting as part of the Application packet.

Section 14.10 – PRELIMINARY AND FINAL DEVELOPMENT PLAN

14.10.A Effect of Planned Mixed Use District Approval

Each Planned Mixed Use District is considered a separate and unique zoning district wherein a preliminary development plan, including associated regulation text describing the allowable uses and specific development standards, is adopted simultaneously with the application requesting amendment of the Official Zoning Map to apply the Planned Mixed Use District designation. The preliminary development plan, as approved by the Township and as provided under Ohio Revised Code Section 519.021(B), shall constitute the zoning regulations for and shall apply only to the property included within that particular Planned Mixed Use District. Whenever there is a conflict or difference between the provisions of this Article and those of other provisions of this Zoning Resolution, the provisions of this Article shall prevail for the development of land within the Planned Mixed Use District. Subjects not expressly covered by this Article or the applicable preliminary development plan shall be governed by the respective provisions found elsewhere in this Zoning Resolution that are most similar to the proposed use.

14.10.B Subareas

Depending upon the size and complexity of the proposed development, different subareas may be established within a Planned Mixed Use District. Only one preliminary and/or final development plan approval shall be issued for the entire development. For each subarea, the applicant shall indicate gross density, dwelling type, minimum development standards, and all other uses by type, size and location, and such information shall be reflected within the conceptual site plan, regulation text, or other appropriate documents contained in the preliminary and/or final development plan.

14.10.C Phases

Developments within a Planned Mixed Use District may be approved for development phases. Each phase shall require approval of a detailed development plan for that phase pursuant to the procedures set forth herein. Absent an extension of a preliminary development plan approved by the Board of Township Trustees, all phases shall be submitted for and receive approval of a Final Development Plan within the timeframe established in this Zoning Resolution.

14.10.D Type of Action

The action of the Board of Township Trustees approving an amendment of the Official Zoning Map to Planned Mixed Use District pursuant to this Article and to this Zoning Resolution shall be considered a legislative act, and subject to a referendum. After property has been rezoned to the Planned Mixed Use District, any action related to the subsequent use or development of such property, as being in compliance with the regulations authorized to be established by this Article, including any action taken on a detailed development plan, shall not be considered to be an amendment to the Zoning Resolution for the purpose of Section 519.12 of the Ohio Revised Code, but may be appealed pursuant to Chapter 2506 of the Ohio Revised Code.

14.10.E Zoning Amendment

A change to an adopted preliminary development plan shall be considered to be a zoning amendment and shall be processed and reviewed according to the procedures set forth in Section 519.12 of the Ohio Revised Code and in this Zoning Resolution. Whenever a preliminary development plan contains multiple subareas, an application for zoning amendment may be filed

applicable to one or more subareas provided that the requested change will have no effect on the remaining subareas.

14.10.F Final Development Plan

An application for approval of a Final Development Plan shall be required to be submitted to the Township for approval prior to the initiation of construction and development in each phase or subarea of a Planned Mixed Use District. Such detailed development plan shall be in substantial compliance with and consistent with the approved preliminary development plan for that Planned Mixed Use District or any subarea thereof with respect to land uses, densities, architectural and landscape standards, and open space. Minor deviations from the approved preliminary development may be considered for approval during the final development plan review process by the Zoning Commission without requiring an applicant file for an amendment to the preliminary development plan. Deviations that may be considered minor, but do not limit the Zoning Commission's discretion in such matters, include:

1. Adjustments to the layout or alignment of new roads or to the site layout that does not affect number of buildable lots, density, setbacks, or open space and does not increase access points to existing public roadways unless required by the County Engineer.
2. Increases in residential lot areas or reductions in residential density provided such changes do not reduce the required setbacks, decrease the required open space, or change the required architectural or development standards.

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ARTICLE 15 – PLANNED COMMERCIAL DISTRICT (PC)

Section 15.01 – NATURE OF THE DISTRICT

The purpose of the Planned Commercial District (PC) is 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. It is intended that the Standards for this District align with and support the Liberty Township Comprehensive Plan.

Section 15.02 – GENERAL DESIGN & DEVELOPMENT STANDARDS

The Planned Commercial District shall be developed in strict conformance with the General Design & Development Standards in Article 4 of this Zoning Resolution and meet minimum District Specific Standards in this Section. Where standards may conflict, the stricter of the two standards shall apply.

Section 15.03 – DISTRICT SPECIFIC STANDARDS

The Development Plan shall incorporate the following standards in addition to the General Design & Development Standards in Article 4 of this Zoning Resolution:

15.03.A Intensity:

1. Maximum ground coverage by all imperious surfaces, including but not limited to, building and parking areas, shall not exceed seventy percent (70%) of the total tract, excluding public road right-of-way.
2. Minimum Open Space for commercial developments: thirty percent (30%) of the total tract acreage. Open Spaces may be used for the retention, detention, and disposal of storm water drainage.

15.03.B Building Size Limits: Retail or mixed-use buildings, containing retail uses, shall contain no more than sixty-five thousand (65,000) gross square feet of floor area under one roof.

15.03.C Exception to retail building size limits: Retail uses permitted in this Section with an individual commercial use that exceeds sixty-five thousand (65,000) square feet under one roof may be approved at the discretion of the Township, provided that they satisfy all other requirements contained in this Zoning Resolution.

15.03.D 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 permit entry to such loading area without interfering with traffic on adjacent streets or highways. Deliveries of freight shall be prohibited between the hours of 11:00 p.m. and 7:00 a.m.

15.03.E Screening: A screening of shrubbery or fencing shall be used to hide trash collection areas and service areas from the view. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner.

Section 15.04 – PERMITTED USES

Within the Planned Commercial District (PC) the following structures and uses, developed in strict conformance with an approved Development Plan and standards, shall be permitted:

15.04.A The following uses and similar uses as interpreted by the Zoning Inspector may be permitted when approved by the Development Plan process in strict conformance with the approved Development Plan and standards.

- Automobile Sales & Service Center
- Banks/Finance & Insurance
- Bars
- Bowling Centers
- Car Wash
- Day Care Facilities
- Event Centers
- Fitness/Recreation Centers
- Funeral Homes/Crematory
- Gasoline Sales (except Truck Stops)
- General Rental Centers
- Golf Courses & Country Clubs
- Greenhouses
- Personal Services
- Photo, dance, art, music Studios
- Private & Public Clubs *
- Professional Offices & Services
- Recreational Buildings & Grounds
- Restaurants
- Retail
- Theaters
- Traveler Accommodation
- Veterinary Services
- Wineries

*Public or private clubs include, but are not limited, building and grounds of a civic, social, business or educational nature, except adults only entertainment.

Section 15.05 – ACCESSORY USES, BUILDINGS, AND STRUCTURES

Accessory Uses as defined in this Zoning Resolution may be permitted only when incidental or subordinate to and in association with a principal permitted use, and further provided that such accessory uses are specifically set forth in the Development Plan and approved as accessory uses by the Township. No accessory building within any zoning district shall be used for human occupancy.

Section 15.06 – CONDITIONAL USES

Within this zoning district, the Conditional Uses listed below may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals, which may be deemed necessary to protect the public health, safety, and welfare.

15.06.A Telecommunications Towers as provided in Article 7 of this Zoning Resolution.

15.06.B Borrow Pits, provided that 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 ensure regrading, reseeding, and general restoration of the area.

Section 15.07 – PROHIBITED USES

In addition to the provisions of Article 10 - Prohibited Uses, the following uses are prohibited:

15.07.A Single or multi-family Residential uses of any kind.

ARTICLE 16 – INDUSTRIAL DISTRICT (IND)

Section 16.01 – NATURE OF THE DISTRICT

The purpose of the Industrial District (IND) is to provide reasonable conditions under which well-planned industrial areas can develop for the greatest benefit of the entire Township and so that the public health, safety, and welfare of all inhabitants of the Township may be preserved. It is intended that the Standards for this District align with and support the Liberty Township Comprehensive Plan.

Section 16.02 – GENERAL DESIGN & DEVELOPMENT STANDARDS

The Industrial District shall be developed in strict conformance with the General Design & Development Standards in Article 4 of this Zoning Resolution and meet minimum District Specific Standards in this Section. Where standards may conflict, the stricter of the two standards shall apply.

Section 16.03 – DISTRICT SPECIFIC STANDARDS

In addition to the General Design & Development Standards in Article 4, the following District Specific Standards must be met. Where standards may conflict, the stricter of the two standards shall apply.

16.03.A An Industrial District, when developed shall have a minimum acreage of twenty (20) acres.

16.03.B Access: Ideally, three (3) means of ingress/egress are recommended; however, only two (2) means of egress shall be required.

16.03.C Density:

1. Lot Size: No minimum lot width or size shall be required in this district; however, all parcels shall be adequate in size to provide the yard space, landscaping, and off-street parking as herein required.
2. Lot Width: No minimum lot width or size shall be required in this district.
3. Maximum Industrial ground coverage by buildings and parking (all impervious surfaces): seventy percent (70%) of the total tract, exclusive of public street right-of-ways. Land underneath overhead high-voltage electric lines may be used for Open Space, landscaping, parking, and roads, with the permission of the electric utility company in each case.
4. Minimum Open Space for Planned Industrial Developments: thirty percent (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 fifteen (15)-foot wide landscaped “green belt” shall be provided between the edge of any parking area and the adjacent public street right-of-way.

16.03.D 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. Deliveries of freight shall be prohibited between the hours of 11:00 p.m. and 7:00 a.m.

16.03.E All non-residential areas shall provide a screening of shrubbery or fencing so as to hide trash collection areas and service areas from the view. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner.

Section 16.04 – PERMITTED USES

The following uses shall be permitted within the Industrial District:

16.04.A Manufacturing, processing, warehousing, and industrial service activities located and maintained within the limits of the development standards of these Planned Industrial District Regulations.

16.04.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.

16.04.C Wholesale business, when all products are stored within a building.

16.04.D Enclosed warehouse or storage activities.

16.04.E Enclosed manufacturing industries.

16.04.F Enclosed service or repair activities.

16.04.G Business offices.

16.04.H Enclosed research facilities.

16.04.I Recycling collections.

16.04.J Commercial Kennels.

16.04.K Temporary structures such as manufactured/mobile homes and temporary buildings of a nonresidential 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. Renewal of the Permit shall be at the discretion of the Zoning Department on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Department may require provisions for sanitary waste disposal, solid waste disposal, and water supply, as the Zoning Department deems necessary. No structure shall be occupied as a dwelling.

16.04.L Distribution plants, wholesale parcel delivery, ice and cold storage plants, bottling plants, and food, commissary, or catering establishments.

16.04.M Foundry casting of lightweight non-ferrous metal and such similar uses as do not cause noxious fumes, noise, or odors.

- 16.04.N** Laboratories – experimental, photo, motion picture, film, or testing.
- 16.04.O** Laundry, cleaning and dyeing works, and carpet and rug cleaning.
- 16.04.P** Lumber yard if saws, planers, and other processing machines are contained within a completely enclosed building.
- 16.04.Q** Craft shops such as plumbing, carpentry, sheet metal, electrical, and other related trades.
- 16.04.R** Veterinary clinics or dog kennels, provided all outside runs are screened in the same manner as outdoor storage areas as hereinafter provided.
- 16.04.S** Stone cutting and monument works.
- 16.04.T** Machine shops (excluding punch presses over twenty (20) tons rated capacity) or drop hammers.

Section 16.05 – ACCESSORY USES, BUILDINGS, AND STRUCTURES

Accessory Uses as defined in this Zoning Resolution may be permitted only when incidental or subordinate to and in association with a principal permitted use. No accessory building within any zoning district shall be used for human occupancy.

Section 16.06 – CONDITIONAL USES

Within this zoning district, the Conditional Uses listed below may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals, which may be deemed necessary to protect the public health, safety, and welfare. No Conditional Use shall be implemented until such Use is approved by the BZA.

- 16.06.A** Any use of an industrial nature not already provided for by this Zoning Resolution.
- 16.06.B** Fairs, fundraisers, or similar temporary events, provided such uses can be operated in a safe and sanitary manner pursuant to previously obtained health permits.
- 16.06.C** Any manufacturing process not already provided for nor prohibited by this Zoning Resolution.
- 16.06.D** The outdoor storage, display, processing, repair, or sale of raw materials, supplies, equipment, or products.
- 16.06.E** Small Solar Facilities: Subject to Section 7.06.
- 16.06.F** Borrow Pits, provided that 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 ensure regrading, reseeding, and general restoration of the area.

Section 16.07 – PROHIBITED USES

In addition to the provisions of Article 10 - Prohibited Uses, the following uses are prohibited:

- 16.07.A** Residential uses of any kind.

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ARTICLE 17 – INSTITUTIONAL DISTRICT (INS)

Section 17.01 – NATURE OF THE DISTRICT

The purpose of the Institutional District (INS) is to provide office and institutional land uses to promote and regulate the development of uses within the district for the preservation and fostering of not-for-profit institutions for the providing of social, cultural, educational and health services. It is intended that the Standards for this District align with and support the Liberty Township Comprehensive Plan.

Section 17.02 – GENERAL DESIGN & DEVELOPMENT STANDARDS

The Institutional District shall be developed in strict conformance with the General Design & Development Standards in Article 4 of this Zoning Resolution and meet minimum District Specific Standards in this Section. Where standards may conflict, the stricter of the two standards shall apply.

Section 17.03 – DISTRICT SPECIFIC STANDARDS

In addition to the General Design & Development Standards in Article 4, the following District Specific Standards must be met. Where standards may conflict, the stricter of the two standards shall apply.

- 17.03.A** An Institutional District, when developed shall have a minimum acreage of five (5) acres.
- 17.03.B** Access: Ideally, three (3) means of ingress/egress are recommended; however, only two (2) means of egress shall be required.
- 17.03.C** Density:
 - 1. Maximum impervious surfaces: seventy percent (70%) of the total tract, exclusive of public street right-of-ways. Land underneath overhead high-voltage electric lines may be used for Open Space, landscaping, parking, and roads, with the permission of the electric utility company in each case.
 - 2. Minimum Open Space for Planned Institutional Developments: thirty percent (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 fifteen (15)-foot wide landscaped “green belt” shall be provided between the edge of any parking area and the adjacent public street right-of-way.
- 17.03.D** 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. Deliveries of freight shall be prohibited between the hours of 11:00 p.m. and 7:00 a.m.
- 17.03.E** A screening of shrubbery or fencing shall be used to hide trash collection areas and service areas from the view. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner.

Section 17.04 – PERMITTED USES

Within the Institutional District (INS) the following uses shall be permitted:

17.04.A Institutions providing social, cultural, health, educational, or life services to member agencies, organizations and individuals or to the general public, including:

1. Government
2. Hospitals
3. Colleges, universities and junior colleges
4. Elementary and secondary schools
5. Religious organizations
6. Residential Facilities
7. Libraries, museums and art galleries
8. Community Buildings

17.04.B Offices for organizations and associations organized for the promotion of membership interest to include:

1. Business and professional associations and organizations
2. Civic, social and fraternal associations
3. Political, charitable and other non-profit membership organizations and associations
4. Labor unions and similar labor organizations

17.04.C Cemeteries, providing that Internment shall not be within one hundred (100) yards of a dwelling house, a crematory or mausoleum shall not be within 300 feet of any property line.

17.04.D Public or Private Schools or Colleges. 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 Zoning Commission and shall provide screening adjacent to residential areas.

17.04.E Temporary structures such as mobile offices 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 one time. 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 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.

Section 17.05 – ACCESSORY USES, BUILDINGS, AND STRUCTURES

Accessory Uses as defined in this Zoning Resolution may be permitted only when incidental or subordinate to and in association with a principal permitted use. No accessory building within any zoning district shall be used for human occupancy.

Section 17.06 – CONDITIONAL USES

Within this zoning district, the Conditional Uses listed below may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to this Resolution. The Board of Zoning Appeals may require additional conditions necessary to protect the public health, safety, and welfare. No Conditional Use shall be implemented until such Use is approved by the BZA.

17.06.A Fairs, fundraisers, or similar temporary events, provided such uses can be operated in a safe and sanitary manner pursuant to previously obtained health permits.

Section 17.07 – PROHIBITED USES

See Prohibited Uses, Article 10.

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ARTICLE 18B – PLANNED OVERLAY DISTRICT (POD 18B)

Section 18B.01 – NATURE OF THE DISTRICT

This Planned Overlay District (POD) is created pursuant to Section 519.021(C) of the Ohio Revised Code to further the purpose of promoting the general public welfare, encouraging the efficient use of land and resources, promoting public and utility services, and encouraging innovation in the planning and building of appropriate types of retail, office and residential development. The POD achieves this purpose by permitting flexibility of design in order to promote and accommodate environmentally sensitive and efficient use of the land, thereby allowing for a unified development that:

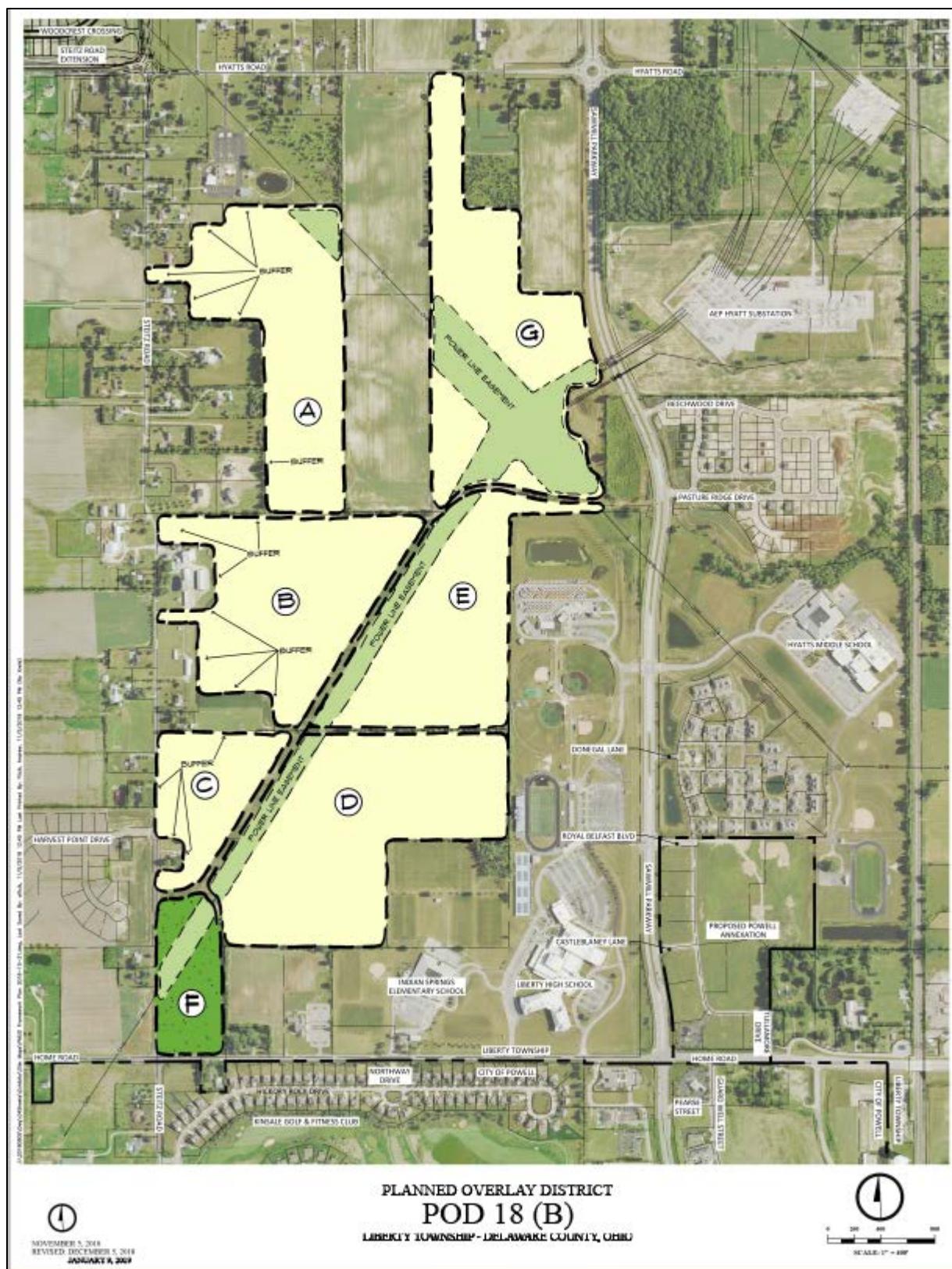
- Permanently preserves unique or sensitive natural resources and integrates Open Space within developments.
- Reduces the amount of infrastructure, including paved surfaces and utility easements, necessary for development.
- Reduces erosion and sedimentation by minimizing land disturbance and removal of vegetation.
- Provides an opportunity for an appropriate mix of residential uses.
- Enables more extensive review of design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development.
- Assures compatibility between proposed land uses within and around the POD through appropriate development controls.
- Ensures unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district, yet are imaginative in architectural design and are consistent with applicable public plans for the area and are compatible with surrounding land uses.

Please note some Final Development Plans, Parcel Deed Restrictions and Homeowners and Condo Associations may have additional restrictions/requirements beyond those listed in this Zoning District. The Applicant is responsible for researching and obtaining written permission as needed before applying for a Zoning Permit Application and/or Building Permit.

Section 18B.02 – OVERLAY DISTRICT AREA ESTABLISHED

The POD is created pursuant to Section 519.021(C) of the Ohio Revised Code and encompasses, includes, overlays and rezones the POD area shown on the POD Overlay Development Plan (Map), which map is attached hereto and incorporated herein as Attachment 1 and is hereby adopted as the official zoning district map for the POD as part of this amendment. A roadway network will be developed as part of future Final Development Plan(s) and shall be subject to final approval by the Delaware County Engineer, and final site/sub-area engineering. Properties within the POD shall make Application in accordance with the provisions of this POD and Section 24.02 of the Liberty Township Zoning Resolution for Final Development Plan approval, in compliance with the provisions of this POD. The approval of an Application for Final Development Plan following the Liberty Township Trustees' approval of this POD is a ministerial act and shall not be considered an amendment to the Liberty Township Zoning Resolution.

Attachment 1



Section 18B.03 – PERMITTED USES

18B.03.1 Residential Uses as provided for by subareas identified herein. Specifically: (1) Single Family Homes, single family detached residential or Patio Homes (Single Family including homeowner or condominium associations); (2) Attached Homes, residential of 2, 3 and 4 unit buildings includes Townhomes and/or Condominiums), and (3) Multi-family, attached residential of 5+ units (Multi-family).

18B.03.2 Additional uses related to Healthcare Services including: 446 Health and Personal Care Stores; 561 Administrative and Support Services; 621 Ambulatory Health Care Services; 622 Hospitals; 623 Nursing and Residential Care Facilities; 62412 Service for elderly and persons with disabilities; 6244 Child day care. The development standards of Liberty Township Zoning Resolution Article 15, Planned Commercial District shall supplement this POD for those uses only, where this POD 18B is silent. Conflicts shall be resolved in favor of the development standards of this POD 18B.

18B.03.3 Temporary Structures. Temporary structures such as manufactured/mobile home 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. A Zoning Permit shall be obtained for such temporary use, which permit shall be valid for twelve (12) months and renewable for up to 3 years total. Renewal of the permit shall be at the discretion of the Zoning Department on finding of reasonable progress toward completion of the permanent structure or project. Renewal shall not be unreasonably denied. The Zoning Department may require provisions for sanitary waste disposal, solid waste disposal and water supply, as the Zoning Department deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. No such structure shall be occupied as a dwelling.

18B.03.4 Existing Uses/Zoning To Remain. Until such time as a Final Development Plan is approved for area(s) within the POD, within the requirements of the POD, the existing legal uses and zoning for all areas within the POD shall be permitted. Legal uses established prior to this POD shall be permitted to exist as legal non-conforming.

Section 18B.04 – ACCESSORY USES, BUILDINGS, AND STRUCTURES

18B.04.1 Accessory Uses. Any sub area located within the POD shall be permitted to include the following accessory uses, so long as those uses are either contained within the buildings of a permitted use, or within separate buildings or structures that are architecturally and/or operationally integrated into the sub area development:

18B.04.1.a Clubhouses, recreational and entertainment facilities, indoor or outdoor, and may include but not limited to tennis courts, basketball courts, pools, bocce court, etc.

18B.04.1.b Sheds, play structures, pools and pool fencing.

18B.04.1.c Private Garages.

18B.04.1.d Exercise and Fitness Facilities.

18B.04.1.e Personal and Laundry Services (except 812332 Industrial Launderers).

18B.04.1.f Mail collection facilities.

18B.04.1.g Storage facilities for bicycles, as well as individual storage facilities for the keeping of personal property owned by the residents, and only accessory to such ownership. Bicycle and individual storage facilities may be located wholly in a separate accessory

structure, so long as that structure(s) is architecturally integrated into the Development Plan. Commercial storage facilities are not permitted.

18B.04.1.h Home Occupations: professional or business activities shall be considered permitted as "Home Occupations," provided that such activities are carried on solely within the confines of the dwelling, do not occupy more than twenty percent (20%) of the dwelling, retain no non-residential employees (whether paid or voluntary), generate no greater traffic, parking or deliveries than would normally be expected in a residential neighborhood, do not create a nuisance to the neighborhood or general public, and are imperceptible from the exterior of the dwelling and display no sign.

18B.04.1.i General park and recreational uses, activities or small scale agricultural activities such as a non-permanent farmers' market or seasonal egg hunts.

The above uses are not intended as separate, independent or principal commercial uses, but rather only accessory in nature, so as to complement the permitted principal use(s).

Section 18B.05 – PROHIBITED USES

Uses not specifically authorized by the express terms of this Article of the Zoning Resolution shall be prohibited. The following uses shall be prohibited:

18B.05.A Uses not specifically approved by the Zoning Commission as part of the Development Plan.

18B.05.B Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days. 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 a legal sales or repair activity if such activities are carried out in compliance with an approved Final Development Plan.

18B.05.C Except as provided in a Final Development Plan, no trailers, no boats, no motor homes, no campers and no equipment of any type shall be parked in front of the principal structure line on any non-residential parcel within this district, and may only be parked for not more than eight (8) hours in a twenty-four period if located on a residential parcel. If a structure is located on the property, the principal structure 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 the Development Plan.

18B.05.D No manufactured home, temporary mobile home, motor home or camper shall be occupied in this district for residential purposes. Mobile office structures may be permitted in the approved Final Development Plan in accordance with Section 18B.02.

18B.05.E No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any garbage, refuse, or junk shall be permitted to accumulate on any lot or portion thereof. All trash, debris, discarded materials, vehicle parts, rags, lumber, building materials, and other garbage, refuse or junk shall be contained in solid sided containers during construction phases and thereafter. No wire or cage-type containers shall be permitted, and no such materials shall be above the sides of the container.

Section 18B.06 – PROCESS FOR PLAN APPROVAL

All Applications for Final Development Plan approval of area within the POD shall follow the procedures hereinafter set forth:

18B.06.A Pre-Application Meeting. The Applicant is asked to engage in informal consultations with staff from the Township and the Delaware County Regional Planning Commission prior to formal submission of an Application for approval of a Final Development Plan for any tract or property within the POD. No statement or action by Township or County officials in the course of informal consultations shall be construed to be a waiver of any legal obligation of the Applicant or of any procedure or formal approval required by Township or County statutes or rules. Ohio's Open Meetings Law (Section 121.22 of the Ohio Revised Code) is required to be observed at pre-Application meetings involving a quorum of members of the Liberty Township Zoning Commission.

18B.06.B Application and Final Development Plan. The Applicant shall prepare and submit six (6) copies of an Application and Final Development Plan, along with an electronic copy and all applicable fees to the Liberty Township Zoning Commission, at least 21 days prior to the meeting date. The Application shall be signed by the Applicant and all owners of property, or their designee, included in the Application and Final Development Plan. The Application shall include a list of property owners, by mailing address appearing on the Delaware County Auditor's current tax list, within, contiguous to, directly across the street from, and within two hundred feet (200') of the perimeter boundaries of such area subject of the Application for Final Development Plan. The Liberty Township Zoning Commission may request that any County agency and/or any committee of the Delaware County Regional Planning Commission submit comments for consideration at the meeting.

The Application shall be accompanied by a Final Development Plan and the following supporting information and documentation in text and map form:

18B.06.B.1 A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed development.

18B.06.B.2 A grading plan drawn to scale, showing all information pertaining to surface drainage.

18B.06.B.3 A detailed Landscape Plan shall be submitted with the Final Development Plan and shall be subject to approval as part of the Final Development Plan. It shall depict and identify all proposed landscaping features.

18B.06.B.4 A detailed Signage and Exterior Lighting Plan shall be submitted with the Final Development Plan and shall be subject to approval as part of the Final Development Plan.

18B.06.B.5 A detailed Parking Plan shall be submitted with the Final Development Plan and shall be subject to approval as part of the Final Development Plan.

18B.06.B.6 An explanation of the method/structure and proposed documentation and instruments to be used in order to perpetually own, maintain and preserve the Open Space, as required, that is unified and permanently protected. The location, size and proposed use(s) of all Open Space areas shall be detailed.

18B.06.C Final Development Plan Contents. The Final Development Plan shall include in text and map form the following:

18B.06.C.1 Proposed name of the development and its location.

18B.06.C.2 Names and addresses of applicant, owners and developers. Also, the names and mailing addresses of all owners of property within and contiguous to and directly across the street from the area proposed for POD approval shall be provided.

18B.06.C.3 Date, north arrow and plan scale. Scale shall be one inch equals one hundred feet 1" = 100 feet or larger scale.

18B.06.C.4 A description and location of the precise uses proposed for the development and phases for construction, if any. If the proposed development includes developing the property in phases, all phases to be developed after the first shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.

18B.06.C.5 Locations, widths and names of all existing public streets or other public or private roads/ways, railroad and utility rights of way or easements, parks and other public open spaces, permanent structures, and corporation lines within or adjacent to the tract.

18B.06.C.6 Existing sewers, water mains, culverts and other underground facilities within the tract, adjacent to the tract or that will be used or are proposed to be used in developing the tract, indicating pipe sizes, grades and locations.

18B.06.C.7 The adjoining lines of adjacent tracts, parcels or lots.

18B.06.C.8 Additional restrictions and deed restrictions, if any.

18B.06.C.9 Existing topography, drainage channels, wooded areas, watercourses, wetlands and other significant physical features.

18B.06.C.10 Layout of proposed streets, private or public, including their names and rights of way, easements, sewers, water lines, culverts and other major improvements.

18B.06.C.11 Layout, numbering and dimensions of lots if more than one.

18B.06.C.12 The total amount of Lot Coverage and density to confirm with the POD, as that term is defined in this POD as gross acreage.

18B.06.C.13 Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the condition proposed for such covenant or dedication.

18B.06.C.14 Building setback lines with dimensions.

18B.06.C.15 Building locations depicting the bulk, height and spatial relationships of building masses with adjacent development.

18B.06.C.16 Layout, location, dimensions and architectural features of proposed structures including preliminary floor plans and exterior elevations.

18B.06.C.17 Location and dimensions of all paths, sidewalks, multi-use trails and connections thereof to facilitate connectivity among areas within the POD.

18B.06.C.18 Color rendering of buildings(s), complete with a listing of all colors, including current Pantone Reference Numbers or, if Pantone is not available, the manufacturer's reference/serial number with samples and materials to be used.

18B.06.C.19 A Detailed Parking and Loading Plan showing layout, location and design of parking and loading areas for all proposed uses, including proposed number of parking and loading spaces, traffic circulation, curb cuts, pedestrian walks and lane improvements on existing public roads.

18B.06.C.20 Engineering feasibility studies of any anticipated problems which may arise due to the proposed development as required by the Zoning Commission.

18B.06.C.21 Intended measures to screen the development from adjacent residentially zoned property as well as measures to screen rooftop mechanical equipment, production areas, service areas, storage areas, trash containers and loading zones from view.

18B.06.C.22 Accommodations and access for emergency and fire-fighting apparatus.

18B.06.C.23 Location, type, dimensions and features of all signage and exterior lighting through a detailed Signage and Exterior Lighting Plan.

- 18B.06.C.24** The plan or mechanism to provide for the perpetual maintenance of all landscaping, buffers and shared parking areas by the ultimate owner and/or user.
- 18B.06.C.25** Projected schedule of site development.
- 18B.06.C.26** The ability of the applicant to carry forth the Final Development Plan by control of the land and the engineering feasibility of the Final Development Plan.
- 18B.06.C.27** Other supplemental information, as may be reasonably required by the Liberty Township Zoning Commission, to determine compliance with this POD.
- 18B.06.C.28** The Final Development Plan (and the various accompanying plans) shall bear the seal of a registered engineer or surveyor and an architect or landscape architect, each of whom shall be licensed to practice in the State of Ohio.
- 18B.06.C.29** The applicant may request a divergence from the development standards set forth in this Article 18B or otherwise to the Liberty Township Zoning Resolution. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Final Development Plan submittals, with a request that the proposed divergence be approved as part of and as shown on the Final Development Plan. Unless specifically supplemented by the standards contained in the Final Development Plan, the development shall comply with the requirements contained in Article 18B and the General Development Standards most closely comparable to the use/zoning district(s), as contained in the Liberty Township Zoning Resolution.

18B.06.D Zoning Commission Action. After receipt of the completed Application materials and required fees, the Zoning Commission shall schedule a public hearing within forty-five (45) days after the filing of the complete Application. Notice shall be sent by regular, first class mail to the applicant and to all owners of property within, contiguous to, directly across the street from, and within two hundred feet (200') of the perimeter boundaries of such area subject of the Application for Final Development Plan. Mailing by the Zoning Commission shall be to the addresses of such owners appearing on the Delaware County Auditor's current tax list. The failure of delivery of that notice shall not invalidate any action the Zoning Commission may take on the Application. The Zoning Commission shall render a decision on the Application and Final Development Plan within thirty (30) days after the conclusion of the hearing.

18B.06.E Basis of Approval. The Zoning Commission, shall consider and approve a Final Development Plan upon a finding of substantial compliance based upon the following:

- 18B.06.E.i** Whether the proposed Application and Final Development Plan are consistent with the uses, and standards of this POD Zoning Resolution as set forth and defined in Section(s) 18.07 and 18.08 of this POD; and, If applicable, determine if divergence(s) are reasonably related to or that facilitate the use(s), criteria and/or standards of this POD.
- 18B.06.E.ii** Whether the proposed Application and Final Development Plan meet the design features as set forth and defined in Section(s) 18.07 and 18.08 of this POD.
- 18B.06.E.iii** Whether the proposed development will be adequately served in a manner consistent with other residential communities located within Liberty Township, by essential public facilities and services including, without limitation, roads, walkways, police and fire protection, drainage structures, potable water and centralized sanitary sewers or other approved sewage disposal systems.

18B.06.E.iv Whether the proposed development has adequately addressed traffic considerations in the immediate vicinity of the proposed development or elsewhere in the Township, as evidenced by a traffic study approved by the Delaware County Engineer.

18B.06.F Effect of Approval.

18B.06.F.1 The Zoning Commission's determination shall not be considered an amendment to the Township Zoning Resolution for purposes of Section 519.12 of the Revised Code. A negative decision of the Zoning Commission may be appealed by the Applicant first to the Township Trustees within thirty (30) days of the date of the Zoning Commission Decision, and thereafter from the decision of the Township Trustees pursuant to Chapter 2506 of the Revised Code. The approval of an applicant's Application for Final Development Plan approval pursuant to this POD is a ministerial act and shall not be considered a rezoning amendment to the Township Zoning Resolution for the purposes of Section 519.12 of the Revised Code and may not be appealed pursuant to Chapter 2506 of the Revised Code.

18B.06.F.2 The approval of a Final Development Plan shall be effective for a period of five (5) years (or for such other time period as may be approved as part of the Final Development Plan) in order to allow for the preparation and recording of a subdivision plat (if required under applicable law) and the commencement of construction following the issuance of a zoning permit(s). If no plat has been recorded within this approval period or, if platting is not required, if construction or other affirmative actions, efforts or planning has not commenced, and unless the Zoning Commission approves an extension of this time limit, a Development Plan shall expire. Extensions of an approved Final Development Plan shall not be unreasonably denied. Upon the expiration of the Final Development Plan, the subject parcel(s) shall remain zoned POD, but no use shall be established or changed and no building, structure or improvement shall be constructed until an Application for a new Final Development Plan, accompanied by a new Final Development Plan, has been filed with and approved by the Township using the procedures and process then established for the approval of an initial Development Plan.

18B.06.F.3 An extension of the time limit for either recording the approved subdivision plat or the commencement of construction may be granted by the Zoning Commission upon Application of the owner(s), provided the Zoning Commission determines 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 recordation of the plat or the completion of the development of the project. The length of time permitted for an extension shall be determined based upon the Application submitted. A request for extension shall be filed prior to the expiration of the established approval period.

18B.06.F.4 Following the approval of a Final Development Plan, proposed variations from the approved Final Development Plan that involve only one (1) lot may be considered by the Board of Zoning Appeals under its hearing process pursuant to this Zoning Resolution. All other modifications to the Final Development Plan shall be presented to the Zoning Commission for its consideration pursuant to Section 18.06(F)(5), hereof.

18B.06.F.5 Upon application, the Zoning Commission may, at a duly held hearing, modify an approved Final Development Plan pursuant to the same procedures as the original Application in Section 18.06B. The request for modification may be approved upon a

showing of a compelling reason and practical necessity for the same. Such modification is administrative in nature and not in conflict with the intent and purpose of the POD Planned Overlay District.

18B.06.G Fees. A fee as established by the Board of Trustees shall accompany an Application requesting approval of the Final Development Plan, as well as any request for extension or modification. In addition, the applicant shall also be responsible for all reasonable and necessary expenses incurred by Liberty Township in using professional consulting services to review the Final Development Plan. These expenses may include, without limitation, the actual costs for professional consultants such as attorneys, architects, landscape architects, planners and/or. As soon as reasonably practicable following the submission of an Application for approval of a Final Development Plan, the Zoning Commission shall decide if it needs a professional consultant(s) to assist with reviewing the application.

Section 18B.07 – GENERAL DESIGN STANDARDS

All proposed developments within the POD shall be designed in accordance with generally accepted planning principles, including the design standards included in this Section, to ensure that the use of land, buildings and other structures; the building location, bulk, layout, arrangement, design, and height; the percentages of lot areas that may be occupied; the setback of buildings; and the sizes of yards and other spaces are in compliance with the purposes and standards of this Section. The Final Development Plan shall comply with the following design standards. Conflicts between this POD and the Liberty Township Zoning Resolution shall be resolved first in favour of this POD and all variances considered to accommodate or implement these POD standards, definitions and the general land uses as set forth herein. Items unaddressed or otherwise not listed within this Article 18B shall default to the Liberty Township Zoning Resolution.

18B.07.A Access. Any POD development sub area shall have direct access to one or more improved roads (public or private in nature) of sufficient capacity to accommodate traffic generated by the proposed development. Provision for future connections to other public roads as required by the Township, or other applicable governmental authorities, shall be provided. Unless otherwise provided by an approved Final Development Plan, emergency vehicular connectivity shall be provided. Private roads and drives shall be maintained by the sub area owner or property owners' association.

18B.07.B Setbacks and Yard Areas. The location and arrangements of buildings and structures within the POD shall be set per sub area as set forth on the POD Standards chart incorporated herein.

18B.07.C Lighting. Lighting shall be coordinated for style and practicality given the particular use or design of each sub area.

18B.07.D Signage. All signs and graphics within the POD shall be coordinated to be generally compatible in size, location, material, height, shape, color, and illumination. The Signage Plan for each sub area of the POD shall set forth the design parameters for the entire project to ensure a consistent and comprehensive character throughout the project. The Signage Plan shall include the design, layout, and dimensions of all ground, monument, window and wall signs as well as distances from right-of-ways and the type and intensity of illumination. Signs should contribute to an overall cohesive design, reflect simplicity, and avoid visual clutter. The overall design and placement of buildings should take into account the general placement of signs so that all permanent signs and associated lighting fixtures complement the appearance and architecture of the buildings and the POD and do not contribute to environmental degradation. Ground signs shall be designed to relate to and share

common design elements with the building. The materials and colors of the sign, sign background and sign frame shall be compatible with the sub area buildings' materials and colors.

18B.07.E Landscaping.

18B.07.E.1 All yards (front, side and rear) and all Open Space not covered by structure, asphalt or concrete and the like, shall be landscaped with grass and shrubbery/plantings and the like. All landscaping shall be maintained and kept in accordance with the Landscape Plan as submitted and approved. All vacant areas shall be kept seeded and maintained in such a manner as to prevent erosion of the property and excess drainage on adjoining land. A Landscape Plan shall show the caliper, height, numbers, name and placement of all materials. The pattern of landscaping shall be coordinated in design and type of materials, mounding and fencing used. Landscaping may vary in density, spacing and other treatments to reflect variations of topography, existing landscape or land uses. The landscape treatment proposed to be provided shall emphasize a pedestrian environment, separate pedestrian ways from parking areas, enhance architectural features, provide shade and strengthen vistas and serve as an important axis between the development and other locations.

18B.07.E.2 The Landscape Plan shall preserve and be sensitive to the natural characteristics of the site and shall provide screening from adjacent Residential Uses and districts. Where natural or existing topographic patterns positively contribute to the appearance and utility of a development, they shall be preserved. Any proposed landscape mounds shall be designed with such slope, plant and other landscape materials to minimize maintenance requirements and maximize the health and durability of the chosen plants and landscape materials. Overall unity of design shall be encouraged through landscape treatment. Plants that are indigenous to the area and others that are hearty, harmonious to the design, consistent with adjacent land uses, and, where applicable, of good appearance, shall be used.

18B.07.E.3 An enhanced landscape buffer shall be provided within the fifty (50) foot setback in sub areas A, B and C where adjacent to the existing (westerly) residential homes along Steitz Road. An undulating earth mound, with an average height of 3 feet, shall be provided 5 feet off the adjacent property boundary line, and shall be planted with grass, 4 evergreen trees (6' height at install) and 3 deciduous trees (2 1/2" caliper at install) per 100 linear feet of buffer. If the 50 foot setback area is included within a residential building lot, the development shall provide for maintenance of the fifty (50) foot setback area by a property owners' association, as evidenced by deed restrictions or covenants that memorialize the obligation for such common maintenance.

18B.07.F Environmentally Sensitive Areas. All proposed development within the POD shall consider and to the greatest extent practicable, sensitive areas, wetlands, streams, etc. Encroachments for infrastructure shall be permitted. All development within the POD shall comply with the rules of the Ohio EPA and US Army Corps of Engineers, as may apply.

18B.07.G Commercial and Healthcare Uses. If the uses set forth in Section 18B.03.2 above are proposed in Sub-Areas permitted for such uses as proscribed by Section 18B.08 below, the development standards of Liberty Township Zoning Resolution Article 15 shall apply this POD for those uses only.

Section 18B.08 – DEVELOPMENT STANDARDS

The Final Development Plan shall comply with the following development standards:

18B.08.A Tract Size. The gross area of a tract of land (i.e., sub area) proposed to be developed in the POD shall consist of a minimum of three (3) acres, exclusive of right-of-way. No minimum lot size is required. However, all lots shall be of sufficient area to comply with the required yard areas, setbacks and other design and development standards as set forth in this POD.

18B.08.B Intensity of Use. All buildings shall be erected on permanent foundations and shall be constructed of conventional building materials of a quality equal to or better than those used in existing buildings in nearby areas or as specified herein.

18B.08.C Development by Sub Area. Development of the POD is planned on a sub area basis:

Sub Area A:

Acreage: 43.4 +/- ac

Use: Single Family Residential

Units/Density: 120 du; 2.76 u/ac

Sub Area B:

Acreage: 44.8 +/- ac

Use: Single Family Residential and/or Attached Homes

Units/Density: 180 du/ 4.02 u/ac

Sub Area C:

Acreage: 17.5 +/- ac

Use: Single Family Residential and/or Attached Homes

Units/Density: 52 du; 2.99 u/ac

Sub Area D:

Acreage: 60 +/-ac

Use: Single Family Residential and/or Attached Homes

Units/Density: 210 du; 3.5 u/ac

Sub Area E:

Acreage: 46.1 +/-

Use(s): Single Family Residential, Attached Homes and/or Multi Family Residential

Units/Density: 308 du; 6.68 u/ac

Use(s): Commercial uses related to 446 Health and Personal Care Stores; 561 Administrative and Support Services; 621 Ambulatory Health Care Services; 622 Hospitals; 623 Nursing and Residential Care Facilities 62412; Service for elderly and persons with disabilities; 6244 Child day care.

Density: maximum 17,000 square feet per acre.

Sub Area F:

Acreage: 14.1 +/- u/a

Use: Parks

Units/Density: n/a

Sub Area G:

Acreage: 57.1 +/- ac

Use(s): Single Family, Attached homes and/or Multi-family residential

Units/Density: 190 du; 3.33 u/ac

Use(s): Commercial uses related to 446 Health and Personal Care Stores; 561 Administrative and Support Services; 621 Ambulatory Health Care Services; 622 Hospitals; 623 Nursing and Residential Care Facilities 62412; Service for elderly and persons with disabilities; 6244 Child day care.

Density: maximum 17,000 square feet per acre.

The above total number of units shall be the maximum number of units within this POD. Sub Areas E and G may be developed with either Single Family Residential, Attached Homes, Multi-family residential uses, the identified commercial or senior uses, or a combination thereof, with the densities aggregated by acre, or portion thereof, for each use. Example: If Sub-Area G is developed with 2 or 3 of the permitted uses, the density for each use shall be determined on a per acre basis of that use density applied to acres. In no event shall the total number of units as set forth for either sub areas be increased.

18B.08.D Frontage, Setbacks and Yard Areas. Setbacks, frontage and yard areas shown on POD Standards Chart incorporated by reference herein. Roadways and access drives/curb cuts may extend into setback areas. No accessory structures shall be closer than 10' from rear property line or 5' from the side property line.

18B.08.E Lot Coverage and Building Height.

18B.08.E.1 Lot Coverage. The ground area occupied by all the buildings, structures, driveways, traffic circulation areas, parking areas, sidewalks and all other impervious Surfaces shall not exceed in the aggregate eighty-five percent (85%) of the total area of the tract.

18B.08.E.2 Building Height.

- a.)** Multi-Family Dwellings: No building or structure for any permitted use shall exceed three (3) stories in height. Chimneys, flagpoles, parapets, cupolas and other similar architectural elements may exceed this height limitation by no more than eight (8) feet.
- b.)** All Other Principal Structures: No building or structure for any single, two, three or four family residential use shall exceed forty (40) feet in height. Chimneys, flagpoles, parapets, cupolas and other similar architectural elements may exceed this height limitation by no more than ten (10) feet.

18B.08.F Architectural Standards.

18B.08.F.1 Design Elements. The architectural style and design of structures shall create harmony, creativity and complimentary visuals throughout the site. All materials used to construct buildings within the POD shall be utilized in such a manner as to be architecturally and aesthetically compatible, so long as the proposal utilizes the

permitted materials as specified by Section 18B.08(F)(2) below. Creativity in design is encouraged; however, that creativity shall be consistent with the goals and requirements established for the POD by this Article 18B.

18B.08.F.2 Materials. The exterior elevations of all proposed buildings and screening structures shall only consist of any or any combination of the following:

- a.) Wood;
- b.) Red or earth tone brick or brick veneer;
- c.) Native or cultured stone or stone veneer;
- d.) Upscale Vinyl with thickness 0.044" (nominal)
- e.) Stucco/EIFS;
- f.) Pre-cast concrete where used as an accent;
- g.) Cementitious siding (such as HardiPlank' or similar) and/or composite siding (such as SmartSide or similar);
- h.) Metal and glass (except for multi-family uses);
- i.) Any materials deemed by the Zoning Commission to be acceptable substitutions for the above natural materials.

The above material requirements shall not be applicable to soffits, facia windows, downspouts, gutters, window glazing, trims and reveals, as well as hardware and similar accents.

18B.08.F.3 Roofing. All residential pitched roofs shall be of dimensional shingles, standing seam metal, slate or simulated slate, unless otherwise approved in the Final Development Plan.

18B.08.G Exterior Lighting. The Exterior Lighting Plan is subject to the following requirements:

18B.08.G.1 Traffic signals shall be in accordance with any applicable county or state regulations.

18B.08.G.2 Site lighting shall be required for each sub area, designed to sufficiently illuminate the site and minimize spillover from the property.

18B.08.G.3 Light poles shall not exceed twenty (20) feet in height and should be in harmony with the parcel, building, and parking lot size as well as the surrounding area. Parking lot lighting shall be of a standard light source and type. The style shall reflect a traditional design, ideally consistent throughout the corridor.

18B.08.G.4 Building, pedestrian and landscape lighting may be incandescent, metal halide or other sustainable lighting as determined by the Zoning Commission.

18B.08.G.5 All parking lot areas exclusive of driveways to garages shall have a maximum light intensity of twenty (20) foot candles and an average light intensity between one half (0.5) foot candle and three (3) foot candles.

18B.08.G.6 All external lighting shall be decorative, cut-off type fixtures and downcast to reduce spillover. Outdoor lighting shall be directed, reflected, or shielded so as not to be of excessive brightness or cause glare hazardous to pedestrians or drivers, create a nuisance or unreasonably interfere with a neighboring property owner's right to enjoy his property. Light spillover shall not exceed one tenth (0.1) foot candles when adjacent to a residential zoning district or an existing Residential use.

18B.08.G.7 Luminaries should have a minimum cut-off of forty-five (45) degrees, so as to provide glare control to pedestrian and vehicular traffic, as well as distinct beam cut-off on the outer perimeter of the setback areas.

18B.08.G.8 All Landscape Up-light Fixtures shall be screened by landscaping and cut-off in design. This type of lighting shall be equipped with automatic timing devices and shielded and focused to minimize light pollution.

18B.08.G.9 No permanent colored lights or neon lights shall be used on the exterior of the buildings. Flashing lights shall be prohibited.

18B.08.G.10 External building lighting shall be limited to wall-mounted sconces and wall pack fixtures.

18B.08.H Signage. Graphics and Signage in the POD shall conform to Section 18B.07(D) and Article 20 of the Zoning Resolution or as approved by the Zoning Commission.

18B.08.I Landscaping. All yard areas and Open Spaces shall be landscaped in accordance with an approved landscape plan. Natural foliage shall be retained as buffers where practicable. The Landscape Plan shall comply with the following requirements:

18B.08.I.1 Right-of-Way. The primary road through the POD area shall be boulevard style, with trees in the center median; shade trees having a minimum caliper of two and a half (2 1/2) inches, or ornamental and evergreen trees 6 feet in height; one tree for every sixty (60) lineal feet. Trees may be evenly spaced or grouped.

18B.08.I.2 Exterior Areas. Grass (seed or sod), shrubs, trees, garden planting areas or other appropriate landscape materials shall be planted in all exterior areas. Other groundcover, such as ivy, may be planted in exterior areas which are not occupied by required landscaping material or required for drainage. All vacant areas shall be kept seeded and maintained in such a manner as to prevent erosion of the property and excess drainage.

18B.08.I.3 Plants. All plants shall meet or exceed the American Standard for Nursery Stock as set forth by the American Association of Nurserymen.

18B.08.I.4 Maintenance. All trees and landscaping shall be well maintained. All maintenance and upkeep of landscaping shall be the responsibility of the owner of such yard, space or area where the landscaping is located. Dead trees, shrubs and other landscaping material shall be promptly removed and shall be replaced within six (6) months or the next planting season, whichever is sooner.

18B.08.I.5 Street Trees. Trees along all internal public streets, shall be planted at a minimum distance of forty (40) feet or 1 per 50 feet for a per lot development. Trees shall be of deciduous species normally attaining full-grown height in excess of fifty (50) feet and shall be of two (2) to two and a half (2 1/2) caliper or greater at the time of planting. Street trees (not located within the boulevard) shall be located outside the right of way, on both sides of the street. This requirement does not apply in the areas of ingress and egress, or to existing trees which are undisturbed by the project.

18B.08.I.6 Tree Preservation. Reasonable and good faith efforts will be made to preserve existing trees. Consideration shall be given to laying out service roads, lots, structures and parking areas to avoid the unnecessary destruction of wooded areas and individual trees. Additionally, standard tree preservation practices shall be used to preserve and protect trees during all phases of construction, including the installation of snow as necessary to protect existing trees.

18B.08.I.7 Since 6355 Steitz Road, the "6355 Property", has livestock operations, the Developer of Subarea A, at Developer's sole cost and expense, will install on the Subarea A property, a fence along the 6355 Property east boundary and along that portion of the 6355

Property southern boundary shared with Subarea A. During the final development plan application process for Subarea A, the Developer and owner of the 6355 Property will work cooperatively on the design and placement of the fence. The fence will be installed prior to the commencement of construction on the first single family home located in Subarea A.

18B.08.J **Parking and Loading.** Parking shall be paved prior to receipt of a final Certificate of Compliance, with adequate provisions for ingress and egress according to the approved Development Plan, unless a phasing schedule is approved as part of a Development Plan. All parking shall conform with the following provisions:

18B.08.J.1 **Minimum Number of Parking Spaces Required.** For Multi-family residential, a minimum of two and one-fourth (2 1/4) parking spaces for each Dwelling Unit is required. The minimum number of parking spaces required for Single Family and Attached Homes shall be 2 spaces per dwelling unit. Parking for any on site amenities or recreational facilities/activities, accessory uses/facilities may be reduced ninety percent (90%) by right and reduced to zero by the Zoning Commission upon Development Plan approval. Parking spaces shall be 10' x 20', except that parking spaces may be reduced to 8'x18' for garage spaces, parking spaces in front of garages, and/or additional parking areas that exceed the aggregate minimum number. Surface parking spaces, driveway spaces and garages spaces may count toward required parking. Driveways shall be permitted to be 8 feet wide (minimum). Driveways shall not be required to have maximum slopes. Driveways may be located 5 feet from intersections.

18B.08.J.2 **On-Street Parking in Multifamily Proposals.** On street parking shall be permitted on both sides of the street, upon final approval of the fire department. In Multi-Family Dwelling proposals in the POD, an applicant may be allowed to count parallel or angled On-Street Parking spaces located along private streets towards the minimum parking requirements of this POD, so long as those parking spaces are within a three hundred foot radius of any entryway to the proposed Multi-Family Dwelling structure(s).

18B.08.J.3 No driveway shall be located so that it enters a public road within twenty (20) feet of the intersection of any two (2) public road rights of way. This requirement shall not apply to and there shall be no restriction for a driveway entering into the opposing right of way of a "T" intersection.

18B.08.K **Open Space.** A minimum of twenty percent (20%) of the total POD acreage shall remain and be utilized as Open Space, the "POD Total Open Space Requirement." A minimum of ten percent (10%) of the total POD acreage shall be organized within each Sub-Area, except Sub-Area C, as Open Space, the "Sub-Area Open Space Requirement." Open Spaces may include features such as, but not limited to, bike paths, walking paths, existing bodies of water, water impoundments, public and private utility easement areas, forested and landscaped areas not included in a single-family yard requirement, and similar features. Open Space may include the enhanced landscape buffer area provided within the fifty (50) foot setback in sub areas A, B and C where adjacent to the existing (westerly) residential homes along Steitz Road. Open Space may be used for the disposal of storm water drainage. No features shall be designed which are likely to cause erosion or flooding. The applicant for each Final Development Plan shall have the responsibility for updating the documentation showing compliance with the POD Total Open Space Requirement. The responsibility for maintenance of Open Space within each sub area shall be specified by the applicant in writing within a Final Development Plan. Open Space may be proposed to be owned by

an Association, the Township or other governmental entity, a land trust or other conservation organization recognized by the Township, or by a similar entity, or may remain in private ownership if appropriately restricted.

18B.08.L Multi-Use Paths and Pedestrian Access. Interconnectivity shall be provided for pedestrians and non-motorized uses. Sidewalks shall be located along internal streets and roads with additional facilities through open spaces and connections at logical locations. Wider bike paths shall be provided on at least one side of larger arterial roads and where connections to regional systems are warranted. Larger proposals should include a master bikeway/pedestrian plan.

18B.08.M Trash and Garbage Control (Attached Homes or Multi Family Residential). All trash and garbage shall be stored in container systems (dumpsters or compactors) which are located at the rear of the building or at the side of the building if the side is not oriented towards an existing or planned right of-way(s) and must be enclosed on all four (4) sides with either a masonry enclosure or wood fencing at a minimum of six (6) feet in height.

18B.08.N Utilities. All utility lines constructed to service the proposed development shall be located underground. Mechanicals, whether roof mounted or on the ground, shall be screened with architectural features and/or landscaping. Notwithstanding anything to the contrary, this provision shall not apply to the existing high tension electric transmission lines that are located on the property.

Developer, subject to engineering approvals, will install the sanitary sewer service line, within Sub-Area A along the western boundary line of Sub-Area A. In addition, for those homes along the east side of Steitz Road that are adjacent to Sub-Area A, the Developer will provide, at no cost, easements for those homes to connect individual sanitary sewer service lines to the Sub-Area sanitary sewer line. Each homeowner shall be responsible for all cost, including tap fees, to connect into the Sub-Area A sanitary sewer service line.

18B.08.O Storm water Basins. Bio-retention basins, or rain gardens, may be used when approved by the Zoning Commission as part of a Development Plan and upon approval from Delaware County. Storm water basins, drains, impoundments and appurtenances of any kind may be located in the front, side or rear yard(s) of any lot. All storm water basins shall be constructed per the requirements adopted by Delaware County Soil and Water, and shall have no minimum or maximum size.

18B.08.P Other Requirements. Conflicts between this POD and the Liberty Township Zoning Resolution shall be resolved first in favor of this POD and all variances considered to accommodate or implement these POD standards, definitions and the general land uses as set forth herein. Unless specifically set forth by the standards contained in this Article 18B or those standards approved by divergence, the general development standards found in Article 4 of the Liberty Township Zoning Resolution shall apply.

18B.08.Q Miscellaneous. No roadway access will be permitted from Sub-Area A to Steitz Road; however, emergency access will be permitted.

Section 18B.09 – STANDARDS

POD 18B STANDARDS							
SUBAREA	A	B	C	D	E	F	G
USE	Single Family Residential	Single Family Residential or Attached Homes	Single Family Residential or Attached Homes	Single Family Residential or Attached Homes	Single Family, Attached Homes and/or Multi Family Residential	Park	Single Family, Attached Homes and/or Multi Family Residential
SETBACK STANDARDS - Note: Streets are permitted within setbacks.							
Steitz Rd Building + Parking	50' from ROW	50' from ROW	50' from ROW	N/A	N/A	50' from ROW	N/A
Home Rd Building + Parking	N/A	N/A	N/A	N/A	N/A	50' from ROW	N/A
Sawmill Pkwy Building + Parking	N/A	N/A	N/A	N/A	N/A	50' from ROW	50' from ROW
Hyatts Rd Building + Parking	N/A	N/A	N/A	N/A	N/A	N/A	50' from ROW
Primary Roadway (Blvd) Building	N/A	30' from ROW	30' from ROW	30' from ROW	30' from ROW	30' from ROW	30' from ROW
Perimeter Adjacent to Existing Residential Use along Steitz	50'	50'	50'	N/A	N/A	25'	N/A
Perimeter Adjacent to Existing Residential Uses along Sawmill/Hyatts	N/A	N/A	N/A	N/A	N/A	25'	25'
Perimeter Adjacent to Existing Non-Residential or Undeveloped Property	25'	N/A	N/A	25'	25'	25'	25'
Internal Subarea	10'	10'	10'	10'	10'	10'	10'
Minimum Building Separation	10'	10'	10'	10'	10'	10'	15'
SINGLE FAMILY LOT STANDARDS							
Minimum Lot Width (at Front Setback)	50'	50'	50'	50'	50'	N/A	50'
Minimum Front Yard Setback	20'	20'	20'	20'	20'	N/A	20'
Minimum Side Yard Setback (per side)* may allow 2 feet of encroachments for eaves, mansard roofs, bay windows	5'	5'	5'	5'	5'	N/A	5'

Minimum Rear Yard Setback (or Perimeter setback if greater)	20'	20'	20'	20'	20'	N/A	20'
ATTACHED HOME STANDARDS**							
Minimum Lot Width (at Front Setback)	N/A	20'	20'	20'	20'	N/A	20'
Minimum Front Yard Setback (From ROW or Edge of Pavement)	N/A	20'	20'	20'	20'	N/A	20'
Minimum Side Yard Setback (per side)**	N/A	5' or zero	5' or zero	5' or zero	5' or zero	N/A	5' or zero
Minimum Rear Yard Setback (or Perimeter Setback if greater)	N/A	10'	10'	10'	10'	N/A	N/A
* may allow 2 feet of encroachments for eaves, mansard roofs, bay windows							
** attached units shall have zero setback/zero lot line. Single family dwellings where exterior lots conform to the lot lines, zero setback shall apply.							

Section 18B.09 – DEFINITIONS

The following definitions shall apply to terms that are used specifically in this POD. Otherwise, the definitions in Article 26 shall apply.

Attached Home: multiple-unit dwelling of 2, 3 or 4 units per building.

Density: the ratio of units per acre, calculated on a total gross acre basis.

Impervious Surfaces: areas that have been, or are proposed to be, paved and/or covered with buildings and materials that do not readily and freely absorb and/or allow water to penetrate, including, but not limited to, concrete, asphalt, rooftop, blacktop, brick, blocks, and pavers.

Landscape Uplight Fixture: a light fixture sitting on the ground that is incorporated into landscaping that shines upward and is typically utilized to illuminate certain architectural or landscaped features.

Multi-Family Dwelling: for the purposes of this POD only, Multi-family Dwelling is defined as a residential building arranged or designed for more than four (4) dwelling units as separate and complete housekeeping units.

Non-Residential use: any use of land that is permitted by the Liberty Township Zoning Resolution and does not include the human inhabitation of a structure or any use incidental or accessory to such inhabitation.

On-Street Parking: striped, angled, or parallel parking spaces that are permitted within the right-of-way or along a private street.

Parking Aisle: the traveled path through an off-street parking lot or facility between one or two rows of parked vehicles.

Parking Bay: a row of parking spaces typically separated by a parking island or some other feature used to break up large expanses of asphalt used for surface parking.

Patio Home: a stand alone, single dwelling unit.

Private Road: a road or driveway on privately-owned property, limited to the use of the owner or a group of owners who share the use and maintain the road without help from a government agency.

Public Road: any road or street under the jurisdiction of and maintained by a public authority and open to public travel.

Residential Use: any permitted use of land where a dwelling has been constructed with the intent of human inhabitation of that structure. Structures may be detached single family dwelling, two, three or four family dwelling(s), or Multi-Family Dwelling. Residential Uses also include all uses that are incidental to or accessory to the human inhabitation of a structure.

Road or Roadway: each road is defined by its classification as those classifications are delineated in the Liberty Township Zoning Resolution.

Side Yard: An open space extending from the front yard to the rear yard between a building or structure and the nearest side lot line unoccupied and unobstructed from the ground upward.

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ARTICLE 18C – PLANNED OVERLAY DISTRICT (POD 18C)

Section 18C.01 – NATURE OF THE DISTRICT

This Planned Overlay District (POD) is created pursuant to Section 519.021(C) of the Ohio Revised Code to further the purpose of promoting the general public welfare, encouraging the efficient use of land and resources, promoting public and utility services, and encouraging innovation in the planning and building of appropriate types of retail, office and residential development. The POD achieves this purpose by permitting flexibility of design in order to promote and accommodate environmentally sensitive and efficient use of the land, thereby allowing for a unified development that:

- Permanently preserves unique or sensitive natural resources and integrates Open Space within developments.
- Reduces the amount of infrastructure, including paved surfaces and utility easements, necessary for development.
- Reduces erosion and sedimentation by minimizing land disturbance and removal of vegetation.
- Provides an opportunity for an appropriate mix of residential uses.
- Enables more extensive review of design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development.
- Assures compatibility between proposed land uses within and around the POD through appropriate development controls.
- Encourages unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district, yet are imaginative in architectural design and are consistent with applicable public plans for the area and are compatible with surrounding land uses.

Please note some Final Development Plans, Parcel Deed Restrictions and Homeowners and Condo Associations may have additional restrictions/requirements beyond those listed in this Zoning District. The Applicant is responsible for researching and obtaining written permission as needed before applying for a Zoning Permit Application and/or Building Permit.

Section 18C.02 – OVERLAY DISTRICT AREA ESTABLISHED

The POD is created pursuant to Section 519.021(C) of the Ohio Revised Code and encompasses, includes, overlays and rezones the POD area shown on the POD Overlay Development Plan (Map), which map is attached hereto and incorporated herein as Attachment 1 and is hereby adopted as the official zoning district map for the POD as part of this amendment. A road connection will be developed as part of future Final Development Plan(s) and shall be subject to final approval by the Delaware County Engineer, and final site engineering. Properties within the POD shall make Application in accordance with the provisions of this POD and Section 24.02 of the Liberty Township Zoning Resolution for Final Development Plan approval, in compliance with the provisions of this POD. The approval of an Application for Final Development Plan following the Liberty Township Trustees' approval of this POD is a ministerial act and shall not be considered an amendment to the Liberty Township Zoning Resolution.

Attachment 1



Section 18C.03 – PERMITTED USES

18C.03.1 Residential Uses as provided for herein. Specifically: Multi-family, attached residential of 5+ units (Multi-family).

18C.03.2 Temporary Structures. Temporary structures such as manufactured/mobile home 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. A Zoning Permit shall be obtained for such temporary use, which permit shall be valid for twelve (12) months and renewable for up to 3 years total. Renewal of the permit shall be at the discretion of the Zoning Department on finding of reasonable progress toward completion of the permanent structure or project. Renewal shall not be unreasonably denied. The Zoning Department may require provisions for sanitary waste disposal, solid waste disposal and water supply, as the Zoning Department deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. No such structure shall be occupied as a dwelling.

18C.03.3 Existing Uses/Zoning To Remain. Until such time as a Final Development Plan is approved for area(s) within the POD, within the requirements of the POD, the existing legal uses and zoning for all areas within the POD shall be permitted. Legal uses established prior to this POD shall be permitted to exist as legal non-conforming.

Section 18C.04 – ACCESSORY USES, BUILDINGS, AND STRUCTURES

18C.04.1 Accessory Uses. The following accessory uses are permitted so long as those uses are either contained within the buildings of a permitted use, or within separate buildings or structures that are architecturally and/or operationally integrated into the development:

- 18C.04.1.a** Clubhouses, recreational and entertainment facilities, indoor or outdoor, and may include but not limited to tennis courts, basketball courts, pools, bocce court, etc.
- 18C.04.1.b** Sheds, play structures, pools and pool fencing.
- 18C.04.1.c** Private Garages.
- 18C.04.1.d** Exercise and Fitness Facilities.
- 18C.04.1.e** Personal and Laundry Services (except 812332 Industrial Launderers).
- 18C.04.1.f** Mail collection facilities.
- 18C.04.1.f** Storage facilities for bicycles, as well as individual storage facilities for the keeping of personal property owned by the residents, and only accessory to such ownership. Bicycle and individual storage facilities may be located wholly in a separate accessory structure, so long as that structure(s) is architecturally integrated into the Development Plan. Commercial storage facilities are not permitted.
- 18C.04.1.g** Home Occupations: professional or business activities shall be considered permitted as "Home Occupations," provided that such activities are carried on solely within the confines of the dwelling, do not occupy more than twenty percent (20%) of the dwelling, retain no non-residential employees (whether paid or voluntary), generate no greater traffic, parking or deliveries than would normally be expected in a residential neighborhood, do not create a nuisance to the neighborhood or general public, and are imperceptible from the exterior of the dwelling and display no sign.
- 18C.04.1.h** General park and recreational uses, activities or small scale agricultural activities such as a non-permanent farmers' market or seasonal egg hunts.

The above uses are not intended as separate, independent or principal commercial uses, but rather only accessory in nature, so as to complement the permitted principal use(s).

Section 18C.05 – PROHIBITED USES

Uses not specifically authorized by the express terms of this Article of the Zoning Resolution shall be prohibited. The following uses shall be prohibited:

- 18C.05.A** Uses not specifically approved by the Zoning Commission as part of the Development Plan.
- 18C.05.B** Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days. 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 a legal sales or repair activity if such activities are carried out in compliance with an approved Final Development Plan.
- 18C.05.C** Except as provided in a Final Development Plan, no trailers, no boats, no motor homes, no campers and no equipment of any type shall be parked in front of the principal structure line on any non-residential parcel within this district, and may only be parked for not more than eight (8) hours in a twenty-four period if located on a residential parcel. If a structure is located on the property, the principal structure 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 the Development Plan.
- 18C.05.D** No manufactured home, temporary mobile home, motor home or camper shall be occupied in this district for residential purposes. Mobile office structures may be permitted in the approved Final Development Plan in accordance with Section 18C.02.

18C.05.E No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any garbage, refuse, or junk shall be permitted to accumulate on any lot or portion thereof. All trash, debris, discarded materials, vehicle parts, rags, lumber, building materials, and other garbage, refuse or junk shall be contained in solid sided containers during construction phases and thereafter. No wire or cage-type containers shall be permitted, and no such materials shall be above the sides of the container.

Section 18C.06 – PROCESS FOR PLAN APPROVAL

All Applications for Final Development Plan approval of area within the POD shall follow the procedures hereinafter set forth:

18C.06.A Pre-Application Meeting. The Applicant is encouraged to engage in informal consultations with staff from the Township and the Delaware County Regional Planning Commission prior to formal submission of an Application for approval of a Final Development Plan for any tract or property within the POD. No statement or action by Township or County officials in the course of informal consultations shall be construed to be a waiver of any legal obligation of the Applicant or of any procedure or formal approval required by Township or County statutes or rules. Ohio's Open Meetings Law (Section 121.22 of the Ohio Revised Code) is required to be observed at pre-Application meetings involving a quorum of members of the Liberty Township Zoning Commission.

18C.06.B Application and Final Development Plan. The Applicant shall prepare and submit six (6) copies of an Application and Final Development Plan, along with an electronic copy and all applicable fees to the Liberty Township Zoning Commission, at least 21 days prior to the meeting date. The Application shall be signed by the Applicant and all owners of property, or their designee, included in the Application and Final Development Plan. The Application shall include a list of property owners, by mailing address appearing on the Delaware County Auditor's current tax list, within, contiguous to, directly across the street from, and within two hundred feet (200') of the perimeter boundaries of such area subject of the Application for Final Development Plan. The Liberty Township Zoning Commission may request that any County agency and/or any committee of the Delaware County Regional Planning Commission submit comments for consideration at the meeting.

The Application shall be accompanied by a Final Development Plan and the following supporting information and documentation in text and map form:

18C.06.B.1 A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed development.

18C.06.B.2 A grading plan drawn to scale, showing all information pertaining to surface drainage.

18C.06.B.3 A detailed Landscape Plan shall be submitted with the Final Development Plan and shall be subject to approval as part of the Final Development Plan. It shall depict and identify all proposed landscaping features.

18C.06.B.4 A detailed Signage and Exterior Lighting Plan shall be submitted with the Final Development Plan and shall be subject to approval as part of the Final Development Plan.

18C.06.B.5 A detailed Parking Plan shall be submitted with the Final Development Plan and shall be subject to approval as part of the Final Development Plan.

18C.06.B.6 An explanation of the method/structure and proposed documentation and instruments to be used in order to perpetually own, maintain and preserve the Open Space, as

required, that is unified and permanently protected. The location, size and proposed use(s) of all Open Space areas shall be detailed.

18C.06.C Final Development Plan Contents. The Final Development Plan shall include in text and map form the following:

- 18C.06.C.1** Proposed name of the development and its location.
- 18C.06.C.2** Names and addresses of applicant, owners and developers. Also, the names and mailing addresses of all owners of property within and contiguous to and directly across the street from the area proposed for POD approval shall be provided.
- 18C.06.C.3** Date, north arrow and plan scale. Scale shall be one inch equals one hundred feet 1" = 100 feet or larger scale.
- 18C.06.C.4** A description and location of the precise uses proposed for the development and phases for construction, if any. If the proposed development includes developing the property in phases, all phases to be developed after the first shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.
- 18C.06.C.5** Locations, widths and names of all existing public streets or other public or private roads/ways, railroad and utility rights of way or easements, parks and other public open spaces, permanent structures, and corporation lines within or adjacent to the tract.
- 18C.06.C.6** Existing sewers, water mains, culverts and other underground facilities within the tract, adjacent to the tract or that will be used or are proposed to be used in developing the tract, indicating pipe sizes, grades and locations.
- 18C.06.C.7** The adjoining lines of adjacent tracts, parcels or lots.
- 18C.06.C.8** Additional restrictions and deed restrictions, if any.
- 18C.06.C.9** Existing topography, drainage channels, wooded areas, watercourses, wetlands and other significant physical features.
- 18C.06.C.10** Layout of proposed streets, private or public, including their names and rights of way, easements, sewers, water lines, culverts and other major improvements.
- 18C.06.C.11** Layout, numbering and dimensions of lots if more than one.
- 18C.06.C.12** The total amount of Lot Coverage and density to conform with the POD, as that term is defined in this POD as gross acreage.
- 18C.06.C.13** Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the condition proposed for such covenant or dedication.
- 18C.06.C.14** Building setback lines with dimensions.
- 18C.06.C.15** Building locations depicting the bulk, height and spatial relationships of building masses with adjacent development.
- 18C.06.C.16** Layout, location, dimensions and architectural features of proposed structures including preliminary floor plans and exterior elevations.
- 18C.06.C.17** Location and dimensions of all paths, sidewalks, multi-use trails and connections thereof to facilitate connectivity among areas within the POD.
- 18C.06.C.18** Color rendering of buildings(s), complete with a listing of all colors, including current Pantone Reference Numbers or, if Pantone is not available, the manufacturer's reference/serial number with samples and materials to be used.
- 18C.06.C.19** A Detailed Parking and Loading Plan showing layout, location and design of parking and loading areas for all proposed uses, including proposed number of parking and

loading spaces, traffic circulation, curb cuts, pedestrian walks and lane improvements on existing public roads.

- 18C.06.C.20** Engineering feasibility studies of any anticipated problems which may arise due to the proposed development as required by the Zoning Commission.
- 18C.06.C.21** Intended measures to screen the development from adjacent residentially zoned property as well as measures to screen rooftop mechanical equipment, production areas, service areas, storage areas, trash containers and loading zones from view.
- 18C.06.C.22** Accommodations and access for emergency and fire-fighting apparatus.
- 18C.06.C.23** Location, type, dimensions and features of all signage and exterior lighting through a detailed Signage and Exterior Lighting Plan.
- 18C.06.C.24** The plan or mechanism to provide for the perpetual maintenance of all landscaping, buffers and shared parking areas by the ultimate owner and/or user.
- 18C.06.C.25** Projected schedule of site development.
- 18C.06.C.26** The ability of the applicant to carry forth the Final Development Plan by control of the land and the engineering feasibility of the Final Development Plan.
- 18C.06.C.27** Other supplemental information, as may be reasonably required by the Liberty Township Zoning Commission, to determine compliance with this POD.
- 18C.06.C.28** The Final Development Plan (and the various accompanying plans) shall bear the seal of a registered engineer or surveyor and an architect or landscape architect, each of whom shall be licensed to practice in the State of Ohio.
- 18C.06.C.29** The applicant may request a divergence from the development standards set forth in this Article 18C or otherwise to the Liberty Township Zoning Resolution. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Final Development Plan submittals, with a request that the proposed divergence be approved as part of and as shown on the Final Development Plan. Unless specifically supplemented by the standards contained in the Final Development Plan, the development shall comply with the requirements contained in Article 18C and the General Development Standards most closely comparable to the use/zoning district(s), as contained in the Liberty Township Zoning Resolution.

18C.06.D Zoning Commission Action. After receipt of the completed Application materials and required fees, the Zoning Commission shall schedule a public hearing within forty-five (45) days after the filing of the complete Application. Notice shall be sent by regular, first class mail to the applicant and to all owners of property within, contiguous to, directly across the street from, and within two hundred feet (200') of the perimeter boundaries of such area subject of the Application for Final Development Plan. Mailing by the Zoning Commission shall be to the addresses of such owners appearing on the Delaware County Auditor's current tax list. The failure of delivery of that notice shall not invalidate any action the Zoning Commission may take on the Application. The Zoning Commission shall render a decision on the Application and Final Development Plan within thirty (30) days after the conclusion of the hearing.

18C.06.E Basis of Approval. The Zoning Commission, shall consider and approve a Final Development Plan upon a finding of substantial compliance based upon the following:

- 18C.06.E.1** Whether the proposed Application and Final Development Plan are consistent with the uses, and standards of this POD Zoning Resolution as set forth and defined in Section(s)

18C.07 and 18C.08 of this POD; and, If applicable, determine if divergence(s) are reasonably related to or that facilitate the use(s), criteria and/or standards of this POD.

18C.06.E.2 Whether the proposed Application and Final Development Plan meet the design features as set forth and defined in Section(s) 18C.07 and 18C.08 of this POD.

18C.06.E.3 Whether the proposed development will be adequately served in a manner consistent with other residential communities located within Liberty Township, by essential public facilities and services including, without limitation, roads, walkways, police and fire protection, drainage structures, potable water and centralized sanitary sewers or other approved sewage disposal systems.

18C.06.E.4 Whether the proposed development has adequately addressed traffic considerations in the immediate vicinity of the proposed development or elsewhere in the Township, as evidenced by a traffic study approved by the Delaware County Engineer.

18C.06.F Effect of Approval.

18C.06.F.1 The Zoning Commission's determination shall not be considered an amendment to the Township Zoning Resolution for purposes of Section 519.12 of the Revised Code. A negative decision of the Zoning Commission may be appealed by the Applicant first to the Township Trustees within thirty (30) days of the date of the Zoning Commission Decision, and thereafter from the decision of the Township Trustees pursuant to Chapter 2506 of the Revised Code. The approval of an applicant's Application for Final Development Plan approval pursuant to this POD is a ministerial act and shall not be considered a rezoning amendment to the Township Zoning Resolution for the purposes of Section 519.12 of the Revised Code and may not be appealed pursuant to Chapter 2506 of the Revised Code.

18C.06.F.2 The approval of a Final Development Plan shall be effective for a period of five (5) years (or for such other time period as may be approved as part of the Final Development Plan) in order to allow for the preparation and recording of a subdivision plat (if required under applicable law) and the commencement of construction following the issuance of a zoning permit(s). If no plat has been recorded within this approval period or, if platting is not required, if construction or other affirmative actions, efforts or planning has not commenced, and unless the Zoning Commission approves an extension of this time limit, a Development Plan shall expire. Extensions of an approved Final Development Plan shall not be unreasonably denied. Upon the expiration of the Final Development Plan, the subject parcel(s) shall remain zoned POD, but no use shall be established or changed and no building, structure or improvement shall be constructed until an Application for a new Final Development Plan, accompanied by a new Final Development Plan, has been filed with and approved by the Township using the procedures and process then established for the approval of an initial Development Plan.

18C.06.F.3 An extension of the time limit for either recording the approved subdivision plat or the commencement of construction may be granted by the Zoning Commission upon Application of the owner(s), provided the Zoning Commission determines 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 recordation of the plat or the completion of the development of the project. The length of time permitted for an extension shall be

determined based upon the Application submitted. A request for extension shall be filed prior to the expiration of the established approval period.

18C.06.F.4 Following the approval of a Final Development Plan, proposed variations from the approved Final Development Plan that involve only one (1) lot may be considered by the Board of Zoning Appeals under its hearing process pursuant to this Zoning Resolution. All other modifications to the Final Development Plan shall be presented to the Zoning Commission for its consideration pursuant to Section 18.06(F)(5), hereof.

18C.06.F.5 Upon application, the Zoning Commission may, at a duly held hearing, modify an approved Final Development Plan pursuant to the same procedures as the original Application in Section 18.06C. The request for modification may be approved upon a showing of a compelling reason and practical necessity for the same. Such modification is administrative in nature and not in conflict with the intent and purpose of the POD Planned Overlay District.

18C.06.G Fees. A fee as established by the Board of Trustees shall accompany an Application requesting approval of the Final Development Plan, as well as any request for extension or modification. In addition, the applicant shall also be responsible for all reasonable and necessary expenses incurred by Liberty Township in using professional consulting services to review the Final Development Plan. These expenses may include, without limitation, the actual costs for professional consultants such as attorneys, architects, landscape architects, planners and/or. As soon as reasonably practicable following the submission of an Application for approval of a Final Development Plan, the Zoning Commission shall decide if it needs a professional consultant(s) to assist with reviewing the application.

Section 18C.07 – GENERAL DESIGN STANDARDS

All proposed developments within the POD shall be designed in accordance with generally accepted planning principles, including the design standards included in this Section, to ensure that the use of land, buildings and other structures; the building location, bulk, layout, arrangement, design, and height; the percentages of lot areas that may be occupied; the setback of buildings; and the sizes of yards and other spaces are in compliance with the purposes and standards of this Section. The Final Development Plan shall comply with the following design standards. Conflicts between this POD and the Liberty Township Zoning Resolution shall be resolved first in favour of this POD and all variances considered to accommodate or implement these POD standards, definitions and the general land uses as set forth herein. Items unaddressed or otherwise not listed within this Article 18C shall default to the Liberty Township Zoning Resolution.

18C.07.A Access. The POD shall have direct access to one or more improved roads (public or private in nature) of sufficient capacity to accommodate traffic generated by the proposed development. Provision for future connections to other public roads as required by the Township, or other applicable governmental authorities, shall be provided. Unless otherwise provided by an approved Final Development Plan, emergency vehicular connectivity shall be provided. Private roads and drives shall be maintained by the owner or property owners' association.

18C.07.B Setbacks and Yard Areas. The location and arrangements of buildings and structures within the POD shall be as set forth on the POD Standards chart incorporated herein.

18C.07.C Lighting. Residential lighting shall be coordinated for style and practicality given the particular use or design of the Final Development Plan.

18C.07.D **Signage.** All signs and graphics within the POD shall be coordinated to be generally compatible in size, location, material, height, shape, color, and illumination. The Signage Plan shall set forth the design parameters for the entire project to ensure a consistent and comprehensive character throughout the project. The Signage Plan shall include the design, layout, and dimensions of all ground, monument, window and wall signs as well as distances from right-of-ways and the type and intensity of illumination. Signs should contribute to an overall cohesive design, reflect simplicity, and avoid visual clutter. The overall design and placement of buildings should take into account the general placement of signs so that all permanent signs and associated lighting fixtures complement the appearance and architecture of the buildings and the POD and do not contribute to environmental degradation. Ground signs shall be designed to relate to and share common design elements with the building. The materials and colors of the sign, sign background and sign frame shall be compatible with the buildings' materials and colors.

18C.07.E **Landscaping.**

18C.07.E.i All yards (front, side and rear) and all Open Space not covered by structure, asphalt or concrete and the like, shall be landscaped with grass and shrubbery/plantings and the like. All landscaping shall be maintained and kept in accordance with the Landscape Plan as submitted and approved. All vacant areas shall be kept seeded and maintained in such a manner as to prevent erosion of the property and excess drainage on adjoining land. A Landscape Plan shall show the caliper, height, numbers, name and placement of all materials. The pattern of landscaping shall be coordinated in design and type of materials, mounding and fencing used. Landscaping may vary in density, spacing and other treatments to reflect variations of topography, existing landscape or land uses. The landscape treatment proposed to be provided shall emphasize a pedestrian environment, separate pedestrian ways from parking areas, enhance architectural features, provide shade and strengthen vistas and serve as an important axis between the development and other locations.

18C.07.E.ii The Landscape Plan shall preserve and be sensitive to the natural characteristics of the site and shall provide screening from adjacent Residential Uses and districts. Where natural or existing topographic patterns positively contribute to the appearance and utility of a development, they shall be preserved. Any proposed landscape mounds shall be designed with such slope, plant and other landscape materials to minimize maintenance requirements and maximize the health and durability of the chosen plants and landscape materials. Overall unity of design shall be encouraged through landscape treatment. Plants that are indigenous to the area and others that are hearty, harmonious to the design, consistent with adjacent land uses, and, where applicable, of good appearance, shall be used.

18C.07.F **Environmentally Sensitive Areas.** All proposed development within the POD shall consider and to the greatest extent practicable, sensitive areas, wetlands, streams, etc. Encroachments for infrastructure shall be permitted. All development within the POD shall comply with the rules of the Ohio EPA and US Army Corps of Engineers, as may apply.

Section 18C.08 – DEVELOPMENT STANDARDS

The Final Development Plan shall comply with the following development standards:

18C.08.A Tract Size. The gross area of a tract of land proposed to be developed in the POD shall consist of a minimum of three (3) acres, exclusive of right-of-way. No minimum lot size is required. However, all lots shall be of sufficient area to comply with the required yard areas, setbacks and other design and development standards as set forth in this POD.

18C.08.B Intensity of Use. All buildings shall be erected on permanent foundations and shall be constructed of conventional building materials of a quality equal to or better than those used in existing buildings in nearby areas or as specified herein.

18C.08.C POD18C

Acreage: 17.24 +/- ac

Use: Multi-family residential

Units/Density: 236 du; 13.69 u/ac

The above total number of units shall be the maximum number of units within this POD.

18C.08.D Frontage, Setbacks and Yard Areas. Setbacks, frontage and yard areas shown on POD Standards Chart incorporated by reference herein. Roadways and access drives/curb cuts may extend into setback areas. No accessory structures shall be closer than 10' from rear property line or 5' from the side property line.

18C.08.E Lot Coverage and Building Height.

18C.08.E.1 Lot Coverage. The ground area occupied by all the buildings, structures, driveways, traffic circulation areas, parking areas, sidewalks and all other impervious Surfaces shall not exceed in the aggregate eighty-five percent (85%) of the total area of the tract.

18C.08.E.2 Building Height.

a.) Multi-Family Dwellings: No building or structure for any permitted use shall exceed three (3) stories in height. Chimneys, flagpoles, parapets, cupolas and other similar architectural elements may exceed this height limitation by no more than eight (8) feet.

b.) All Other Principal Structures: No building or structure for any single, two, three or four family residential use shall exceed forty (40) feet in height. Chimneys, flagpoles, parapets, cupolas and other similar architectural elements may exceed this height limitation by no more than ten (10) feet.

18C.08.F Architectural Standards.

18C.08.F.1 Design Elements. The architectural style and design of structures shall create harmony, creativity and complimentary visuals throughout the site. All materials used to construct buildings within the POD shall be utilized in such a manner as to be architecturally and aesthetically compatible, so long as the proposal utilizes the permitted materials as specified by Section 18.08(F)(2) below. Creativity in design is encouraged; however, that creativity shall be consistent with the goals and requirements established for the POD by this Article 18C.

18C.08.F.2 Materials. The exterior elevations of all proposed buildings and screening structures shall only consist of any or any combination of the following:

- a.) Wood;
- b.) Red or earth tone brick or brick veneer;
- c.) Native or cultured stone or stone veneer;
- d.) Upscale Vinyl with thickness 0.044" (nominal)
- e.) Stucco/EIFS;
- f.) Pre-cast concrete where used as an accent;
- g.) Cementitious siding (such as HardiPlank' or similar) and/or composite siding (such as SmartSide or similar);
- h.) Metal and glass (except for multi-family uses);
- i.) Any materials deemed by the Zoning Commission to be acceptable substitutions for the above natural materials.

The above material requirements shall not be applicable to soffits, facia windows, downspouts, gutters, window glazing, trims and reveals, as well as hardware and similar accents.

18C.08.F.3 Roofing. All pitched roofs shall be of dimensional shingles, standing seam metal, slate or simulated slate, unless otherwise approved in the Final Development Plan.

18C.08.G Exterior Lighting. The Exterior Lighting Plan is subject to the following requirements:

18C.08.G.1 Traffic signals shall be in accordance with any applicable county or state regulations.

18C.08.G.2 Site lighting shall be required and designed to sufficiently illuminate the site and minimize spillover from the property.

18C.08.G.3 Light poles shall not exceed twenty (20) feet in height and should be in harmony with the parcel, building, and parking lot size as well as the surrounding area. Parking lot lighting shall be of a standard light source and type. The style shall reflect a traditional design, ideally consistent throughout the corridor.

18C.08.G.4 Building, pedestrian and landscape lighting may be incandescent, metal halide or other sustainable lighting as determined by the Zoning Commission.

18C.08.G.5 All parking lot areas, exclusive of driveways to garages shall have a maximum light intensity of twenty (20) foot candles and an average light intensity between one-half (0.5) foot candle and three (3) foot candles.

18C.08.G.6 All external lighting shall be decorative, cut-off type fixtures and downcast to reduce spillover. Outdoor lighting shall be directed, reflected, or shielded so as not to be of excessive brightness or cause glare hazardous to pedestrians or drivers, create a nuisance or unreasonably interfere with a neighboring property owner's right to enjoy his property. Light spillover shall not exceed one tenth (0.1) foot candles when adjacent to a residential zoning district or an existing Residential use.

18C.08.G.7 Luminaries should have a minimum cut-off of forty-five (45) degrees, so as to provide glare control to pedestrian and vehicular traffic, as well as distinct beam cut-off on the outer perimeter of the setback areas.

18C.08.G.8 All Landscape Up-light Fixtures shall be screened by landscaping and cut-off in design. This type of lighting shall be equipped with automatic timing devices and shielded and focused to minimize light pollution.

18C.08.G.9 No permanent colored lights or neon lights shall be used on the exterior of the buildings. Flashing lights shall be prohibited.

18C.08.G.10 External building lighting shall be limited to wall-mounted sconces and wall pack fixtures.

18C.08.H Signage. Graphics and Signage in the POD shall conform to Section 18.07(D) and Article 20 of the Zoning Resolution or as approved by the Zoning Commission.

18C.08.I Landscaping. All yard areas and Open Spaces shall be landscaped in accordance with an approved landscape plan. Natural foliage shall be retained as buffers where practicable. The Landscape Plan shall comply with the following requirements:

18C.08.I.1 Right-of-Way. Trees may be evenly spaced or grouped. Street trees shall be located outside the right of way, on both sides of the street. This requirement does not apply in the areas of ingress and egress, or to existing trees which are undisturbed by the project.

18C.08.I.2 Exterior Areas. Grass (seed or sod), shrubs, trees, garden planting areas or other appropriate landscape materials shall be planted in all exterior areas. Other groundcover, such as ivy, may be planted in exterior areas which are not occupied by required landscaping material or required for drainage. All vacant areas shall be kept seeded and maintained in such a manner as to prevent erosion of the property and excess drainage.

18C.08.I.3 Plants. All plants shall meet or exceed the American Standard for Nursery Stock as set forth by the American Association of Nurserymen.

18C.08.I.4 Maintenance. All trees and landscaping shall be well maintained. All maintenance and upkeep of landscaping shall be the responsibility of the owner of such yard, space or area where the landscaping is located. Dead trees, shrubs and other landscaping material shall be promptly removed and shall be replaced within six (6) months or the next planting season, whichever is sooner.

18C.08.I.5 Street Trees. Trees along all internal public streets, shall be planted at a minimum distance of forty (40) feet or 1 per 50 feet for a per lot development. Trees shall be of deciduous species normally attaining full-grown height in excess of fifty (50) feet and shall be of two (2) to two and a half (2 1/2) caliper or greater at the time of planting. Street trees shall be located outside the right of way, on both sides of the street. This requirement does not apply in the areas of ingress and egress, or to existing trees which are undisturbed by the project.

18C.08.I.6 Tree Preservation. Reasonable and good faith efforts will be made to preserve existing trees. Consideration shall be given to laying out service roads, lots, structures and parking areas to avoid the unnecessary destruction of wooded areas and individual trees. Additionally, standard tree preservation practices shall be used to preserve and protect trees during all phases of construction, including the installation of snow as necessary to protect existing trees.

18C.08.J Parking and Loading. Parking shall be paved prior to receipt of a final Certificate of Compliance, with adequate provisions for ingress and egress according to the approved Development Plan, unless a phasing schedule is approved as part of a Development Plan. All parking shall conform with the following provisions:

18C.08.J.1 Minimum Number of Parking Spaces Required. For Multi-family residential, a minimum of two and one-fourth (2 1/4) parking spaces for each Dwelling Unit is required. Parking for any on site amenities or recreational facilities/activities, accessory uses/facilities may be reduced ninety percent (90%) by right and reduced to zero by the Zoning Commission upon Development Plan approval. Parking spaces shall be 10' x 20', except that parking spaces may be reduced to 8'x18' for garage spaces, parking spaces in front of garages, and/or additional parking areas that exceed the aggregate minimum number. Surface parking spaces, driveway spaces and garages spaces may count toward required parking. Driveways shall be permitted to be 8 feet wide (minimum). Driveways shall not be required to have maximum slopes. Driveways may be located 5 feet from intersections.

18C.08.J.2 On-Street Parking in Multifamily Proposals. On street parking shall be permitted on both sides of the street, upon final approval of the fire department. In Multi-Family Dwelling proposals in the POD, an applicant may be allowed to count parallel or angled On-Street Parking spaces located along private streets towards the minimum parking requirements of this POD, so long as those parking spaces are within a three-hundred foot radius of any entryway to the proposed Multi-Family Dwelling structure(s).

18C.08.J.3 No driveway shall be located so that it enters a public road within twenty (20) feet of the intersection of any two (2) public road rights of way. This requirement shall not apply to and there shall be no restriction for a driveway entering into the opposing right of way of a "T" intersection.

18C.08.K Open Space. A minimum of twenty percent (20%) of the total POD acreage shall remain and be utilized as Open Space, the "POD Total Open Space Requirement." Open Spaces may include features such as, but not limited to, bike paths, walking paths, existing bodies of water, water impoundments, public or private utility easement areas, forested and landscaped areas. Open Space may be used for the disposal of storm water drainage. No features shall be designed which are likely to cause erosion or flooding. The responsibility for maintenance of Open Space shall be specified by the applicant in writing within a Final Development Plan. Open Space may be proposed to be owned by an Association, the Township or other governmental entity, a land trust or other conservation organization recognized by the Township, or by a similar entity, or may remain in private ownership if appropriately restricted.

18C.08.L Multi-Use Paths and Pedestrian Access. Interconnectivity shall be provided for pedestrians and non-motorized uses. Sidewalks shall be located along internal streets and roads with additional facilities through open spaces and connections at logical locations. Wider bike paths shall be provided on at least one side of larger arterial roads and where connections to regional systems are warranted. Larger proposals should include a master bikeway/pedestrian plan.

18C.08.M Trash and Garbage Control (Multi Family Residential). All trash and garbage shall be stored in container systems (dumpsters or compactors) which are located at the rear of the building or at the side of the building if the side is not oriented towards an existing or planned right of-way(s) and must be enclosed on all four (4) sides with either a masonry enclosure or wood fencing at a minimum of six (6) feet in height.

18C.08.N Utilities. All utility lines constructed to service the proposed development shall be located underground. Mechanicals, whether roof mounted or on the ground, shall be screened with architectural features and/or landscaping. Notwithstanding anything to the contrary, this provision

shall not apply to the existing high tension electric transmission lines that are located on the property.

18C.08.O Storm water Basins. Bio-retention basins, or rain gardens, may be used when approved by the Zoning Commission as part of a Development Plan and upon approval from Delaware County. Storm water basins, drains, impoundments and appurtenances of any kind may be located in the front, side or rear yard(s) of any lot. All storm water basins shall be constructed per the requirements adopted by Delaware County Soil and Water, and shall have no minimum or maximum size.

18C.08.P Other Requirements. Conflicts between this POD and the Liberty Township Zoning Resolution shall be resolved first in favour of this POD and all variances considered to accommodate or implement these POD standards, definitions and the general land uses as set forth herein. Unless specifically set forth by the standards contained in this Article 18C or those standards approved by divergence, the general development standards found in Article 4 of the Liberty Township Zoning Resolution shall apply.

Section 18C.09 – STANDARDS

POD 18C STANDARDS	
SUBAREA	POD 18C
USE	Multi Family Residential
SETBACK STANDARDS- Note: Streets are permitted within setbacks.	
Steitz Road Building + Parking Setback	N/A
Home Road Building + Parking Setback	Old Home Rd. 10' Building, 0' Parking
Sawmill Parkway Building + Parking Setback	N/A
Hyatts Road Building + Parking Setback	N/A
Primary Roadway (Blvd) Building Setback	N/A
Perimeter Setback Adjacent to Existing Residential Use Along Steitz	N/A
Perimeter Setback Adjacent to Existing Residential Uses Along Sawmill/Hyatts	McClurg: 10' Building/Parking Setback
Perimeter Setback Adjacent to Existing Non-Residential or Undeveloped Property	25'
Internal Subarea Setback	N/A
Minimum Building Separation	10'
SINGLE FAMILY LOT STANDARDS	
Minimum Lot Width (at Front Setback)	N/A
Minimum Front Yard Setback	N/A
Minimum Side Yard Setback (per side)* may allow 2 feet of encroachments for eaves, mansard roofs, bay windows	N/A
Minimum Rear Yard Setback (or Perimeter setback if greater)	N/A
ATTACHED HOME STANDARDS**	
Minimum Lot Width (at Front Setback)	N/A
Minimum Front Yard Setback (From ROW or Edge of Pavement)	N/A
Minimum Side Yard Setback (per side)**	N/A
Minimum Rear Yard Setback (or Perimeter setback if greater)	N/A

Section 18C.09 – DEFINITIONS

The following definitions shall apply to terms that are used specifically in this POD. Otherwise, the definitions in Article 26 shall apply.

Attached Home: multiple-unit dwelling of 2, 3 or 4 units per building.

Density: the ratio of units per acre, calculated on a total gross acre basis.

Impervious Surfaces: areas that have been, or are proposed to be, paved and/or covered with buildings and materials that do not readily and freely absorb and/or allow water to penetrate, including, but not limited to, concrete, asphalt, rooftop, blacktop, brick, blocks, and pavers.

Landscape Uplight Fixture: a light fixture sitting on the ground that is incorporated into landscaping that shines upward and is typically utilized to illuminate certain architectural or landscaped features.

Multi-Family Dwelling: for the purposes of this POD only, Multi-family Dwelling is defined as a residential building arranged or designed for more than four (4) dwelling units as separate and complete housekeeping units.

Non-Residential use: any use of land that is permitted by the Liberty Township Zoning Resolution and does not include the human inhabitation of a structure or any use incidental or accessory to such inhabitation.

On-Street Parking: striped, angled, or parallel parking spaces that are permitted within the right-of-way or along a private street.

Parking Aisle: the traveled path through an off-street parking lot or facility between one or two rows of parked vehicles.

Parking Bay: a row of parking spaces typically separated by a parking island or some other feature used to break up large expanses of asphalt used for surface parking.

Patio Home: a stand alone, single dwelling unit.

Private Road: a road or driveway on privately-owned property, limited to the use of the owner or a group of owners who share the use and maintain the road without help from a government agency.

Public Road: any road or street under the jurisdiction of and maintained by a public authority and open to public travel.

Residential Use: any permitted use of land where a dwelling has been constructed with the intent of human inhabitation of that structure. Structures may be detached single family dwelling, two, three or four family dwelling(s), or Multi-Family Dwelling. Residential Uses also include all uses that are incidental to or accessory to the human inhabitation of a structure.

Road or Roadway: each road is defined by its classification as those classifications are delineated in the Liberty Township Zoning Resolution.

Side Yard: An open space extending from the front yard to the rear yard between a building or structure and the nearest side lot line unoccupied and unobstructed from the ground upward.

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ARTICLE 18D – PLANNED OVERLAY DISTRICT (POD 18D)

Section 18D.01 – NATURE OF THE DISTRICT

This Planned Overlay District (POD) is created pursuant to Section 519.021(C) of the Ohio Revised Code to further the purpose of promoting the general public welfare, encouraging the efficient use of land and resources, promoting public and utility services, and encouraging innovation in the planning and building of appropriate types of retail, office and residential development. The POD achieves this purpose by permitting flexibility of design in order to promote and accommodate environmentally sensitive and efficient use of the land, thereby allowing for a unified development that:

- Permanently preserves unique or sensitive natural resources and integrates Open Space within developments.
- A minimum of 30% open space is required throughout POD 18D, environmentally sensitive areas are protected with required setbacks.
- Reduces the amount of infrastructure, including paved surfaces and utility easements, necessary for development.
- Smart growth and overlay districts allow for shared infrastructure, reduced pavement through reduction in parking space dimensions, and controlled through unified planning for larger areas.
- Reduces erosion and sedimentation by minimizing land disturbance and removal of vegetation.
- Collective retention and detention areas, preservation of existing waterways and trees, all combine to greatly reduce erosion and sedimentation from the development tract.
- Provides an opportunity for an appropriate mix of residential and commercial uses.
- This is required through the provisions under each subarea of this POD.
- Enables more extensive review of design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development.
- This is controlled by these development standards, architectural review board, and Zoning Commission.
- Assures compatibility between proposed land uses within and around the POD through appropriate development controls.
- Appropriate buffers are prescribed between proposed and offsite uses, and treatments along public roadways are provided for consistent theming in the POD in association with other established PODs.
- Encourages unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district, yet are imaginative in architectural design and are consistent with applicable public plans for the area and are compatible with surrounding land uses.
- By combining larger parcels, a POD can be planned as one entity so that there is unification amongst uses through access, both pedestrian and vehicular, with controls over architecture that provide for a cohesive development, and utilize the Township Codes as the basis for standards of development with additional safeguards per this overlay text.

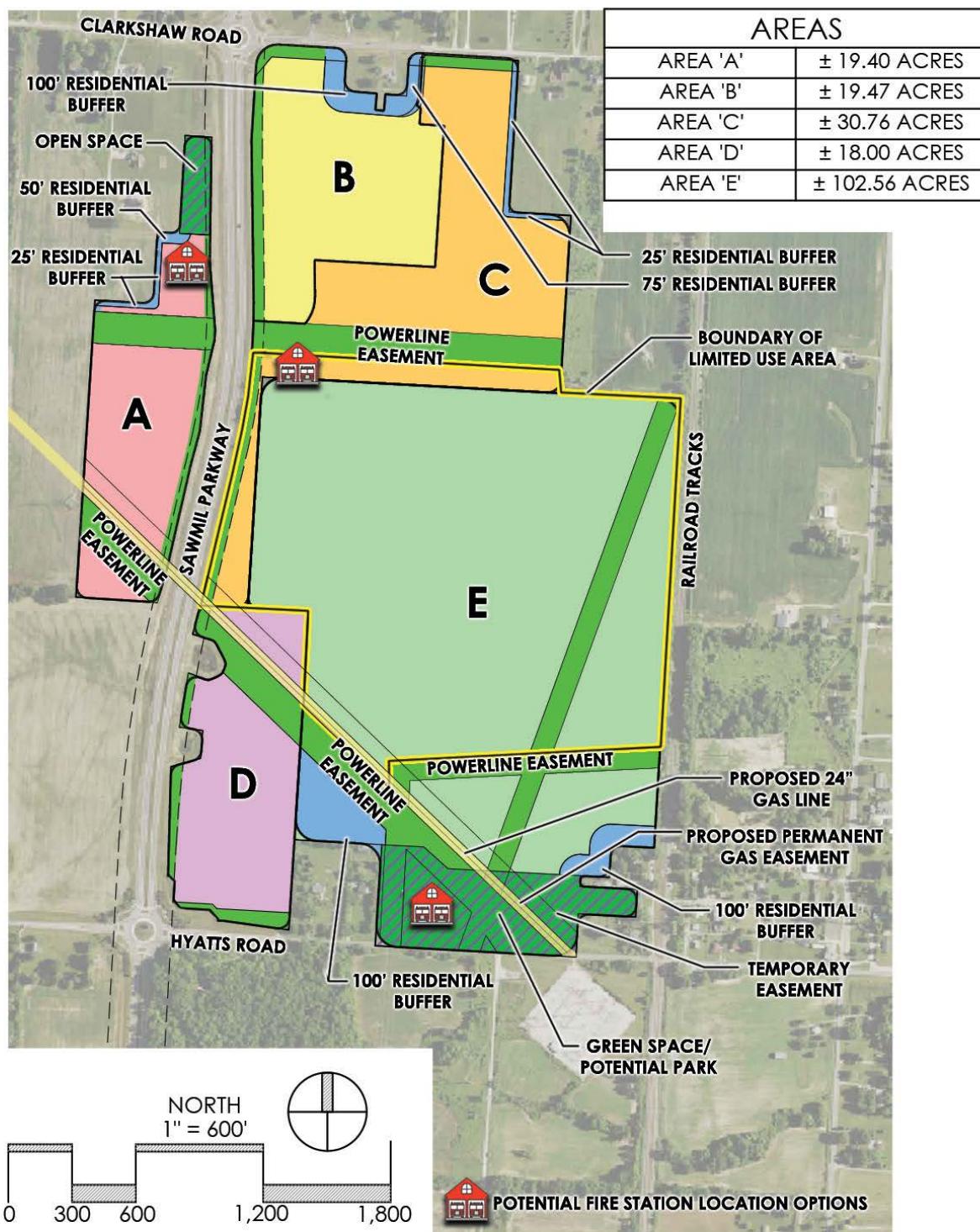
Please note some Final Development Plans, Parcel Deed Restrictions and Homeowners and Condo Associations may have additional restrictions/requirements beyond those listed in this Zoning District. The Applicant is

responsible for researching and obtaining written permission as needed before applying for a Zoning Permit Application and/or Building Permit.

Section 18D.02 – OVERLAY DISTRICT AREA ESTABLISHED

The POD is created pursuant to Section 519.021(C) of the Ohio Revised Code and encompasses, includes, overlays and rezones the POD area shown on the POD Overlay Development Plan (Map), which map is attached hereto and incorporated herein as Attachment 1 and is hereby adopted as the official zoning district map for the POD as part of this amendment. A private or public roadway network will be developed as part of future Final Development Plan(s) and shall be subject to final approval by the Delaware County Engineer, and final site/subarea engineering. Properties within the POD shall make Application in accordance with the provisions of this POD and Section 24.02 of the Liberty Township Zoning Resolution for Final Development Plan approval, in compliance with the provisions of this POD. The approval of an Application for Final Development Plan following the Liberty Township Trustees' approval of this POD is a ministerial act and shall not be considered an amendment to the Liberty Township Zoning Resolution.

Exhibit 1

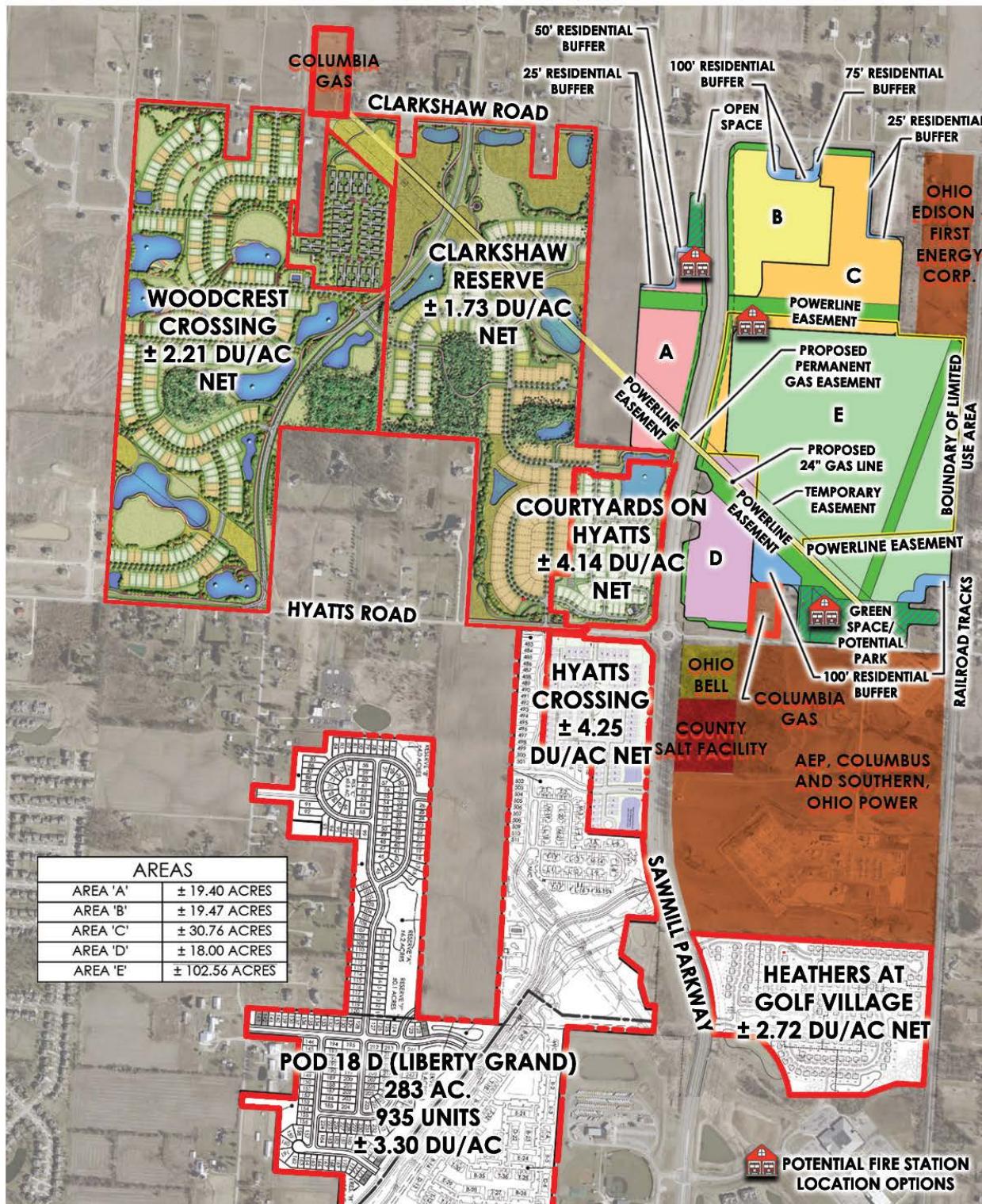


EX.1 PLANNED OVERLAY DISTRICT - POD 18 (D)

PREPARED FOR LIBERTY TOWNSHIP - DELAWARE COUNTY, OHIO

DATE: 3-12-21

POD ILLUSTRATION



EX.1 PLANNED OVERLAY DISTRICT - POD 18 (D) W/ SURROUNDING APPROVED USES

PREPARED FOR LIBERTY TOWNSHIP - DELAWARE COUNTY, OHIO

DATE: 3-12-21

Section 18D.03 – PERMITTED USES

18D.03.1 Residential Uses as provided for by subareas identified herein. Specifically: (1) Single-Family Homes, single-family detached residential or Patio Homes (Single-Family including condominium or homes associations); (2) Attached Homes, attached residential of 2 or greater units that are owned individually (including condominium or homes associations); (3) Multi-family, attached residential of 2 or greater units which are offered for rent or lease.

18D.03.2 Limited uses of Article 15, Planned Commercial District, as specified in the following document for POD 18D per Area. The development standards of Liberty Township Zoning Resolution Article 15, Planned Commercial District shall supplement this POD for those limited uses only, where this POD 18D is silent. Conflicts shall be resolved in favor of the development standards of this POD 18D.

18D.03.3 In addition to the permitted commercial uses, subject to the condition that the following is a component of an allowed limited use of Article 15 in the POD Commercial District, Innovative Technology, Logistics, and Research and Development uses shall be permitted with the following standards.

- 18D.03.3.a** No emissions of smoke, dust, or other particle matter, toxic or noxious materials, or odors and all business and storage is completely conducted in an enclosed building.
- 18D.03.3.b** Innovative technology to improve a product or process that result in clean advanced manufacturing.
- 18D.03.3.c** Research and development centers for improving existing products or the development of new products.
- 18D.03.3.d** Warehousing, distribution and product development, which are subsidiary and secondary to primary permitted use. The warehousing activities shall be fully enclosed, shall only support a permitted commercial or office venture, and not be more than 70% of the actual building area of each allowed use. These components are to support a business on a small scale and cannot be the primary business.
- 18D.03.3.e** Assembling or packaging of goods, materials, or products.
- 18D.03.3.f** Medical, dental, and optical laboratories, including any offices associated with and supporting said laboratories.
- 18D.03.3.g** May only be in subareas C and E, within the limits of the power line easement to the north, railroad tracks to the east, and powerline easements to the south (limits indicated on Exhibit 1).

18D.03.4 Temporary Structures. Temporary structures such as manufactured/mobile home 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. A Zoning Permit shall be obtained for such temporary use, which permit shall be valid for twelve (12) months and renewable for up to 3 years total. Renewal of the permit shall be at the discretion of the Zoning Department on finding of reasonable progress toward completion of the permanent structure or project. Renewal shall not be unreasonably denied. The Zoning Department may require provisions for sanitary waste disposal, solid waste disposal and water supply, as the Zoning Department deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. No such structure shall be occupied as a dwelling.

18D.03.5 Existing Uses/Zoning to Remain. Until such time as a Final Development Plan is approved for area(s) within the POD, within the requirements of the POD, the existing legal uses and zoning for all areas within the POD shall be permitted. Legal uses established prior to this POD shall be permitted to exist as legal non-conforming.

Section 18D.04 – ACCESSORY USES, BUILDINGS, AND STRUCTURES

18D.04.1 Accessory Uses. Any subarea located within the POD shall be permitted to include the following accessory uses, so long as those uses are either contained within the buildings of a permitted use, or within separate buildings or structures that are architecturally and/or operationally integrated into the subarea development:

- 18D.04.1.a** Clubhouses, recreational and entertainment facilities, indoor or outdoor, and may include but not limited to tennis courts, basketball courts, pools, bocce court, etc.
- 18D.04.1.b** Sheds, play structures, pools, and pool fencing.
- 18D.04.1.c** Private Garages.
- 18D.04.1.d** Exercise and Fitness Facilities.
- 18D.04.1.e** Personal and Laundry Services (except 812332 Industrial Launderers).
- 18D.04.1.f** Mail collection facilities.
- 18D.04.1.g** Trash compactor enclosures and bulk storage area.
- 18D.04.1.h** Service buildings for mechanical enclosures such as water meters, generators, and fire pumps.
- 18D.04.1.i** Storage facilities for bicycles, as well as individual storage facilities for the keeping of personal property owned by the residents, and only accessory to such ownership. Bicycle and individual storage facilities may be located wholly in a separate accessory structure, so long as that structure(s) is architecturally integrated into the Development Plan. Commercial storage facilities are not permitted.
- 18D.04.1.j** Home Occupations: professional or business activities shall be considered permitted as "Home Occupations," provided that such activities are carried on solely within the confines of the dwelling, do not occupy more than twenty percent (20%) of the dwelling, retain no non-residential employees (whether paid or voluntary), generate no greater traffic, parking or deliveries than would normally be expected in a residential neighborhood, do not create a nuisance to the neighborhood or general public, and are imperceptible from the exterior of the dwelling and display no sign.

The above uses are not intended as separate, independent, or principal commercial uses, but rather only accessory in nature, so as to complement the permitted principal use(s).

Section 18D.05 – PROHIBITED USES

Uses not specifically authorized by the express terms of this Article of the Zoning Resolution shall be prohibited. The following uses shall be prohibited:

18D.05.A Uses not specifically approved by the Zoning Commission as part of the Development Plan.

18D.05.B Outdoor storage of inoperable, unlicensed, or unused motor vehicles for a period exceeding seven (7) days. 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 a legal sales or

repair activity if such activities are carried out in compliance with an approved Final Development Plan.

18D.05.C Except as provided in a Final Development Plan, no trailers, no boats, no motor homes, no campers and no equipment of any type shall be parked in front of the principal structure line on any non-residential parcel within this district, and may only be parked for not more than eight (8) hours in a twenty-four period if located on a residential parcel. If a structure is located on the property, the principal structure 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 the Development Plan.

18D.05.D No manufactured home, temporary mobile home, motor home or camper shall be occupied in this district for residential purposes. Mobile office structures may be permitted in the approved Final Development Plan in accordance with Section 18D.03.

18D.05.E No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any garbage, refuse, or junk shall be permitted to accumulate on any lot or portion thereof. All trash, debris, discarded materials, vehicle parts, rags, lumber, building materials, and other garbage, refuse or junk shall be contained in solid sided containers during construction phases and thereafter. No wire or cage-type containers shall be permitted, and no such materials shall be above the sides of the container.

18D.05.F No Extended Stay Hotels or adult oriented businesses shall be allowed.

Section 18D.06 – PROCESS FOR PLAN APPROVAL

All Applications for Final Development Plan approval of any Subarea within the POD shall follow the procedures hereinafter set forth:

18D.06.A1 Pre-Application Meeting. The Applicant is encouraged to engage in informal consultations with staff from the Township and the Delaware County Regional Planning Commission prior to formal submission of an Application for approval of a Final Development Plan for any tract or property within the POD. No statement or action by Township or County officials in the course of informal consultations shall be construed to be a waiver of any legal obligation of the Applicant or of any procedure or formal approval required by Township or County statutes or rules. Ohio's Open Meetings Law (Section 121.22 of the Ohio Revised Code) is required to be observed at pre-application meetings involving a quorum of members of the Liberty Township Zoning Commission.

18D.06.A2 The applicant shall hold a minimum of two (2) open houses with the public invited and the surrounding neighbors within 200' will receive notification and zoning signs will be placed on the property announcing the open house time and location. These two open houses must be completed within a thirty-day period of the first open house prior to the submission of any Final Development Plan in POD 18D.

18D.06.B Application and Final Development Plan. The Applicant shall prepare and submit six (6) copies of an Application and Final Development Plan, along with an electronic copy and all applicable fees to the Liberty Township Zoning Commission, at least 21 days prior to the meeting. The Application shall be signed by the Applicant and all owners of property, or their designee, included in the Application and Final Development Plan. The Application shall include a list of property owners, by mailing

address appearing on the Delaware County Auditor's current tax list, within, contiguous to, directly across the street from, and within two hundred feet (200') of the perimeter boundaries of such area subject of the Application for Final Development Plan. The Liberty Township Zoning Commission may request that any County agency and/or any committee of the Delaware County Regional Planning Commission submit comments for consideration at the meeting.

The Application shall be accompanied by a Final Development Plan and the following supporting information and documentation in text and map form:

- 18D.06.B.1** A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed development.
- 18D.06.B.2** A grading plan drawn to scale, showing all information pertaining to surface drainage.
- 18D.06.B.3** A detailed Landscape Plan shall be submitted with the Final Development Plan and shall be subject to approval as part of the Final Development Plan. It shall depict and identify all proposed landscaping features.
- 18D.06.B.4** A detailed Signage and Exterior Lighting Plan shall be submitted with the Final Development Plan and shall be subject to approval as part of the Final Development Plan.
- 18D.06.B.5** A detailed Parking Plan shall be submitted with the Final Development Plan and shall be subject to approval as part of the Final Development Plan.
- 18D.06.B.6** An explanation of the method/structure and proposed documentation and instruments to be used in order to perpetually own, maintain and preserve the Open Space, as required, that is unified and permanently protected. The location, size and proposed use(s) of all Open Space areas shall be detailed.

18D.06.C Final Development Plan Contents. The Final Development Plan shall include in text and map form the following:

- 18D.06.C.1** Proposed name of the development and its location.
- 18D.06.C.2** Names and addresses of applicant, owners, and developers. Also, the names and mailing addresses of all owners of property within and contiguous to and directly across the street from the area proposed for POD approval shall be provided.
- 18D.06.C.3** Date, north arrow, and plan scale. Scale shall be one inch equals one hundred feet 1" = 100 feet or larger scale.
- 18D.06.C.4** A description and location of the precise uses proposed for the development and phases for construction, if any. If the proposed development includes developing the property in phases, all phases to be developed after the first shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.
- 18D.06.C.5** Locations, widths, and names of all existing public streets or other public or private roads/ways, railroad and utility rights of way or easements, parks and other public open spaces, permanent structures, and corporation lines within or adjacent to the tract.
- 18D.06.C.6** Existing sewers, water mains, culverts, and other underground facilities within the tract, adjacent to the tract or that will be used or are proposed to be used in developing the tract, indicating pipe sizes, grades, and locations.
- 18D.06.C.7** The adjoining lines of adjacent tracts, parcels, or lots.

18D.06.C.8 Additional restrictions and deed restrictions, if any.

18D.06.C.9 Existing topography, drainage channels, wooded areas, watercourses, wetlands, and other significant physical features

18D.06.C.10 Layout of proposed streets, private or public, including their names and rights of way, easements, sewers, water lines, culverts, and other major improvements.

18D.06.C.11 Layout, numbering, and dimensions of lots if more than one.

18D.06.C.12 The total amount of Lot Coverage and density to confirm with the POD, as that term is defined in this POD as gross acreage.

18D.06.C.13 Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the condition proposed for such covenant or dedication.

18D.06.C.14 Building setback lines with dimensions.

18D.06.C.15 Building locations depicting the bulk, height, and spatial relationships of building masses with adjacent development.

18D.06.C.16 Layout, location, dimensions, and architectural features of proposed structures including preliminary floor plans and exterior elevations.

18D.06.C.17 Location and dimensions of all paths, sidewalks, multi-use trails and connections thereof to facilitate connectivity among areas within the POD.

18D.06.C.18 Color rendering of building(s), complete with a listing of all colors, including the manufacturer's reference/serial number with samples and materials to be used.

18D.06.C.19 A Detailed Parking and Loading Plan showing layout, location and design of parking and loading areas for all proposed uses, including proposed number of parking and loading spaces, traffic circulation, curb cuts, pedestrian walks, and lane improvements on existing public roads.

18D.06.C.20 Engineering feasibility studies of any anticipated problems which may arise due to the proposed development as required by the Zoning Commission.

18D.06.C.21 Intended measures to screen the development from adjacent residentially zoned property as well as measures to screen rooftop mechanical equipment, production areas, service areas, storage areas, trash containers and loading zones from view.

18D.06.C.22 Accommodations and access for emergency and fire-fighting apparatus.

18D.06.C.23 Location, type, dimensions and features of all signage and exterior lighting through a detailed Signage and Exterior Lighting Plan.

18D.06.C.24 The plan or mechanism to provide for the perpetual maintenance of all landscaping, buffers, and shared parking areas by the ultimate owner and/or user.

18D.06.C.25 Projected schedule of site development.

18D.06.C.26 The ability of the applicant to carry forth the Final Development Plan by control of the land and the engineering feasibility of the Final Development Plan.

18D.06.C.27 Other supplemental information, as may be reasonably required by the Liberty Township Zoning Commission, to determine compliance with this POD.

18D.06.C.28 The Final Development Plan (and the various accompanying plans) shall bear the seal of a registered engineer or surveyor and an architect or landscape architect, each of whom shall be licensed to practice in the State of Ohio.

18D.06.C.29 The applicant may request a divergence from the development standards set forth in this Article 18D or otherwise to the Liberty Township Zoning Resolution. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Final Development Plan submittals, with a request that the proposed divergence be approved as part of and as shown on the Final Development Plan. Unless specifically supplemented by the standards

contained in the Final Development Plan, the development shall comply with the requirements contained in Article 18D and the General Development Standards most closely comparable to the use/zoning district(s), as contained in the Liberty Township Zoning Resolution. The applicant may not request a divergence that increases the number of units allowed per this POD, decreases, or omits required buffers or decreases required open space, except for what is designated in Section 18D.07E.iii.

18D.06.D **Zoning Commission Action.** After receipt of the completed Application materials and required fees, the Zoning Commission shall schedule a public hearing within forty-five (45) days after the filing of the complete Application. Notice shall be sent by regular, first class mail to the applicant and to all owners of property within, contiguous to, directly across the street from, and within two hundred feet (200') of the perimeter boundaries of such area subject of the Application for Final Development Plan. Mailing by the Zoning Commission shall be to the addresses of such owners appearing on the Delaware County Auditor's current tax list. The failure of delivery of that notice shall not invalidate any action the Zoning Commission may take on the Application. The Zoning Commission shall render a decision on the Application and Final Development Plan within thirty (30) days after the conclusion of the hearing.

18D.06.E **Basis of Approval.** The Zoning Commission, shall consider and approve a Final Development Plan upon a finding of substantial compliance based upon the following:

- 18D.06.E.1** Whether the proposed Application and Final Development Plan are consistent with the uses, and standards of this POD Zoning Resolution as set forth and defined in Section(s) 18D.07 and 18D.08 of this POD; and if applicable, determine if divergence(s) are reasonably related to or that facilitate the use(s), criteria and/or standards of this POD.
- 18D.06.E.2** Whether the proposed Application and Final Development Plan meet the design features as set forth and defined in Section(s) 18D.07 and 18D.08 of this POD.
- 18D.06.E.3** Whether the proposed development will be adequately served in a manner consistent with other mixed use communities located within Liberty Township, by essential public facilities and services including, without limitation, roads, walkways, police and fire protection, drainage structures, potable water and centralized sanitary sewers or other approved sewage disposal systems.
- 18D.06.E.4** Whether the proposed development has adequately addressed traffic considerations in the immediate vicinity of the proposed development or elsewhere in the Township, as evidenced by a traffic study approved by the Delaware County Engineer.

18D.06.F **Effect of Approval.**

- 18D.06.F.1** The Zoning Commission's determination shall not be considered an amendment to the Township Zoning Resolution for purposes of Section 519.12 of the Revised Code. A negative decision of the Zoning Commission may be appealed by the Applicant first to the Township Trustees within thirty (30) days of the date of the Zoning Commission Decision, and thereafter from the decision of the Township Trustees pursuant to Chapter 2506 of the Revised Code. The approval of an applicant's Application for Final Development Plan approval pursuant to this POD is a ministerial act and shall not be

considered a rezoning amendment to the Township Zoning Resolution for the purposes of Section 519.12 of the Revised Code and may not be appealed pursuant to Chapter 2506 of the Revised Code.

18D.06.F.2 The approval of a Final Development Plan for any subarea shall be effective for a period of five (5) years (or for such other time period as may be approved as part of the Final Development Plan) in order to allow for the preparation and recording of a subdivision plat (if required under applicable law) and the commencement of construction following the issuance of a zoning permit(s). If no plat has been recorded within this approval period or, if platting is not required, if construction or other affirmative actions, efforts or planning has not commenced, and unless the Zoning Commission approves an extension of this time limit, a Development Plan shall expire. Extensions of an approved Final Development Plan shall not be unreasonably denied. Upon the expiration of the Final Development Plan, the subject parcel(s) shall remain zoned POD, but no use shall be established or changed, and no building, structure or improvement shall be constructed until an Application for a new Final Development Plan, accompanied by a new Final Development Plan, has been filed with and approved by the Township using the procedures and process then established for the approval of an initial Development Plan.

18D.06.F.3 An extension of the time limit for either recording the approved subdivision plat or the commencement of construction may be granted by the Zoning Commission upon Application of the owner(s), provided the Zoning Commission determines 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 recordation of the plat or the completion of the development of the project. The length of time permitted for an extension shall be determined based upon the Application submitted. A request for extension shall be filed prior to the expiration of the established approval period.

18D.06.F.4 Following the approval of a Final Development Plan, proposed variations from the approved Final Development Plan that involve only one (1) lot may be considered this 25 of the Zoning Resolution. All other modifications to the Final Development Plan shall be presented to the Zoning Commission for its consideration pursuant to Section 18D.06.F.5, hereof.

18D.06.F.5 Upon application, the Zoning Commission may, at a duly held hearing, modify an approved Final Development Plan pursuant to the same procedures as the original Application in Section 18.06D. The request for modification may be approved upon a showing of a compelling reason and practical necessity for the same. Such modification is administrative in nature and not in conflict with the intent and purpose of the POD Planned Overlay District.

18D.06.G Fees. A fee as established by the Board of Trustees shall accompany an Application requesting approval of the Final Development Plan, as well as any request for extension or modification. In addition, the applicant shall also be responsible for all reasonable and necessary expenses incurred by Liberty Township in using professional consulting services to review the Final Development Plan. These expenses may include, without limitation, the actual costs for professional consultants such as attorneys, architects, landscape architects, planners and/or engineers utilized by the Township in connection with reviewing the Development Plan and related Application materials. As soon as reasonably practicable following the submission of an Application for approval of a Final

Development Plan, the Zoning Commission shall decide if it needs a professional consultant(s) to assist with reviewing the application.

Section 18D.07 – GENERAL DESIGN STANDARDS

All proposed developments within the POD shall be designed in accordance with generally accepted planning principles, including the design standards included in this Section, to ensure that the use of land, buildings and other structures; the building location, bulk, layout, arrangement, design, and height; the percentages of lot areas that may be occupied; the setback of buildings; and the sizes of yards and other spaces are in compliance with the purposes and standards of this Section. The Final Development Plan shall comply with the following design standards. Conflicts between this POD and the Liberty Township Zoning Resolution shall be resolved first in favor of this POD and all variances considered to accommodate or implement these POD standards, definitions and the general land uses as set forth herein. Items unaddressed or otherwise not listed within this Article 18D shall default to the Liberty Township Zoning Resolution.

18D.07.A Vehicular Access. Individual development projects shall have direct access to one or more improved roads (public or private in nature) that are either existing or proposed, of sufficient capacity to accommodate traffic generated by the proposed development. Provision for future connections to other public roads as required by the Township, or other applicable governmental authorities, shall be provided. Unless otherwise provided by an approved Final Development Plan, emergency vehicular connectivity shall be provided. Private roads and drives shall be maintained by the subarea owner or property owners' association.

18D.07.B Pedestrian Access. Pedestrian access shall be provided throughout the development so that uses are linked by sidewalks or other pathways. Sidewalks or paths may be located along roadways, through green space or open space, and other locations that make logical sense for pedestrian access. Other than direct pedestrian access between Subarea A and the remainder of POD 18D (pedestrian access is limited to roundabout locations across Sawmill at Hyatts and Clark-Shaw), there shall be a pedestrian access system that links all uses and parcels internally.

18D.07.C Lighting. Lighting shall be coordinated for style and practicality given the particular use or design of each subarea.

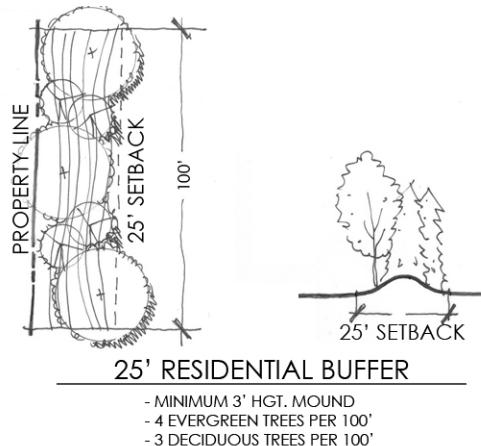
18D.07.D Signage. All signs and graphics within the POD shall be coordinated to be generally compatible in size, location, material, height, shape, color, and illumination. The Signage Plan for each subarea of the POD shall set forth the design parameters for the entire project to ensure a consistent and comprehensive character throughout the project. The Signage Plan shall include the design, layout, and dimensions of all ground, monument, window, and wall signs as well as distances from right of way and the type and intensity of illumination. Signs should contribute to an overall cohesive design, reflect simplicity, and avoid visual clutter. The overall design and placement of buildings should take into account the general placement of signs so that all permanent signs and associated lighting fixtures complement the appearance and architecture of the buildings and the POD and do not contribute to environmental degradation. Ground signs shall be designed to relate to and share common design elements with the building. The materials and colors of the sign, sign background and sign frame shall be compatible with the subarea buildings' materials and colors. No video board signage shall be permitted.

18D.07.E Landscaping.

18D.07.E.i All yards (front, side, and rear) and all Open Space not covered by structure, asphalt or concrete and the like, shall be landscaped with grass and shrubbery/plantings and the like. All landscaping shall be maintained and kept in accordance with the Landscape Plan as submitted and approved. All vacant areas shall be kept seeded and maintained in such a manner as to prevent erosion of the property and excess drainage on adjoining land. A Landscape Plan shall show the caliper, height, numbers, name, and placement of all materials. The pattern of landscaping shall be coordinated in design and type of materials, mounding and fencing used. Landscaping may vary in density, spacing and other treatments to reflect variations of topography, existing landscape, or land uses. The landscape treatment proposed to be provided shall emphasize a pedestrian environment, separate pedestrian ways from parking areas, enhance architectural features, provide shade, and strengthen vistas and serve as an important axis between the development and other locations.

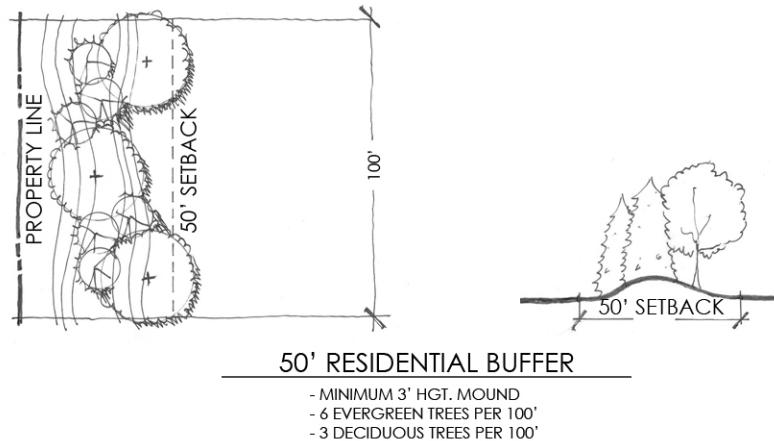
18D.07.E.ii The Landscape Plan shall preserve and be sensitive to the natural characteristics of the site and shall provide screening from adjacent Residential Uses and districts. Where natural or existing topographic patterns positively contribute to the appearance and utility of a development, they shall be preserved. Any proposed landscape mounds shall be designed with such slope, plant, and other landscape materials to minimize maintenance requirements and maximize the health and durability of the chosen plants and landscape materials. Overall unity of design shall be encouraged through landscape treatment. Plants that are indigenous to the area and others that are hearty, harmonious to the design, consistent with adjacent land uses, and, where applicable, of good appearance, shall be used.

18D.07.E.iii An enhanced landscape buffer shall be provided within the setback in subareas A, B, C, D, and E where adjacent to existing residential homes (refer to Exhibit 1 for enhanced buffer locations). For 25' setbacks a minimum 3' hgt. undulating earth mound, 4 evergreen trees (8' height at install) per 100 linear feet, and 3 deciduous trees (2 1/2" caliper at install) per 100 linear feet shall be installed. See 25' Residential Buffer Exhibit below for more information.



For 50' setbacks a minimum 3' hgt. undulating earth mound, 6 evergreen trees (8' height at install) per 100 linear feet, and 3 deciduous trees (2 1/2" caliper at install) per 100

linear feet shall be installed. See 50' Residential Buffer Exhibit below for more information.



18D.07.F Environmentally Sensitive Areas. All proposed development within the POD shall consider and to the greatest extent practicable, sensitive areas, wetlands, streams, etc. Encroachments for infrastructure shall be permitted. All development within the POD shall comply with the rules of the Ohio EPA and US Army Corps of Engineers, as may apply. ODEPA Olentangy Permit stream delineation and mitigation setbacks shall be included and noted on final development plans.

Section 18D.08 – DEVELOPMENT STANDARDS

The Final Development Plan shall comply with the following development standards:

18D.08.A Tract Size. The gross area of a tract of land (i.e., subarea) proposed to be developed in the POD shall consist of a minimum of ten (10) acres, exclusive of right-of-way. No minimum lot size is required. However, all lots shall be of sufficient area to comply with the required yard areas, setbacks and other design and development standards as set forth in this POD.

18D.08.B Intensity of Use. All buildings shall be erected on permanent foundations and shall be constructed of conventional building materials of a quality equal to or better than those used in existing buildings in nearby areas or as specified herein.

18D.08.C Development by Subarea. Development of the POD is planned on a subarea basis: Commercial and Healthcare Uses. If the uses set forth in Section 18D.03.2 that are limited per subarea and are proposed in Subareas permitted for such uses as prescribed below, the development standards of Liberty Township Zoning Resolution Article 15 shall apply to this POD for those uses only.

Subarea A:

Acreage: 19.4 +/- ac

Uses: Multi-Family Residential and/or Attached Homes and ancillary services related to those uses as allowed in Section 18D.04.

Units: 208 du maximum

Subarea B:

Acreage: 19.47 +/- ac

Uses: Commercial Uses per 18.D.03.2, limited as follows:

311811	Retail Bakeries
31213	Wineries (and related uses)
32311	Printing
4413	Automotive Parts, Accessories, and Tire Stores (excludes tire stores, auto salvage yards, and used automotive parts)
442	Furniture and Home Furnishings Stores
443	Electronics and Appliance Stores
444	Building Material and Garden Equipment and Supply Dealers (excludes 444190, lumber retailing yards, 444190, and prefabricated building dealers)
445	Food and Beverage Stores (excludes ancillary gas pumps)
446	Health and Personal Care Stores
448	Clothing and Clothing Accessories Stores
451	Sporting Goods, Hobby, Musical Instrument and Book Stores
452	General Merchandise Stores (excludes 452910 Superstores and Warehouse Clubs, and 452990 Dollar Stores)
453	Miscellaneous Store Retailers (excludes 453930 mobile home dealers)
51	Information (excludes 51213 – Motion Picture Theaters, and any adult related production)
52	Finance and Insurance (excludes 522298, Pawnshops and 522390, payday lending services)
531	Real Estate (excludes any category 531130 use associated with mini warehouse self-storage)
53242	Office Machinery and Equipment Rental and Leasing
54	Professional, Scientific and Technical Services
61	Educational Services (excludes 611519 truck driving schools)
62412	Services for the elderly and persons with disabilities
6244	Child day care
71112	Dance Companies
71394	Fitness and Recreational Centers
71395	Bowling Centers (as secondary use, i.e.: Pins Mechanical)
722	Food Services and Drinking Places
813	Religious, Grant making, Civil, Professional and Similar Organizations
92	Public Administration (except 92214 – Correctional Institutions and 92215 Parole Offices and Probation Offices)

Density: maximum 12,000 square feet per acre.

No single commercial building shall exceed 65,000 square feet.

Subarea C:

Acreage: 30.76 +/- ac

Use: Single-Family Residential and/or Attached Homes, Patio Homes

Units: 75 du maximum

Commercial Uses per 18D.03.2 (Sawmill frontage, and south of power line easement only), limited as follows:

311811 Retail Bakeries

31213 Wineries (and related uses)

32311 Printing

- 4413 Automotive Parts, Accessories, and Tire Stores (excludes tire stores, auto salvage yards, and used automotive parts)
- 442 Furniture and Home Furnishings Stores
- 443 Electronics and Appliance Stores
- 444 Building Material and Garden Equipment and Supply Dealers (excludes 444190, lumber retailing yards, 444190, and prefabricated building dealers)
- 445 Food and Beverage Stores (excludes ancillary gas pumps)
- 446 Health and Personal Care Stores
- 448 Clothing and Clothing Accessories Stores
- 451 Sporting Goods, Hobby, Musical Instrument and Book Stores
- 452 General Merchandise Stores (excludes 452910 Superstores and Warehouse Clubs, and 452990 Dollar Stores)
- 453 Miscellaneous Store Retailers (excludes 453930 mobile home dealers)
- 51 Information (excludes 51213 – Motion Picture Theaters, and any adult related production)
- 52 Finance and Insurance (excludes 522298, Pawnshops and 522390, payday lending services)
- 531 Real Estate (excludes any category 531130 use associated with mini warehouse self-storage)
- 53242 Office Machinery and Equipment Rental and Leasing
- 54 Professional, Scientific and Technical Services
- 61 Educational Services (excludes 611519 truck driving schools)
- 62412 Services for the elderly and persons with disabilities
- 6244 Child day care
- 71112 Dance Companies
- 71394 Fitness and Recreational Centers
- 71395 Bowling Centers (as secondary use, i.e.: Pins Mechanical)
- 722 Food Services and Drinking Places
- 813 Religious, Grant making, Civil, Professional and Similar Organizations
- 92 Public Administration (except 92214 – Correctional Institutions and 92215 Parole Offices and Probation Offices)

Density: maximum 17,000 square feet per acre.

No single commercial building shall exceed 65,000 square feet.

Subarea D:

Acreage: 18.00 +/-ac

Use: Healthcare Uses per 18D.03.2, limited as follows:

- 54 Professional, Scientific and Technical Services
- 55 Management of Companies and Enterprises (as a support or auxiliary use)
- 561 Administrative and Support Services (as a support or auxiliary use, excludes 561210, Correctional Facility operation on a contract or fee basis)
- 61 Educational Services (as a support or auxiliary use, excludes 611519 truck driving schools)
- 621 Ambulatory Health Care Services
- 622 Hospitals
- 623 Nursing and Residential Care Facilities (excludes 623990, halfway group homes for delinquents and ex-offenders)
- 62412 Services for the elderly and persons with disabilities (as a support or auxiliary use)
- 6244 Child day care (as a support or auxiliary use)
- 71394 Fitness and Recreational Centers (as a support or auxiliary use)
- 722 Food Services and Drinking Places (as a support or auxiliary use)

811 Repair and Maintenance (except 8113 – Commercial and Industrial Machinery and Equipment Repair and Maintenance) (related to repair of medical related equipment, as a support or auxiliary use)

812 Personal and Laundry Services (excludes 812332 – Industrial Launderers, 812199, tanning salons, tattoo parlors, Turkish bathhouses or Turkish baths, massage parlors, 812310, coin operated laundry services, 812990, bondsperson services, bail bonding services, dating services, escort services, social escort services, as a support or auxiliary use)
Or any other use that is applicable or relatable to the operation of a modern medical facility

Density: maximum 17,000 square feet per acre. Support or auxiliary uses in a separate structure shall not exceed 65,000 square feet under one roof.

Sub Area E:

Acreage: 102.56 +/- ac.

Use(s): Single Family Residential , Attached Homes,

Units: 315 du maximum

Commercial Uses per 18.D.03.2, limited as follows:

- 1114 Greenhouse, Nursery and Floriculture Production
- 311811 Retail Bakeries
- 31213 Wineries (and related uses)
- 32311 Printing
- 4413 Automotive Parts, Accessories, and Tire Stores (excludes tire stores, auto salvage yards, and used automotive parts)
- 442 Furniture and Home Furnishings Stores
- 443 Electronics and Appliance Stores
- 444 Building Material and Garden Equipment and Supply Dealers (excludes 444190, lumber retailing yards, 444190, and prefabricated building dealers)
- 445 Food and Beverage Stores (excludes ancillary gas pumps)
- 446 Health and Personal Care Stores
- 448 Clothing and Clothing Accessories Stores
- 451 Sporting Goods, Hobby, Musical Instrument and Book Stores
- 452 General Merchandise Stores (excludes 452910 Superstores and Warehouse Clubs, and 452990 Dollar Stores)
- 453 Miscellaneous Store Retailers (excludes 453930 mobile home dealers)
- 51 Information (excludes 51213 – Motion Picture Theaters and any adult related production)
- 52 Finance and Insurance (excludes 522298, Pawnshops and 522390, payday lending services)
- 53242 Office Machinery and Equipment Rental and Leasing
- 531 Real Estate (excludes any category 531130 use associated with mini warehouse self-storage)
- 54 Professional, Scientific and Technical Services
- 55 Management of Companies and Enterprises
- 561 Administrative and Support Services
- 61 Educational Services (excludes 611519 truck driving schools)
- 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
- 71112 Dance Companies

7113	Promoters of Performing Arts, Sports, and Similar Events (excludes any outdoor events that are permanent such as amusement parks or concert venues, similar to Polaris amphitheater)
71394	Fitness and Recreational Centers
722	Food Services and Drinking Places
813	Religious, Grant making, Civil, Professional and Similar Organizations
92	Public Administration (except 92214 – Correctional Institutions and 92215 Parole Offices and Probation Offices)

Density: maximum 17,000 square feet per acre
No single commercial building shall exceed 65,000 square feet.

The above total number of units shall be the maximum number of units within this POD. The maximum allowable units shall not be exceeded per subarea, and Commercial densities aggregated by acre shall not be exceeded.

18D.08.D Frontage, Setbacks and Yard Areas. Setbacks, frontage, and yard areas shown on POD Standards Chart are incorporated by reference herein. Roadways and access drives/curb cuts may extend into setback areas. No accessory structures shall be closer than 10' from rear property line or 5' from the side property line of a new lot created or associated with POD18D. No accessory structures, roadway, access drive or curbs shall be located within any required buffer yard along the perimeter of POD 18D as shown on Exhibit 1.

18D.08.E Lot Coverage and Building Height.

18D.08.E.1 Lot Coverage. The ground area occupied by all the buildings, structures, driveways, traffic circulation areas, parking areas, sidewalks and all other impervious surfaces shall not exceed in the aggregate seventy percent (70%) of the total area of POD18D. A minimum of 30% open space shall be required over the entire POD18D area as an aggregate. Any individual parcel or lot may have a maximum of 80% lot coverage, but the balance shall be made up elsewhere in the POD.

18D.08.E.2 Building Height.

- a.) Single Family, Attached Homes and Multi-Family Dwellings: No building or structure for any permitted use shall exceed two stories in height, (except that Townhome buildings may be two and one half (2 1/2) stories in height), or 40'. Chimneys, flagpoles, parapets, cupolas, and other similar architectural elements may exceed this height limitation by no more than eight (8) feet.
- b.) Commercial and Health Care uses: No building or structure shall exceed forty (40) feet in height. Chimneys, flagpoles, parapets, cupolas, and other similar architectural elements may exceed this height limitation by no more than ten (10) feet.

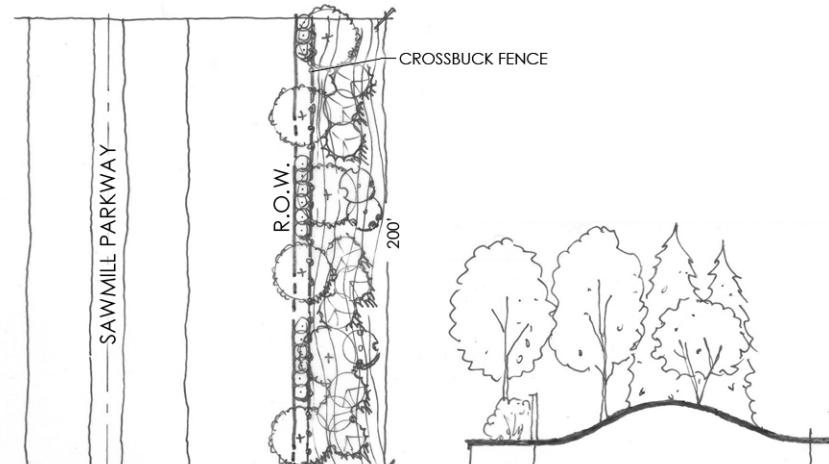
18D.08.F Architectural Standards.

18D.08.F.1 Architectural Review Board. Prior to the submission of the final development plan, an applicant shall submit the architectural plans to the Township Architectural Review Board (ARB) for review and approval.

18D.08.F.2 Design Elements. The architectural style and design of structures, including fencing, landscaping and other public and private improvements shall take into consideration the overall physical appearance of the proposed development and its compatibility with surrounding developments, uses, to ensure harmony, creativity and complimentary visuals throughout the site and general area. Fencing shall include a black cross-buck style fence along major roadways to include, but not limited to, Sawmill Parkway, Clark-Shaw Road, and Hyatts Road. Subsequent architectural items may be defined up until the time each Subarea is developed. All materials used to construct buildings within the POD shall be utilized in such a manner as to be architecturally and aesthetically compatible, so long as the proposal utilizes the permitted materials as specified by Section 18D.08.F.2 below. Creativity in design is encouraged; however, that creativity shall be consistent with the goals and requirements established for the POD by this Article 18D. At Clark-Shaw & Hyatt entrance areas 'horse sculptures', similar in nature to those at Liberty Township's southern boundary limits at Sawmill, shall be integrated into the design.

A landscape street treatment shall be applied to any development that is adjacent to Sawmill Parkway, Clark-Shaw Road, or Hyatts Road. With residential developments having a more dense treatment than a commercial, office, medical use, innovative technology, research and development, or logistics developments. All street treatment plantings may be grouped or spaced evenly, and the calculation of the number of plantings required should exclude any entry or exit drives.

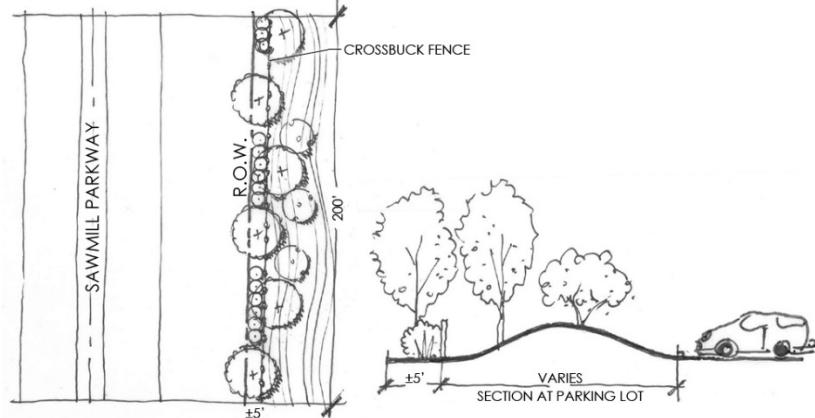
For a residential development that is adjacent to Sawmill Parkway a minimum 3' hgt. mound is required, along with a black crossbuck fence, 6 deciduous trees per 200 linear feet (2 1/2" at install), 9 evergreen trees (8' at install) per 200 linear feet, 3 ornamental trees (1 1/2" or 6' height at install) per 200 linear feet, and 15 deciduous shrubs (18" min. height at install) or 45 perennials (1 gallon min. at install) per 200 linear feet. See Sawmill Parkway Adjacent Residential Exhibit below for more information.



SAWMILL PARKWAY ADJACENT RESIDENTIAL

- MINIMUM 3' HGT. MOUND
- BLACK CROSSBUCK FENCE
- 6 DECIDUOUS TREES PER 200'
- 9 EVERGREEN TREES PER 200'
- 3 ORNAMENTAL TREES PER 200'
- 15 DECIDUOUS SHRUBS **OR** 45 PERENNIALS PER 200'
- * ALL PLANTINGS MAY BE GROUPED OR SPACED EVENLY

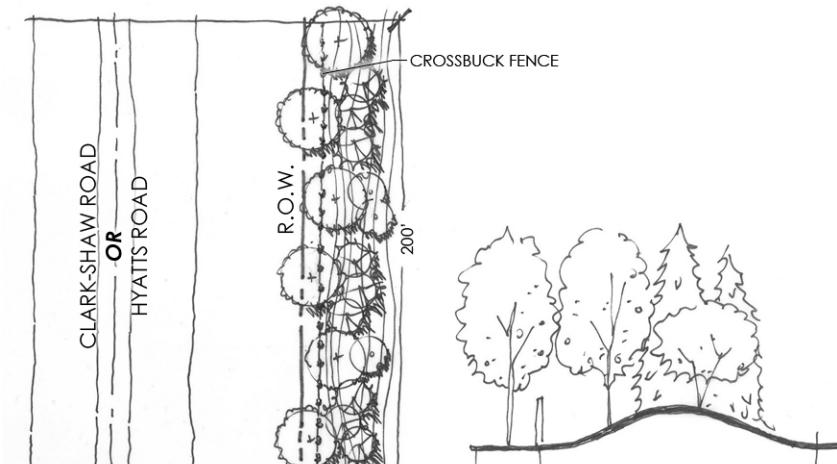
For a commercial, office, medical use, innovative technology, research and development, or logistics development that is adjacent to Sawmill Parkway a minimum 3' hgt. mound shall be required only if it abuts a public right-of-way. Also required is a black crossbuck fence, 6 deciduous trees per 200 linear feet (2 ½" at install), 3 ornamental trees (8' height at install) per 200 linear feet, and 15 deciduous shrubs (18" min. height at install) or 45 perennials (1 gallon minimum at install) per 200 linear feet. See Sawmill Parkway Adjacent Commercial Exhibit below for more information.



SAWMILL PARKWAY ADJACENT COMMERCIAL

- MINIMUM 3' HGT. MOUND (ONLY NECESSARY IF ADJACENT TO A PARKING LOT)
- BLACK CROSSBUCK FENCE
- 6 DECIDUOUS TREES PER 200'
- 9 EVERGREEN TREES PER 200'
- 3 ORNAMENTAL TREES PER 200'
- 15 DECIDUOUS SHRUBS **OR** 45 PERENNIALS PER 200'
- * ALL PLANTINGS MAY BE GROUPED OR SPACED EVENLY

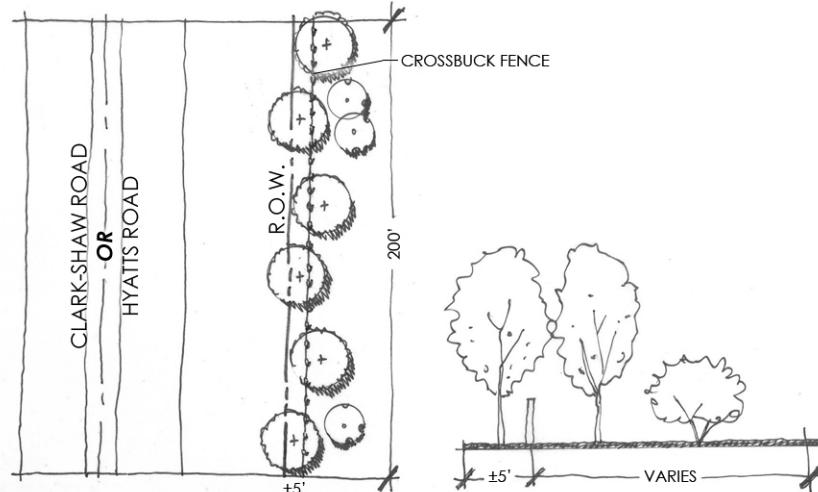
For a residential development that is adjacent to Clark-Shaw Road or Hyatts Road a minimum 3' hgt. mound is required, along with, a black crossbuck fence, 6 deciduous trees (2 ½" at install) per 200 linear feet, 9 evergreen trees (8' height at install) per 200' linear feet, and 3 ornamental trees (1 ½" or 6' height at install) per 200 linear feet. See Clark-Shaw & Hyatts Adjacent Residential Exhibit below for more information.



CLARK-SHAW & HYATTS ADJACENT RESIDENTIAL

- MINIMUM 3' HGT. MOUND
- BLACK CROSSBUCK FENCE
- 6 DECIDUOUS TREES PER 200'
- 3 ORNAMENTAL TREES PER 200'
- 9 EVERGREEN TREES PER 20'
- * ALL PLANTINGS MAY BE GROUPED OR SPACED EVENLY

For a commercial, office, medical use, innovative technology, research and development, or logistics development that is adjacent to Clark-Shaw Road or Hyatts Road a minimum 3' hgt. mound is required only if it abuts a public right-of-way. Also required is a black crossbuck fence, 6 deciduous trees (2 ½" at install) per 200 linear feet, and 3 ornamental trees (1 ½" or 6' height at install) per 200 linear feet. See Clark-Shaw & Hyatts Adjacent Commercial Exhibit below for more information.



CLARK-SHAW & HYATTS ADJACENT COMMERCIAL

- MINIMUM 3' HGT. MOUND (ONLY NECESSARY IF ADJACENT TO A PARKING LOT)
- BLACK CROSSBUCK FENCE
- 6 DECIDUOUS TREES PER 200'
- 3 ORNAMENTAL TREES PER 200'
- * ALL PLANTINGS MAY BE GROUPED OR SPACED EVENLY

If plants die after installation that are required by these frontage standards, they shall be replaced. The size of the replacements shall be no less than the original required minimum size or shall be 75% of the height/size of surrounding plantings if the plant dies

after the landscape has been installed and growing over time. No white pines shall be used for evergreen trees.

18D.08.F.3 Materials. The exterior elevations of all proposed buildings and screening structures shall only consist of any or any combination of the following:

- a.) Wood.
- b.) Native or cultured stone or stone veneer.
- c.) Upscale Vinyl with thickness 0.044" (nominal), minimum 6" width.
- d.) Stucco/EIFS.
- e.) Pre-cast concrete where used as an accent.
- f.) Cementitious siding (such as 'HardiPlank' or similar) and/or composite siding (such as SmartSide or similar).
- g.) Metal and glass (except for multi-family uses).
- h.) Brick accents
- i.) Composite wood materials
- j.) Any materials deemed by the Zoning Commission to be acceptable substitutions for the above natural materials.

The above material requirements shall not be applicable to soffits, facia windows, downspouts, gutters, window glazing, trims and reveals, as well as hardware and similar accents. Specific requirements per use are further describe in Section 18D.08.F.5.

18D.08.F.4 Roofing. All residential pitched roofs shall be of dimensional shingles, standing seam metal, slate, or simulated slate, unless otherwise approved in the Final Development Plan.

18D.08.F.5 Architectural Requirements: All multifamily dwellings, attached homes, and commercial, office and medical related uses in all subareas shall be designed to be seen from three hundred sixty degrees (360°) and have the same caliber of finish on all elevations. Building additions and Accessory Structures, whether attached or detached, shall be of similar design, materials, and construction to that of the existing or principal structure. The following standards shall also apply to structures for the following uses:

Commercial, Office, and Medical Use Buildings:

1.) Blank walls shall not be permitted. There shall be a minimum of three design elements for every one hundred (100) feet of elevation width for an elevation facing a public Right of Way and a minimum of two (2) design elements for every one hundred (100) feet of elevation for each side and rear elevation that does not front on a public right-of-way.

Typical design elements are as follows:

- a.) A door of at least twenty-eight (28) square feet in area with an awning, window, faux window, or other feature subject to approval by the ARB as applicable.
- b.) A window of at least six (6) square feet in area. Windows closer than ten (10) feet shall be considered as one (1) element. A set of adjacent

windows, such as double or bay windows, shall be considered one element.

- c.) Portico.
- d.) Dormers.
- e.) Projecting awning/canopy.
- f.) Masonry water table.
- g.) A gabled vent of at least four (4) square feet in area.
- h.) Patio, deck, or similar feature; or
- i.) A similar significant permanent architectural feature consistent with the style of the building upon approval of the ARB as applicable.

- 2.) All elevations shall have similar style, materials, colors, and details.
- 3.) Façade Appearance. A building frontage that exceeds a width of fifty (50) feet shall incorporate sectioning and offset of the wall plane to inhibit a large expanse of blank wall and add interest to the façade. Such offsets may be met through the use of bay windows, porches, porticos, building extensions, gables, dormers, or other architectural treatments.
- 4.) Materials.

Predominant Materials. All exterior walls shall be comprised of eighty (80) percent of natural materials or of synthetic materials that the township has deemed to mimic the look of natural materials. This permitted list of materials includes only the following: brick, stone, cultured or cast stone, E.I.F.S., wood, or fiber cement. Foundations must be clad with the same natural material utilized on building to blend with the overall architecture of the structure. Exposed cement block or split face block foundations shall be prohibited.

As technology evolves, newer synthetic materials, that did not exist at the time of the adoption of this Article, may be created and may mimic the look of the natural materials required within this Section. The Zoning Commission may approve the use of a newer material under the following conditions:

 - 1.) The manufacturing of said material did not exist at the time of adoption of this Article and
 - 2.) The ARB determines that said material provides a substantially similar appearance to the natural materials required by this Section.
 - a.) Accent Materials: Fiber cement, E.I.F.S., and like materials may be used as accents provided the total square footage of accent material does not exceed twenty (20) percent of the gross exterior building wall square footage. Other natural materials may also be incorporated into the building's exterior design. Vinyl and/or aluminum shall be prohibited except when used for trim details such as downspouts, soffits, gutters, and shutters.
 - b.) Glass. The use of black, gold, green, silver, opaque or any other reflective or colored glass on a building is prohibited. Frosted glass may be permitted in some cases, subject to approval of ARB and Zoning Commission, as applicable.
- 5.) Roofing. All single-story buildings shall have a pitched roof. Multi-story buildings may be permitted to have flat roofs. When pitched roofs are utilized, they shall be constructed of dimensional shingles, standing seam metal, slate, or simulated slate.
- 6.) In-Line Retail Exemption. Side or rear elevations of an in-line retail development may be exempt from the building design standards of if such elevations are not visible to

customer traffic, a public right-of-way, or if a future phase of the in-line retail development is forthcoming adjacent to the elevation. Such exempt elevations shall use materials complimentary to the primary elevation and be screened by landscaping, mounding fencing, or a combination thereof, as deemed appropriate.

7.) For buildings in Commercial Subareas only

Drive Thru Features. A drive thru, if deemed appropriate for the site, shall be designed as an integral part of the structure it serves. Features incorporated with a drive thru including, but not limited to, canopies, awning, and support posts shall match the materials and color scheme of the building they are serving. Drive thru features shall not have any pickup windows, ordering areas, signage, or other related items located on the front elevation of a building or located between the building and a street right-of-way.

Innovative Technology, Logistics, and Research and Development

- 1.) Façade. Sides of building visible from a public right-of-way shall be broken up with architectural design elements, landscaping, or a combination thereof.
- 2.) Use of Color. Earth tones, muted hues, and natural tones are permitted as a structure's base color. Brighter hues are permitted only as an accent feature on building elements such as awnings, doors, and trim. A mixed color palette on a single building should be carefully selected so all colors harmonize with each other.
- 3.) Glass. The use of black, gold, green, silver, opaque or any other reflective or colored glass on a building is prohibited. Frosted glass may be permitted in some cases, subject to approval of the ARB and Zoning Commission, as applicable.
- 4.) Pole Building Prohibited. All buildings shall be constructed on a continuous, permanent foundation. Pole buildings shall not be permitted.

Multi-Family Dwellings, Attached Homes

- 1.) Each elevation of a Multi-Family dwelling or attached home must include design elements as described herein.
- 2.) Multi-family dwellings shall provide design elements as follows: side or rear elevation must contain at least two (2) design elements. Each front elevation must contain at least three (3) design elements per dwelling unit contained within the building. On two-story dwellings, each story on a single elevation shall contain at least one (1) design element. Typical "design elements" are listed, but this list is not all-inclusive:
 - a.) A door of at least seventeen (17) square feet in area.
 - b.) A window of at least six (6) square feet in area. Windows with a horizontal separation of less than ten (10) feet shall be considered as one (1) design element. Sets of adjacent windows, such as double or bay windows, shall be considered as one (1) design element.
 - c.) A chimney.
 - d.) A gable vent of at least four (4) square feet in area.
 - e.) Porches, decks, or similar structures or
 - f.) A similar significant permanent architectural feature consistent with the style of the building upon approval by the ARB.
- 3.) Exterior cladding material used on all principal and Accessory Structures shall be brick, stone, cultured or cast stone, EIFS, wood, vinyl siding (0.044 mm or greater, 6" minimum width), and fiber cement siding. Vinyl and/or aluminum may be used for trim details such as downspouts, soffits, gutters, and shutters.

- 4.) Foundation that are exposed more than twelve inches (12") materials shall be brick, stone, stamped concrete, or a textured concrete block compatible with the structure.
- 5.) All exposed exterior chimneys shall have a brick or stone appearance and shall extend from the ground elevation to an elevation above the roof line at the location of the chimney.

18D.08.F.5 Generators. Any onsite external generators shall be positioned so that they are blocked from proposed or existing residential uses by proposed buildings or masonry structures to lessen sound from operation. All generators shall be screened from view with a wall to 1' above the height of the generator, and landscaping shall be utilized to soften the wall. The wall shall be constructed of the same materials and match the architectural features of the building

18D.08.G Exterior Lighting. The Exterior Lighting Plan is subject to the following requirements:

- 18D.08.G.1** Traffic signals shall be in accordance with any applicable county or state regulations.
- 18D.08.G.2** Site lighting shall be required for each commercial subarea, designed to sufficiently illuminate the site, and minimize spillover from the property.
- 18D.08.G.3** Light poles shall not exceed twenty (20) feet in height and should be in harmony with the parcel, building, and parking lot size as well as the surrounding area. Parking lot lighting shall be of a standard light source and type. The style shall reflect a traditional design, ideally consistent throughout the corridor.
- 18D.08.G.4** Building, pedestrian, and landscape lighting may be incandescent, metal halide, LED or other sustainable lighting as determined by the Zoning Commission.
- 18D.08.G.5** All commercial parking lot areas exclusive of driveways shall have a maximum light intensity of twenty (20) foot candles and an average light intensity between one half (0.5) foot candle and three (3) foot candles.
- 18D.08.G.6** All external lighting shall be decorative, cut-off type fixtures and downcast to reduce spillover, and shall be located so as to be internal to the project. Outdoor lighting shall be directed, reflected, or shielded so as not to be of excessive brightness or cause glare hazardous to pedestrians or drivers, create a nuisance or unreasonably interfere with a neighboring property owner's right to enjoy his property. Light spillover shall not exceed one tenth (0.1) foot candles when adjacent to a residential zoning district or an existing Residential use.
- 18D.08.G.7** Luminaires should have a minimum cut-off of forty-five (45) degrees, to provide glare control to pedestrian and vehicular traffic, as well as distinct beam cut-off on the outer perimeter of the setback areas.
- 18D.08.G.8** All Landscape Up-light Fixtures shall be screened by landscaping and cut-off in design. This type of lighting shall be equipped with automatic timing devices and shielded and focused to minimize light pollution.
- 18D.08.G.9** No permanent-colored lights or neon lights shall be used on the exterior of the buildings. Flashing lights shall be prohibited.
- 18D.08.G.10** External building lighting shall be limited to wall-mounted sconces and wall pack fixtures.

18D.08.H Signage. Graphics and Signage in the POD shall conform to Section 18D.07.D and Article 20 of the Zoning Resolution or as approved by the Zoning Commission.

18D.08.I Landscaping. All yard areas and Open Spaces shall be landscaped in accordance with an approved landscape plan. Natural foliage shall be retained as buffers where practicable. The Landscape Plan shall comply with the following requirements:

- 18D.08.I.1** Exterior Areas. Grass (seed or sod), shrubs, trees, garden planting areas or other appropriate landscape materials shall be planted in all exterior areas. Other groundcover, such as ivy, may be planted in exterior areas which are not occupied by required landscaping material or required for drainage. All vacant areas shall be kept seeded and maintained in such a manner as to prevent erosion of the property and excess drainage.
- 18D.08.I.2** Plants. All plants shall meet or exceed the American Standard for Nursery Stock as set forth by the American Association of Nurserymen.
- 18D.08.I.3** Tree Preservation. Reasonable and good faith efforts will be made to preserve existing trees. Consideration shall be given to laying out service roads, lots, structures, and parking areas to avoid the unnecessary destruction of wooded areas and individual trees. Additionally, standard tree preservation practices shall be used to preserve and protect trees during all phases of construction, including the installation of snow fencing as necessary to protect existing trees.

18D.08.J Parking and Loading. Parking shall be paved prior to receipt of a final Certificate of Compliance, with adequate provisions for ingress and egress according to the approved Development Plan, unless a phasing schedule is approved as part of a Development Plan. All parking shall conform with the following provisions:

- 18D.08.J.1** Minimum Number of Parking Spaces Required.

For Single Family, Attached Homes, or Multi-family residential, a minimum of two (2) parking spaces for each Dwelling Unit is required.

For Commercial, Healthcare, and other allowed uses, parking requirements shall be per Liberty Township Code.

Parking for any on site amenities or recreational facilities/activities that are a secondary or auxiliary use, such as a clubhouse to a multi-family or patio home development may be reduced ninety percent (90%) by right and reduced to zero by the Zoning Commission upon Development Plan approval.

Parking spaces shall be 9' x 18', except that parking spaces may be reduced to 8'x18' for garage spaces, parking spaces in front of garages, ADA spaces and/or additional parking areas that exceed the aggregate minimum number.

Surface parking spaces, driveway spaces and garages spaces may count toward required parking.

On-Street Parking in Single Family, Attached Homes and Multi-family Proposals. On street parking shall be permitted on both sides of the street, upon final approval of the fire department.

In Attached Homes and Multi-Family Dwelling proposals in the POD, an applicant may be allowed to count parallel or angled On-Street Parking spaces located along private streets towards the minimum parking requirements of this POD.

To preserve and create more useable greenspace, developments are encouraged to utilize the minimum parking areas/spaces needed. Justification for a reduction in parking spaces less than code requirements presented to the Zoning Commission during the final Development Plan Approval shall be considered. If the reduction is deemed feasible by the Commission, the reduction shall be permitted, provided that the required spaces are converted to green space and 'land banked' as open space. This open space shall be in addition to any previously required open space requirements.

Parking areas for individual parcels that are located within 150' of Hyatts, Sawmill Parkway, Clark-Shaw Road, or any new internal public road, shall be limited to one bay of parking between the proposed structure and public roadway. Parking may also be located at the side of the buildings. Each parking area that is located adjacent Hyatts, Sawmill Parkway, Clark-Shaw Road, or any new internal public road shall have vehicular use screening. Screening shall be accomplished by vegetation or mounding, or a combination of both, and shall be a minimum height of 3 feet as measured from adjoining parking lot surfaces. If vegetation is used, plant material shall be a minimum of 18" height at installation and reach 3' height screening within 3 years of installation. See Parking Lot Screening Exhibit below for more information.



PARKING LOT SCREENING

MINIMUM 3' HGT. MOUND **OR** 3' HGT. EVERGREEN HEDGE
(AS MEASURED FROM PARKING LOT)

18D.08.J.3 Residential Driveways shall be permitted to be 8 feet wide (minimum). Residential Driveways shall have maximum slopes of 12%. Residential Driveways may be located no closer than 5 feet from intersections of private streets only. No residential or commercial driveway shall be located so that it enters a public road within twenty (20) feet of the intersection of any two (2) public road rights of way. This requirement shall not apply to and there shall be no restriction for a driveway entering into the opposing right of way of a "T" intersection. Commercial driveways shall be a minimum of 20' in width.

18D.08.K Open Space. A minimum of thirty percent (30%) of the total POD acreage shall remain and be utilized as Open Space, the "POD Total Open Space Requirement." A minimum of ten percent (10%) of the total POD acreage shall be organized within each Subarea as Open Space, the "Subarea Open

Space Requirement." Open Spaces may include features such as, but not limited to, bike paths, walking paths, existing bodies of water, water impoundments, public and private utility easement areas, forested and landscaped areas not included in a single-family yard requirement, and similar features. Open Space may include the enhanced landscape buffer area provided within setbacks in subareas A, B, C, D, and E where adjacent to the existing residential homes along Clark-Shaw and Hyatts Road.

Required Open Space shall be restricted as follows:

- 1.) Open space in Commercial and office areas may include retention and detention areas, as well as areas under power line easements.
- 2.) Open Space in Residential areas may include detention and retention areas as well as areas under power lines but can only be used to fulfill 15% of the required open space.

The area of the normal pool elevation of the proposed drainage areas shall be used to determine the amount of acreage of the drainage feature. No features shall be designed which are likely to cause erosion or flooding. The applicant for each Final Development Plan shall have the responsibility for updating the documentation showing compliance with the POD Total Open Space Requirement. The responsibility for maintenance of Open Space within each subarea shall be specified by the applicant in writing within a Final Development Plan. Open Space may be proposed to be owned by an Association, the Township or other governmental entity, a land trust or other conservation organization recognized by the Township, or by a similar entity, or may remain in private ownership if appropriately restricted.

18D.08.L Multi-Use Paths and Pedestrian Access. Interconnectivity shall be provided for pedestrians and non-motorized uses. Sidewalks shall be located along internal streets and roads with additional facilities through open spaces and connections at logical locations. Wider bike paths shall be provided on at least one side of larger arterial roads and where connections to regional systems are warranted. Larger proposals should include a master bikeway/pedestrian plan. OPAL shall be consulted to provide recommendations in developing a comprehensive pathway plan for POD 18D.

18D.08.M Trash and Garbage Control (Attached Homes or Multi-Family Residential). All trash and garbage shall be stored in container systems (dumpsters or compactors) which are located at the rear of the building or at the side of the building if the side is not oriented towards an existing or planned right-of-way(s) and must be enclosed on all four (4) sides with either a masonry enclosure or wood fencing at a minimum of six (6) feet in height.

18D.08.N Utilities. All utility lines constructed to service the proposed development shall be located underground. Mechanicals, whether roof mounted or on the ground, shall be screened with architectural features and/or landscaping. Notwithstanding anything to the contrary, this provision shall not apply to the existing high-tension electric transmission lines that are located on the property.

18D.08.O Storm water Basins. Bio-retention basins, or rain gardens, may be used when approved by the Zoning Commission as part of a Development Plan and upon approval from Delaware County. Storm water basins, drains, impoundments, and appurtenances of any kind may be in the front, side, or rear yard(s) of any lot. All storm water basins shall be constructed per the requirements adopted by Delaware County Soil and Water and shall have no minimum or maximum size.

18D.08.P Other Requirements. Conflicts between this POD and the Liberty Township Zoning Resolution shall be resolved first in favor of this POD and all variances considered to accommodate or implement these POD standards, definitions and the general land uses as set forth herein. Unless specifically set forth by the standards contained in this Article 18D or those standards approved by divergence, the general development standards found in Article 4 of the Liberty Township Zoning Resolution shall apply.

Section 18D.09 – SETBACK STANDARDS

SUBAREA	A	B	C	D	E
PERMITTED USES	Multi-Family Homes, Attached Homes,	Commercial Uses	Single-Family Homes, Attached Homes, and Commercial Uses (Sawmill Frontage only)	Commercial Uses (Healthcare related and support uses only)	Single-Family Homes, Attached Homes, Commercial Uses
Clark-Shaw Road Building setbacks	N/A	80' from centerline	80' from centerline	N/A	N/A
Clark-Shaw Road Parking setbacks	N/A	55' from centerline	55' from centerline	N/A	N/A
Hyatts Rd Building setbacks	N/A	N/A	N/A	130' from centerline	130' from centerline
Hyatts Rd Parking setbacks	N/A	N/A	N/A	130' from centerline (or 25' from ROW, whichever is greater)	130' from centerline (or 25' from ROW, whichever is greater)
Sawmill Pkwy Building + Parking setbacks	140' from Sawmill Centerline	130' from Sawmill Centerline	130' from Sawmill Centerline	130' from Sawmill Centerline	N/A
Perimeter Setbacks Adjacent to Existing Residential/RR1/PRD and Railroad ROW Use (unless greater required by enhanced buffering)	25'	25'	25'	25'	25'
Multi -Family and attached Home setbacks from internal private roadways and parking (face of curb) (garages can be 0' setback)	15'	N/A	20'	N/A	15'
Single- family setbacks from internal private roadways and parking (from face of curb) (not driveway parking)	20'	N/A	20'	N/A	20'
Minimum Parking separation from interior lot lines	0'	0'	N/A	0'	0'
Minimum Building Separation - Residential	10'	10'	10'	10'	10'
Minimum Building Separation - Commercial	15'	15'	15'	15'	15'

Minimum Lot Width (at Front Setback) Single Family Homes	50'	50'	50'	50'	50'
Minimum Front Yard Setback (interior public streets) Single Family Homes	25'	N/A	25'	N/A	25'
Minimum Side Yard Setback (per side) -Residential, may allow 2 feet of encroachments for eaves, mansard roofs, bay windows for Single Family Homes	5'	5'	5'	5'	5'
Minimum Side Yard Setback - Commercial	15'	15'	15'	15'	15'
Minimum Rear Yard Setback, Residential (or Perimeter setback if greater)	5'	5'	5'	5'	5'
Minimum Rear Yard Setback, Commercial (or Perimeter setback if greater)	15'	15'	15'	15'	15'

Section 18D.09 – DEFINITIONS

The following definitions shall apply to terms that are used specifically in this POD. Otherwise, the definitions in Article 26 shall apply.

Attached Home: multiple unit dwelling of two (2) or greater units per building, up to eight (8) units per building. Owned individually per owner through a Condominium or Homes Association. Minimum unit size shall be 1,100 square feet per unit.

Density: the ratio of units per acre, calculated on a total gross acre basis.

Impervious Surfaces: areas that have been, or are proposed to be, paved and/or covered with buildings and materials that do not readily and freely absorb and/or allow water to penetrate, including, but not limited to, concrete, asphalt, rooftop, blacktop, brick, blocks, and pavers.

Landscape Up light Fixture: a light fixture sitting on the ground that is incorporated into landscaping that shines upward and is typically utilized to illuminate certain architectural or landscaped features.

Multi-Family Dwelling: for the purposes of this POD only, Multi-family Dwelling is defined as a residential building arranged or designed for two (2) or more dwelling units, with a maximum of 16 units per building, as separate and complete housekeeping units, and is offered for rent or lease. Minimum square feet per unit shall be 900 square feet.

Non-Residential use: any use of land that is permitted by the Liberty Township Zoning Resolution and does not include the human inhabitation of a structure or any use incidental or accessory to such inhabitation.

On-Street Parking: striped, angled, or parallel parking spaces that are permitted within the right-of-way or along a private street.

Parking Aisle: the traveled path through an off-street parking lot or facility between one or two rows of parked vehicles.

Parking Bay: a row of parking spaces typically separated by a parking island or some other feature used to break up large expanses of asphalt used for surface parking.

Patio Home: a stand-alone, single dwelling unit. Minimum square footage for patio homes shall be 1,100 square feet per unit.

Private Road: a road or driveway on privately-owned property, limited to the use of the owner or a group of owners who share the use and maintain the road without help from a government agency.

Public Road: any road or street under the jurisdiction of and maintained by a public authority and open to public travel.

Residential Use: any permitted use of land where a dwelling has been constructed with the intent of human inhabitation of that structure. Structures may be detached single family homes, patio homes, attached home dwelling(s), or Multi-Family Dwelling. Residential Uses also include all uses that are incidental to or accessory to the human inhabitation of a structure.

Road or Roadway: each road is defined by its classification as those classifications are delineated in the Liberty Township Zoning Resolution.

Side Yard: An open space extending from the front yard to the rear yard between a building or structure and the nearest side lot line unoccupied and unobstructed from the ground upward.

Single-Family Homes: Single-family detached residential or Patio Homes (Single-Family including homeowner or condominium associations) Minimum square footage for single family and patio homes shall be 1,100 square feet per unit.

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ARTICLE 19 – SEXUALLY ORIENTED BUSINESSES

Sexually Oriented Businesses, as defined in Ohio Revised Code Section 2907.40, are permitted only in the districts expressly specified within this Zoning Resolution and shall be subject to the following restrictions:

19.01.A Sexually Oriented Businesses shall not be permitted within one thousand (1,000) feet, as measured from the closest Lot Line of each Use, unless otherwise specified, of:

1. Religious Establishments
2. Day Care Centers
3. Public or private schools consisting of grades twelve (12) or lower
4. Libraries
5. Parks or playgrounds
6. Cemeteries
7. Any Dwelling within a Residential or Planned Residential Zoning District
8. Another Sexually Oriented Business
9. Residential Facility.

19.01.B Only one (1) Sexually Oriented Business is permitted in a single Structure (e.g., an adult bookstore shall not be within the same building as an adult business).

19.01.C Obscene material, as defined by the Ohio Revised Code Section 2907.01, shall not be displayed towards or viewable from any vantage point outside of the subject property.

19.01.D Sexually oriented businesses and/or adult entertainment establishments that involve physical touching between employees of the business and customers or clients – including non-therapeutic massage, lap dancing, and nude modeling – are prohibited within Liberty Township.

19.01.E Sexually Oriented Businesses that sell both mainstream media and Illicit material shall do so in accordance with the following:

1. Illicit material shall be physically and visually separated from mainstream media and shall not be displayed publicly; separation of Illicit material shall be by a solid opaque-walled enclosure at least eight (8) feet high or reaching to the ceiling.
2. Inventory marketed to and predominantly consumed by minors shall not be displayed within fifteen (15) feet of the entrance to the Illicit material section.
3. The Illicit material section shall provide Signs at its entrance warning that persons under the age of eighteen (18) are not permitted inside.
4. No Adult Arcades are permitted in Sexually Oriented Businesses selling mainstream media.
5. There shall be no more than one (1) designated area for Illicit material per store.
6. There shall be no exterior Signs that advertise Illicit material or media.

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ARTICLE 20 – SIGN REGULATIONS

Section 20.01 – PURPOSE

The purpose and intent of this Article is to regulate the size, color, illumination, movement, materials, location, height and condition of all Signs for exterior observation and to balance the protection of public health, safety and general welfare of the Township with the need to adequately identify, communicate and advertise with Signs, by:

- 20.01.A** Preserving the noncommercial character or residential neighborhoods;
- 20.01.B** Providing reasonable, yet appropriate, conditions for identifying businesses and services rendered in commercial districts;
- 20.01.C** Reducing traffic and pedestrian hazards by restricting Signs, including Signs with lights and/or motion, which may exceed the viewers' capacity to receive information or which increase the probability of accidents created by distracting attention or obstruction vision;
- 20.01.D** Promoting expeditious and safe navigation and wayfinding for pedestrian and vehicular traffic through legible and appropriate signs;
- 20.01.E** Preserving order, attractiveness, and cleanliness, maintain open spaces, avoid the appearance of clutter, and prevent nuisances and invitations to vandalism;
- 20.01.F** Requiring signs to be constructed and maintained in a structurally sound and attractive condition;
- 20.01.G** Maintaining property values and ensure compatibility with surrounding landscape and architecture including, but not limited to, areas of historical significance;
- 20.01.H** Ensuring aesthetic quality in the design, location, and size of all signs; and
- 20.01.I** Protecting and ensuring a more attractive economic, business, and overall physical appearance of the community.

This Article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this Article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this Article which can be given effect without the invalid provision.

Liberty Township does not have jurisdiction to regulate signs on property of the U.S. Government or the State of Ohio (exclusive of its political subdivisions) or those signs erected pursuant to and in furtherance of a governmental function thereof.

Section 20.02 – DEFINITIONS

A sign is any device, structure, fixture, figure, banner, pennant, flag, balloon, poster, handbill, flyer, painting, streamer, placard, or similar object consisting of written copy, symbols, logos, and/or graphics, designed for the purpose of identifying or bringing attention to an establishment, product, goods, services or other message to the general public.

A-Frame: A single or double-faced, hinged or un-hinged, temporary sign designed to be used on a sidewalk or pedestrian way.

Abandoned or Obsolete: A sign that advertises a business, leaser, owner, product, service, or activity that is no longer located on the premises where the sign is displayed; or a sign located on a property which becomes vacant and unoccupied for a period of 90 days or more; or a sign which pertains to a time, event, or purpose which no longer applies.

Animated: A sign with action or motion, flashing, color changes requiring electrical energy, electronic or manufactured sources of supply, and/or revolving or changeable message signs, but not including wind actuated elements.

Athletic Scoreboard: A large board displaying the score of a game or match.

Awning and Canopy: This is considered a wall sign and is a sign painted on, or applied directly to, a roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements. Lettering, logos, or symbols are permitted on the valance and sloping portion.

Banner or pendant: Any non-rigid cloth, canvas, bunting, plastic, paper, or similar material that is mounted to any structure, staff, pole, line or framing. Such signs are typically related to a public demonstration or for the promotion of civic, welfare or charitable enterprises. Flags shall not be considered a banner or pennant.

Blade Sign: A sign that is attached directly to the building (or wall) and protrudes perpendicular to the building, as opposed to being mounted directly on the side of the building.

Building Sign: A sign permanently affixed to a building, or a projection from a building, including an awning/canopy sign, awning sign, wall sign, roof sign, projecting sign, window sign, or marquee sign.

Changeable Message Sign, Manual: A sign or portion thereof with characters, letters, numbers, or shapes that are changed or rearranged by manual means, such as an individual making such changes or rearrangements by hand or by any non-mechanized means, other than using a non-electronic handheld tool, without altering the face or surface of the sign.

Channel Letters: Three dimensional individually cut letters or figures whether or not illuminated, affixed to a structure.

Directional Sign: A sign which assists motorists or pedestrians in determining the flow of pedestrian or vehicular traffic such as enter, exit, crosswalk, and one-way signs.

Electronic Message Sign (EMS, Digital Reader Board): A sign or portion of a sign, that displays an electronic image or video, which may or may not include text, including any sign or portion of a sign that uses changing lights or similar forms of electronic display such as LED to form a sign message with text and or images wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. This definition includes without limitation television screens, plasma screens, digital screens, flat screens, LED displays, and video boards.

Flag: A fabric or other flexible material designed to have one edge affixed parallel to a pole or similar device.

Legal Approval: For the purposes of this Article only, “Legal Approval” shall mean any approved Zoning Permit, Final Development Plan, Final Development Plan Variance, Conditional Use Approval, Administrative Review Approval or any Administrative Appeal decision rendered by the Board of Zoning Appeals.

Menu Board: A sign located at a food service drive-through lane or walk-up window, which contains a menu of items offered for sale at the associated business.

Monument Sign: A sign that is attached to a permanent foundation or fastened to a base and not attached to or dependent upon any building, visible pole, visible post, or similar support. Such a sign is also known as a ground-mounted sign.

Permanent Sign: A sign designed for long-term use and that is affixed to a building, structure or the ground in a way that resists removal or relocation without significant effort.

Portable Sign: A sign that is not affixed to a structure or the ground, such as an A-frame or sandwich board sign).

Streamer (Sign): Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, usually suspended in series. A streamer may have pennants and/or banners attached.

Temporary Sign: A display, banner, or type of sign constructed of cloth, canvas, fabric, wood, or other temporary material, with or without a structural frame, including but not limited to portable signs, political signs, development signs, community event signs, garage sale signs, real estate signs, sandwich type signs, sidewalk or curb signs, and yard signs.

Wall Sign: A sign attached to, painted on, or erected against any wall of a building or structure that the exposed face of the sign is parallel to the plane of said wall and which does not extend more than 15" from the wall. Painted signs, signs which consist of individual letters, cabinet signs, etc. are considered wall signs.

Window Sign: A sign which is affixed to an inside surface of a window or are positioned within two (2) feet of the inside of a window so that they are visible from the outside.

Section 20.03 – PERMIT APPLICATION FOR SIGNAGE

A complete Sign Permit Application to erect or locate a temporary or permanent sign must be submitted to the Zoning Department prior to any signage being installed or located within the Township. Applications shall include all information required by the Zoning Department, including, but not limited to, the following:

20.03.A Scaled drawing(s) signed by property owner/managing association, which shows dimensions, 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 the method of and specifications of fixtures for illumination;

- 20.03.B** Site plan and elevation signed by property owner/managing association, which shows configuration of sign on the parcel and/or building and the distance from all public right-of-ways;
- 20.03.C** Building façade dimensions, where applicable;
- 20.03.D** Landscaping plan for freestanding sign, where applicable;
- 20.03.E** Details and specifications of construction and construction materials utilized, including sign mounting material, where applicable.

Permit Applications for signage are subject to fees and inspections.

By filing an Sign Permit Application, an applicant consents to allow the Township Zoning Department or 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 Zoning Resolution are being complied with. The Township Zoning Department may order the removal of any sign that is not erected, located, and maintained in accordance with the provisions of this Zoning Resolution.

Section 20.04 – EXEMPTIONS

The following signs, sign structures, etc. are exempted from the restrictions of this Article:

- 20.04.A** Legal notices, including but not limited to signs required for proposed zoning changes or variance requests.
- 20.04.B** Any sign required to be posted by the Federal government, State of Ohio, Delaware County, Liberty Township, or sub-entity thereof;
- 20.04.C** Traffic control devices on private or public property erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration; and
- 20.04.D** National, state, or municipality flags.

Section 20.05 – ADMINISTRATIVE REVIEW AND APPROVAL

The Zoning Inspector, Township Administrator or their designee shall have the authority to conduct an Administrative Review and approve a sign that conflicts with the provisions of this Article or with the provisions of an approved Development Plan, so long as the proposed signage meets the intent the Zoning Resolution and any approved Development Plan, does not exceed maximum height, is constructed and designed in accordance with this Article and with any applicable Development Plan and is approved by any applicable property management association, developer, builder or homeowners association. An Administrative Approval shall not conflict with any motions made by the Board of Zoning Appeals. An Administrative Review and Approval may be granted for an increase in total signage area of not greater than 10% over what was originally approved for the sign or over what is allowed in this Zoning Resolution.

Section 20.06 – GENERAL REQUIREMENTS

Unless otherwise specified in this Article, no person shall erect, re-erect, alter, locate, or construct any sign in Liberty Township without first obtaining a Zoning Permit and paying the applicable fee(s). 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 Department prior to the performance of any work, whether a Zoning Permit is required or not.

The following restrictions shall apply to all Signs, Sign Structures, Awnings, and other types of Sign devices located within the Township, as defined within this Resolution, except as may be exempted or otherwise specified:

20.06.A No Zoning Permit shall be issued for an existing or proposed Sign requiring such permit pursuant to this Zoning Resolution unless said Sign is found to be consistent with the requirements of this Resolution as well as with any previously issued Legal Approval applicable to said Sign.

20.06.B Content of the message displayed on the Sign, whether it be Commercial Speech or Non-Commercial Speech, shall not be reviewed or considered in determining whether to approve or deny a Zoning Permit for a Sign, unless said speech is found to be illicit.

20.06.C Any conflicting or more restrictive Sign provision located within any Legal Approval granted prior to adoption of this Article shall supersede this Article unless said provision is found to be illegal or content-based, in which case this Article shall prevail.

20.06.D With regards to any existing or proposed Sign, the Zoning Inspector, Township Administrator or their designee shall be authorized to determine each of the following:

1. The type of Sign (including the type of Temporary sign) based upon the definitions contained within this Resolution;
2. Whether a Sign Structure has a communicative element to it and is therefore part of the Sign Area;
3. The Height, Width, or other measurable characteristics of a Sign or component thereof; and
4. Whether a Sign is abandoned or deteriorated as defined herein.

20.06.E Appearance

1. Signs shall not be designed to mimic, or cause a reasonable person to confuse said Sign, with a Government Sign or any public safety, warning or notice Sign or device.
2. Signs or advertising devices shall not attempt, or appear to attempt, to direct the movement of traffic, or interfere with, imitate, or resemble an official sign, signal, or device.
3. Signs shall not contain movement, the appearance of optical illusion or movement, or varying light intensity.
4. The reverse side of every one-sided permanent sign shall be completely enclosed and finished in a manner that blends with its surroundings or is finished in a similar color scheme as is on the front of the sign.

20.06.F Construction

1. 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.
2. All Signs shall be maintained in good structural condition and in compliance with this Resolution as well as all applicable building, electrical or other applicable codes.

20.06.G Height: No free-standing sign 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.

20.06.H **Illumination**

1. All new, illuminated, and wall-mounted signs (non-cabinet 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 Final 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 conformance with this Zoning Resolution or with an approved Final Development Plan, and/or all restrictions imposed by the Board of Zoning Appeals.
2. No Sign shall make use of rotating, fluctuating, blinking, flashing, or intermittent lights. All lighting, indirect or internal, shall consist of constant illumination which is uniform in intensity.
3. All lighting shall be properly directed and shielded to not create a Nuisance to surrounding properties or right-of-ways because of glare.
4. No Sign within a Residential Zoning District, or within one-hundred and fifty (150) of a Residential Zoning District, shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m.

20.06.I **Location**

1. Sign Structures, and any Sign affixed to a Sign Structure, shall not be located within, nor project into, any public right-of-way unless otherwise specified within this Article or authorized by the entity owning said right-of-way. Written proof of such authorization shall be required at the time of permit application.
2. Signs shall not be located on, or project over, any public property unless authorized by the public entity owning such property. Written proof of such authorization shall be required at the time of permit application.
3. Signs shall not prevent free ingress to or free egress from any door, window or fire escape.
4. Signs shall not be mounted upon the roof of any building or structure.
5. Signs shall not be attached to any tree, pole, post, meter, fence, or similar object located within the public right-of-way of any road.
6. No advertising sign shall be attached to any fence regardless of location.
7. 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 this Article.
8. Signs shall not obstruct free and clear visibility at any intersection or obstruct the view of or interfere with, any authorized traffic control Sign, signal or device.
9. Location of all signs shall be in conformance with this Zoning Resolution, in conformance with an approved Final Development Plan governing signs on the property, and/or in conformance with all restrictions imposed by the Board of Zoning Appeals.
10. Signs shall not be posted, attached or otherwise applied to: trees, vegetation, rocks, traffic control signals, utility poles, street lights, or any other unapproved supporting structure, unless otherwise permitted by this Resolution.
11. Signs shall not be located on a vacant lot, except for the purpose of advertising the lot for sale or lease, the prohibition of trespassing, or a Sign that has been permitted in accordance with this Resolution or by approval of the Township or Board of Zoning Appeals.

20.06.J **Maintenance**

Signs and supporting hardware shall be structurally safe, clean, free of visible defects, and functioning properly at all times. Visible rot or rust, exposed lighting sources or wires, failing parts, or broken and missing parts are *prima facie* evidence that a sign is in a state of disrepair. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.

20.06.K Measurement of Sign Area:

1. The area in square feet (calculated by height x width) 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.
2. For signs consisting of freestanding letters or features attached to a wall, the sign area is calculated as the total area of the smallest rectangle(s) that encapsulates text, numbers, symbols, images, and logos.
3. When two sign faces are placed back-to-back, so that both faces cannot be viewed from any one point at the same time and are part of the same sign structure and are not more than 24 inches at its furthest distance apart, the sign area shall be computed by the measurement of each individual face.

Section 20.07 – COMPREHENSIVE SIGN PLAN

A Comprehensive Sign Plan is intended to integrate the design of the signs proposed for a new development project, or an existing commercial property, with the design of the structures, into a unified architectural statement. A Comprehensive Sign Plan shall provide a means for defining common sign regulations for multi-user projects, to encourage maximum incentive and latitude in the design and display of multiple signs and to achieve, not circumvent, the intent of this Article.

20.07.A A Comprehensive Sign Plan shall be submitted as part of a Preliminary and/or Final Development Plan or may be submitted as a Variance Application to the Board of the Zoning Appeals. Applicable hearing fees and/or individual sign permit fees shall be applicable.

20.07.B A Comprehensive Sign Plan shall be required for any property on which two or more signs requiring a Zoning Permit are proposed.

20.07.C A Comprehensive Sign Plan shall be required for all joint identification signs.

20.07.D. A Comprehensive Sign Plan must be approved prior to the issuance of a Sign Zoning Permit.

20.07.E A Comprehensive Sign Plan shall comply with the following:

1. The plan shall comply with the purpose and intent of this Article and of the Liberty Township Zoning Resolution;
2. The signs shall enhance the overall development, be in harmony with, and relate visually to other signs included in the Comprehensive Sign Plan, and to the structures and/or developments they identify, and to surrounding developments;
3. The Comprehensive Sign Plan shall accommodate future revisions that may be required because of changes in use or tenants; and
4. The Comprehensive Sign Plan shall comply with the standards of this Article.

20.07.F The Zoning Inspector may administratively review and approve a Comprehensive Sign Plan under the following conditions:

1. Changes in content, such as font, font size, graphics, and color, so long as the content meets the intent of this Article and the intent of the Zoning Resolution, enhances or is in harmony with the existing signs, structures, and surrounding development they identify.
2. Minor modification to setbacks, so long as the surrounding development and structures are not negatively impacted by such modifications.
3. Location changes, so long as the signs meet the provisions of this Article and the Zoning Resolution.
4. Less than 10% increase in and changes to signage height and sign area, if extenuating circumstances exist which prevent the sign(s) from being appropriately seen by the intended audience.
5. Minor modifications to the signage and/or signage plan approved in a Final Development Plan as detailed in Section 24.05A of this Zoning Resolution.
6. The Zoning Inspector may approve the substitution of signs provided these signs meet all the requirements of this Article and the adopted Comprehensive Sign Plan.
7. If additional signage is proposed or if the Zoning Inspector determines the proposed signs are changed in any aspect to the intent of the original Comprehensive Plan, approval from the Zoning Commission and/or Board of Zoning Appeals is required.

20.07.G The Zoning Inspector may require the Comprehensive Sign Plan go before the Zoning Commission or Board of Zoning Appeals, as appropriate, when a sign(s) within the Comprehensive Sign Plan does not comply with any provision of this Zoning Resolution or is a major modification from an approved Final Development Plan.

Section 20.08 – PERMITTED SIGNS, NO ZONING PERMIT REQUIRED

The following signs are authorized in all Zoning Districts and are specifically exempt from obtaining a sign permit but shall be required to comply with all other standards in this Article and shall be reviewed and approved by the Zoning Department prior to installation. Signs permitted by this Section shall not be 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.

20.08.A Address Numbers: Address Numbers for each premise and commercial, industrial, multi-family, condominium, and apartment building are required and shall comply with the design standards in Section 4.03 of this Zoning Resolution or in the appropriate District Specific Design Standards. Address numbers shall be visible from the street and shall not be larger than what is consistent and compatible with the parcel and neighboring parcels, zoning district, development plan, etc. Address Numbers and Address Signs are subject to review and approval by the Zoning Inspector prior to installation.

20.08.B Business/Professional Signs: One (1) permanent or temporary wall sign having not more than ten (10) square feet of display area located on the same building as is housing the establishment, with only the information relevant to the business/profession and the address. Such signs may also display a graphic drawing or image, which shall be included in sign area calculation, to illustrate the nature of the business.

20.08.C 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.

- 20.08.D** Historical Signs, Plaques, or Markers: Plaques or 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.
- 20.08.E** Name and Address of Occupants: A permanent or temporary free-standing or wall sign, and which shall not be a monument sign, may be displayed on a residential property to announce the occupant's name and address provided that such signs shall not include designations as to employment or home occupation, and shall not be larger than four (4) square feet in area per side. Not more than one (1) name and address sign shall be permitted for each dwelling unit.
- 20.08.F** Political Signs: Temporary political signs shall be permitted in any district of the Township, provided they are located outside the right-of-way, shall not interfere with vehicular or pedestrian traffic, and shall not be attached to any accessory structure such as a utility pole, light poles, fence, shed, or garage.
- 20.08.G** 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.), shall be permitted, with such signs not to exceed two (2) square feet per sign in size.
- 20.08.H** Public Use Facilities: Permanent or temporary free-standing and wall signs designating public uses or facilities shall be constructed and displayed in conformity with all provisions of this Zoning Resolution.
- 20.08.I** 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 is permitted for each business establishment, provided that no such sign shall be located in any roadway right-of-way or ingress/egress easement. Such signs shall be allowed only during the hours when a business establishment is open to the public.
- 20.08.J** Signs Identifying Home Occupations approved as a Conditional Use by the Board of Zoning Appeals: 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 Resolution, and all conditions that may be imposed by the Board of Zoning Appeals for a Conditional Use to permit a home occupation.
- 20.08.K** 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 (1) sign inside the window of each such unit. Such signs 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 fifteen (15) days after the sale, lease, or rental of the premises for which the sign was erected or installed.

20.08.L Special Events Signs: A temporary free-standing or window sign announcing a special public or institutional event may be located upon the premises on which the event is to take place. Such sign shall not exceed twenty (20) square feet in area per side, and shall not be permitted to be displayed for more than thirty (30) days for each event, with a maximum of four (4) times per calendar year. Not more than two (2) such signs shall be allowed to be displayed on any one (1) lot or parcel of land at any time.

20.08.M Traffic/Directional Signs: Signs conforming to the Ohio Manual of Uniform Traffic Control Devices; Permanent or temporary free-standing signs, pavement markings, or other signs designed and intended only for vehicular or pedestrian traffic control 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.

20.08.N Window Advertising Signs: Window advertising signs must be displayed from within a building on windows and/or doors, and may be located only on the premises where the use, commodity, or service is available. The total sign area of all window advertising signs, inclusive of the "open" sign, per business or per tenant shall not exceed twenty (20) square feet. If the business is a freestanding structure, the business shall be permitted a total of twenty (20) square feet per façade for a total not to exceed sixty (60) square feet.

20.08.O Yard, Garage, or Moving Sales, or Auctions: A temporary sign which advertises the sale of personal property provided that it is limited to one sign, not greater than four square feet in size and which sign is located on the sale premises for a time period not greater than two consecutive days. Such signs shall not be installed for more than seven (7) consecutive days.

Section 20.09 – PERMITTED SIGNS, PERMIT REQUIRED

The following signs shall be permitted upon obtaining a written Zoning Permit and subject to the reasonable regulations set forth herein. All such signs shall conform to the applicable general standards in this Article and shall be sized and located in accordance with the applicable general standards unless otherwise specified. Approval of a Zoning Permit for a Sign by Liberty Township shall not constitute verification of compliance with the Americans with Disabilities Act (ADA) or any other standard, restriction, provision, or requirement of any non-Township entity, agency, law, act or order.

The Zoning Inspector shall determine whether these standards have been met. The Zoning Inspector, Township Administrator or their designee shall have the authority to deny such Sign Permit Application if it is determined that the intent of the Resolution and this Article are not met.

20.09.A Blade Sign: One (1) Permanent Identification Sign may be installed at each main entrance to a non-residential use 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 an awning/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 awning/canopy or roof or similar architectural feature covering a sidewalk.

No part of any sign shall be less than the A.D.A. required height above the sidewalk or ground level if such part 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. Sign copy or other graphics attached directly to the building wall shall be considered a wall sign. Unlighted letters, 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.

20.09.B Changeable Copy (manual or electronic) Signs such as Menu Board and Preview Menu Board: Two (2) free-standing changeable copy or electronic message center signs may be approved for each drive-through lane of a business establishment, and one (1) changeable copy or electronic message center sign located on the exterior of the building for each walk-up window of a business establishment may be approved, to advertise only those products that can be ordered, obtained, and paid for at a drive-through window or walk-up window. The total display area for any menu board shall not exceed forty (40) square feet for a drive-through lane and shall not exceed sixteen (16) square feet for a walk-up window.

All menu boards and preview menu boards for drive-through lanes shall be located adjacent to a drive-through 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-through lane. The back and sides of such signs shall be of a finished material that matches or complements 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 or is finished in a similar color scheme as is on the front of the sign.

20.09.C 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 Department. Such signs shall be approved by the specific project owner and/or developer prior to a Zoning Permit being issued. 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.

20.09.D Free Standing Signs: Unless otherwise specified, all permanent or temporary free-standing 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 an awning/canopy or other architectural feature covering a sidewalk serving an entry to the building, shall be regulated in all zoning districts as follows:

1. All permanent free-standing signs shall be monument signs and, if located in any planned zoning district, must be approved and installed as in the Final Development Plan.
2. A temporary free-standing sign shall not be a monument sign and may be mounted on poles or posts made of wood, wire, or other appropriate material.
3. Such signs may have a display area on up to two (2) surfaces (front/back; side/side) which comprise the total display area.
4. 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.
5. 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 24	12	15
24 to 30	12	20

6. Not more than one (1) permanent free-standing sign may be allowed for identification of any one (1) non-residential structure. Where one structure or structures are located on one tract of land and within an identified commercial center, such as a strip center or medical building complex, and having an entrance, service drive, or parking area used in common by the customers of the center, only one (1) permanent free-standing sign shall be approved, unless more are permitted by an approved Final Development Plan or approved as a Conditional Use.
7. The function of every freestanding sign permitted by this Section shall be relevant to the use of the property on which it is located.
8. Every permanent free-standing identification sign shall be consistent with the exterior building materials used in the development or on the building which it identifies and shall be subject to approval as part of the Final Development Plan. The width of the sign face shall not exceed the width of the exposed base that supports the sign. The height of the exposed base shall not exceed one-half (1/2) of the height of one face of the sign which it supports.
9. Permanent free-standing signs in a platted subdivision and/or on a Rural Residence zoned parcel or otherwise not located in an planned district may be approved upon an Administrative Review by the Zoning Inspector or by the Board of Zoning Appeals as a Conditional Use.

20.09.E Model Home Signs: Temporary model home signs proposed to be located in any planned zoning district require approval as part of a Final Development Plan. Temporary model home signs located in a Rural Residence (RR-1) district, platted subdivision shall require approval by the Zoning Inspector. There shall be not more than one (1) temporary free-standing sign not larger than twenty (20) square feet per side and not more than one (1) temporary wall-mounted or window sign not larger than six (6) square feet, per model home. Such signs may provide relevant information regarding the home(s) for sale and the operations of the Model Home. Monument style signs are

not permitted. Temporary free-standing model home signs may be illuminated subject to the provisions of this Zoning Resolution.

20.09.F **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:

1. No outdoor advertising sign or billboard shall exceed two hundred (200) square feet in area per side nor have more than two (2) sides.
2. The measured height from the top of any billboard to the ground level shall not exceed twelve (12) feet in height.
3. All billboards shall be located in compliance with all applicable State and Federal Regulations.
4. All billboards shall be located behind the front building setback lines.
5. No billboard or outdoor advertising sign shall be located nearer than twenty-five (25) feet to any side or rear lot line.
6. No billboard shall be closer than four hundred (400) feet to any residence regardless of whether or not it is inhabited.
7. No billboard or outdoor advertising sign shall be continued once its commercial or business purpose has ended.
8. A zoning permit shall be required prior to any change to an existing billboard.

20.09.G **Permanent Identification Sign:** A permanent wall sign may be placed on the building that houses a non-residential use establishment to display only the name and address of the business. Such signs may also display a graphic drawing or image, which shall be included in sign area calculation, to illustrate the nature of the business.

20.09.H **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 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. Active construction projects shall be permitted one (1) Real Estate For-Sale Sign in addition to the Construction Signs as permitted in this Section.

20.09.I **Subdivision Sale Signs:** One (1) temporary free-standing sign, not to exceed thirty-two (32) square feet in area per side, providing only relevant 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.

20.09.J **Wall Signs:** One (1) wall 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 (1) 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, and 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:

1. Each non-residential use established within a building may display one (1) permanent identification sign not to exceed fifteen (15) square feet in size on an attached awning/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.

Section 20.10 – CONDITIONALLY PERMITTED SIGNS – PERMIT REQUIRED

No conditionally approved sign shall be implemented, erected, or constructed until the Zoning Department issues a Zoning Permit. The Zoning Inspector, Township Administrator or their designee may approve "Conditionally Permitted Signs" upon Administrative Review. Applications not approved through the Administrative Review process will go to the Board of Zoning Appeals for consideration, applicable fees shall be applied.

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 this Zoning Resolution. Such signs shall be sized and located in accordance with this Resolution.

20.10.A Athletic Scoreboard

Back sides of scoreboards visible from roadways shall remain blank with the exception of the name of the school, mascot, and or logo, not to exceed 75% of the total area of the rear side of the board.

20.10.B Electronic Message Center (EMC) Signs: Electronic Message Center Signs shall be allowed as a Conditional Use only in an Institutional District. Electronic Message Center Signs shall not be permitted on any property that contains an existing or proposed Changeable Copy Sign unless the latter Sign is being completely removed in favor of the former. Additionally, the following requirements shall be met:

1. Such signs shall be incorporated into a monument or wall sign.
2. The Electronic Message Center portion of the sign shall not exceed 80% of the allowable signage area.
3. Only one (1) EMC Sign is permitted per lot or tract.
4. All messages displayed shall be static. Graphics, Animation and Video Displays are prohibited.

5. Each individual message shall be displayed for a minimum of fifteen (15) consecutive seconds.
6. The transition from one static message to another shall be instantaneous without any effects including, but not limited to fading, flashing, spinning, revolving, scrolling, splice, mesh, radar, kaleidoscope, spin, swipe or other such transition.
7. The entire Sign display shall be solid black or blank for a minimum period of three (3) seconds between each message.
8. Each individually displayed message must be in one color. No more than two of allowed colors may be used in the entirety of the messages being displayed. Allowed colors shall be determined by the Zoning Inspector.
9. The message displayed shall be complete in itself without continuation in content to the next message or other Sign.
10. Displays shall be equipped with a means to immediately discontinue the display in the case of a malfunction.
11. Such signs shall not contain movement, the appearance or optical illusion of movement, or varying light intensity.
12. Brightness:
 - Any such Sign shall have a mechanism which automatically adjusts the illuminative brightness of the display.
 - No Sign shall be brighter than five thousand (5,000) Nits between sunrise and sunset.
 - No Sign shall be brighter than two-hundred and fifty (250) Nits between sunset and sunrise.
 - The intensity of the Sign light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety or general welfare.
 - The brightness of the Sign may not interfere with nearby traffic control devices, regardless of whether the Sign in question was in place prior to said device.
 - Brightness shall be measured by industry standards.

20.10.C Permanent Identification Signs in all zoning districts, if not approved as part of a Final Development Plan. Two such signs may be approved at entrances along major thoroughfares and shall not obstruct the visibility at any intersection. Such signs 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, the same address and/or use of the premises upon which the signs are located or to which they are affixed, and such 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 of any type, nor shall they be portable signs on wheels. Permanent Identification Signs for non-residential uses in a residential district require Board of Zoning Appeals approval.

20.10.D The Board of Zoning Appeals may approve the erection or maintenance of the aforementioned signs only upon the submittal of a complete Application for Conditional Use Permit and upon the Board of Zoning Appeals consideration of the following:

1. A determination that the sign type 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.

2. A determination that the proposed sign meets all the requirements as designated in this Zoning Resolution.
3. 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 general appearance.
4. 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.
5. 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 20.11 – REVOCATION OF PERMIT AND/OR REMOVAL OF SIGNS

All Signs erected within Liberty Township under this Zoning Resolution are subject to inspection, whether a Zoning Permit is required or not. The Zoning Inspector, Township Administrator or their designee may revoke a Zoning Permit for the following reasons:

- 20.11.A** Information provided in the Zoning Permit Application is found to be materially false or misleading;
- 20.11.B** The Sign, as installed, does not conform to its Legal Approval;
- 20.11.C** The Sign is in violation of this Resolution or any other applicable laws or codes adopted by a legitimate government agency having jurisdiction;
- 20.11.D** The Sign has not been maintained in accordance with the provisions of the Article;
- 20.11.E** The Sign has been determined to be objectionable, noxious, or dangerous pursuant to ORC 505.86 or 505.87;
- 20.11.F** The Sign has been determined to be insecure, unsafe, or structurally defective pursuant to ORC 505.87; or
- 20.11.G** The Sign is prohibited by this Article.
- 20.11.H** Signs on public property, including but not limited to rights-of-way and/or parks shall be considered abandoned signs and may be disposed of or destroyed without notice. Such disposal or destruction is not subject to appeal.

Section 20.12 – PROHIBITED SIGNS

The following signs shall be prohibited in Liberty Township:

- 20.12.A** Signs mounted upon the roof or awning of any building or structure.

- 20.12.B** Signs not otherwise specifically authorized by this Zoning Resolution.
- 20.12.C** Moving or rotating signs, feather flags, 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.
- 20.12.D** Animation or Video Displays on any sign.
- 20.12.E** Signs or advertising erected and maintained on trees or painted or drawn upon rocks or other natural features.
- 20.12.F** No sign or billboard shall be painted directly upon the roof of any building or structure except for identification signs on agricultural buildings.
- 20.12.G** 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.
- 20.12.H** 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.
- 20.12.I** 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.
- 20.12.J** The use of building walls for display of advertising is prohibited.
- 20.12.K** 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.
- 20.12.L** 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 20.07.A of this Zoning Resolution.
- 20.12.M** No sign shall be located in the right-of-way of any public or private road within Liberty Township.
- 20.12.N** Any Sign containing content that is considered illicit unless said content is permissible expression under the First Amendment of the United States Constitution and therefore not subject to regulation by Liberty Township.
- 20.12.O** No temporary or permanent items shall be attached to any sign within Liberty Township. This shall include, but not be limited to, balloons, streamers, arrows, or other such items that are not a part of the originally approved Zoning Permit for such sign.

Section 20.13 – ABANDONED SIGNS

Any sign which advertises a business, leaser, owner, product, service or activity that is no longer located on the premises where the sign is displayed or a sign which is in disrepair and/or structurally unsound, shall be considered

abandoned. The Zoning Inspector shall advise the owners that the sign has been declared abandoned and/or defective and must be removed within thirty (30) days from the date of said notice. If the sign is not removed, repaired, or updated 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 20.14 – NON-CONFORMING SIGNS

Any sign in existence within the Township prior to the effective date of this Zoning Resolution, which was erected in conformance 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 and shall be allowed to continue in its non-conforming state until it is removed or declared abandoned in accordance with this Zoning Resolution.

Section 20.15 – REPLACEMENT SIGNS

The Zoning Department 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 Department for review, and shall obtain any required Zoning Permit prior to making any change to any sign. If upon review, the Zoning Department determines that a proposed replacement sign differs in size, height, or location from the sign originally approved by the Board of Trustees and/or the Zoning Commission or by the Board of Zoning Appeals, the Zoning Department may administratively approve such changes or 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/she desires to pursue the approval of such replacement sign.

In the case where damage occurs to a 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 conformance with this Article within thirty (30) days of such damage.

Where the damage to a 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.

ARTICLE 21 – NON-CONFORMING LOTS, USES, AND STRUCTURES

Section 21.01 – INTENT

Within the districts established by this Zoning Resolution or Amendments that may later be adopted, there exist 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. Non-conformities are declared by this Zoning Resolution to be incompatible with permitted uses in the districts in which such use is located. Nothing in this Article shall be deemed to require a change in the plans, construction, 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. For the purposes of this Article, actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner.

Section 21.02 – 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 of this Zoning 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 from the requirements of this Zoning 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 conformance with lot width and area requirements established by this Resolution.

Section 21.03 – NON-CONFORMING USES

Where, at the time of adoption or amendment of this Zoning Resolution, lawful uses exist which would not be permitted by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

- 21.03.A** Any non-conforming use may be extended throughout any parts of a structure which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution. No such non-conforming uses shall be moved and none shall be enlarged, increased, or 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.
- 21.03.B** If any non-conforming uses are discontinued or abandoned for more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Zoning Resolution for the district in which such land is located.
- 21.03.C** No additional structure not conforming to the requirements of this Zoning Resolution shall be erected in connection with such non-conforming use.
- 21.03.D** If a structure in which a non-conforming use is carried out is destroyed to an extent more than fifty percent (50%) of the structure or its replacement value, the non-conforming use shall not be allowed to continue.

Section 21.04 – NON-CONFORMING STRUCTURES

Where, at the time of adoption of amendment to this Resolution, a lawful structure exists that could not be built under the terms of this Zoning Resolution by reason of restrictions on area, lot coverage, height, yards, 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 provision:

- 21.04.A** Should any non-conforming structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- 21.04.B** Should any non-conforming structure or non-conforming portion of a structure be destroyed to an extent more than fifty percent (50%) of the structure or its replacement value, it may be rebuilt so that it does not encroach any further into any setback than it did before it was destroyed. Any nonconforming structure may be extended or enlarged, so long as its use is conforming and said expansion or enlargement complies with the minimum setbacks.
- 21.04.C** If a structure in which a non-conforming use is carried out is destroyed to an extent more than fifty percent (50%) of the structure or its replacement value, the non-conforming use shall not be allowed to continue.

Section 21.05 – NON-CONFORMING STRUCTURES AND USE IN COMBINATION

Where, at the time of adoption or amendment to this Zoning Resolution, a lawful structure (i.e. area, lot coverage, height, etc. as described in Section 21.04 herein) and use in combination exists 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:

- 21.05.A** When a non-conforming structure and use in combination is discontinued or abandoned for more than two (2) consecutive years, the structure and use in combination shall not thereafter be used EXCEPT in conformity with the regulations of the district in which it is located.
- 21.05.B** Where non-conforming use status applies to a structure and use in combination, removal or destruction of the structure to an extent more than fifty percent (50%) of the structure or its replacement value shall eliminate the non-conforming use status of the land.

Section 21.05 – 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 21.06 – RESTORATION

For the purposes of this Article, “destroyed” refers to damage caused by accidental fire, explosion, flood, wind, earthquake, or other calamity outside the control of the owner or occupant. Such repair or restoration allowed by the provisions of this Article shall be commenced within one hundred and eighty (180) days of such calamity and diligently continued until completed, unless otherwise allowed through a conditional use permit issued by the Board of Zoning Appeals.

Section 21.07 – SINGLE DWELLING UNIT EXCEPTION

Notwithstanding the previous provisions of this Article, any one (1) or two (2) family dwelling units located in any use district in Liberty 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 not encroach further into the setback than exists at the location of the non-conforming portion of the structure and shall otherwise be subject to the minimum setback requirements.

Section 21.06 – EMINENT DOMAIN EXCEPTION

If non-conformance can be shown to be caused by Eminent Domain, such affected dwelling or accessory building may be expanded or enlarged so long as its use is not changed. Such expansion or enlargement shall not encroach further into the setback than exists at the location of the non-conforming portion of the structure and shall otherwise be subject to the minimum setback requirements.

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ARTICLE 22 – TOWNSHIP ZONING COMMISSION

Section 22.01 – TOWNSHIP ZONING COMMISSION

The Liberty Township Zoning Commission shall be composed of five (5) members who reside in the unincorporated area of Liberty Township and who shall be appointed by the Board of Township Trustees to serve five (5) year terms. The Board of Township Trustees shall fill by appointment any vacancies including un-expired terms. The Board of Township Trustees may appoint two (2) alternate members to serve two (2) year terms. The time of service of each member shall be limited to two (2) consecutive full terms as a regular and two consecutive full terms as an alternate member. All appointments to the Zoning Commission and actions of the members are in compliance with ORC 519.04. Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Board, in accordance with ORC 519.04.

Section 22.02 – ORGANIZATION

The Township Zoning Commission shall organize, electing a Chairperson and Vice Chairperson, and adopt rules in accordance with the provisions of this Zoning Resolution. The Zoning Commission shall keep minutes of its proceedings and shall keep records of its examinations and other official actions, all of which shall be a public record.

Attendance of three (3) members shall constitute a quorum. The concurring vote of three (3) members of the Zoning Commission shall be necessary to decide in favor of an applicant on any matter which the Board is required to hear under the Township Zoning Resolution. The failure of an applicant to secure at least three (3) concurring votes shall constitute a decision for disapproval of the application.

Section 22.03 – COMPENSATION AND EXPENSES

The 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. The Zoning Commission may also, within the limits of moneys appropriated by the Board of Township Trustees for that purpose, employ such executive, professional, technical, and other assistants as it considers necessary.

Section 22.04 – FUNCTIONS OF THE TOWNSHIP ZONING COMMISSION

The Zoning Commission shall initiate and/or review all proposed amendments to this Zoning Resolution and make recommendations to the Township Trustees in accordance with both the provisions of the Zoning Resolution and applicable law and shall perform such other functions as provided in the Ohio Revised Code and this Zoning Resolution.

Section 22.05 – MEETINGS AND AGENDA OF TOWNSHIP ZONING COMMISSION

The Zoning Commission shall establish a schedule for both regular and special meetings. Special meetings can be called by the Chairperson of the Commission or Chairperson 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.

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ARTICLE 23 – AMENDMENTS (ZONING CHANGES)

Section 23.01 – AUTHORITY

Amendments to the Zoning Resolution and/or Zoning Map shall comply with ORC 519. Whenever the public necessity, convenience, general welfare, or good zoning practices require it, the Board of Township Trustees may, by resolution, after the Zoning Commission recommendations, and subject to the procedures provided by law, amend, change, or repeal the regulation, restrictions, district boundaries, or classification of property now or hereafter established by resolution or amendments hereof.

Section 23.02 – PROCEDURES

Amendments to this Resolution and/or Zoning Map may be initiated by motion of the Zoning Commission, by passage of a resolution by the Board of Township Trustees or by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the Township Zoning Commission.

Section 23.03 – ZONING APPLICATION/AMENDMENT PROCESS

Applications for amendments to the Resolution and/or Zoning Map, including change of district boundaries or classifications of property, shall be made on forms obtainable through the Zoning Department. The application shall be accompanied by a letter of intent and any information as may be prescribed by the Zoning Commission, and verified by the owner as to accuracy. In addition to any other procedures set forth in this Resolution, the procedures for review, approval, or denial of all amendments shall be as prescribed within Section 519.12 of the Ohio Revised Code.

- 23.03.A** Plat Required: No use shall be established or changed and no structure shall be constructed or altered until a Subdivision Plat has been prepared and recorded in accordance with the approved Development Plan and with the Subdivision Regulations for Delaware County, Ohio.
- 23.03.B** In no event shall any Zoning Permit be issued for any building or use until such time as the roads, water, fire hydrants, sanitary sewer, and storm water facilities for the phase in which the building or use is proposed to be located are completed and accepted by the appropriate authority.
- 23.03.C** Upon approval of a zoning amendment to rezone property, all previous regulations regarding that specific property shall no longer be in effect, and the regulations set forth in Article 4 - General Design & Development Standards, the District Specific Standards and in the approved Development Plan shall govern.

Section 23.04 – FEES

A fee shall be paid upon the filing of the application and no action shall be taken on an application until all fees are paid in full and the application is determined by the Zoning Department to be complete.

Section 23.05 – PUBLIC HEARING AND NOTICE BY ZONING COMMISSION

The Zoning Commission shall set a date for a public hearing not 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 public hearings shall comply with ORC 519.12.

Section 23.06 – TRANSMITTAL TO THE DELAWARE COUNTY REGIONAL PLANNING COMMISSION

Within five (5) days after the adoption of such motion, or the certification of such Resolution, or the filing of such application, a copy of the application with text and map shall be submitted to the Delaware County Regional Planning Commission (DCRPC), who shall make a recommendation on the application. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment.

Section 23.07 – RECOMMENDATION BY ZONING COMMISSION

The Township Zoning Commission, within thirty (30) days after the hearing, shall recommend the approval or denial of the proposed amendment, or the approval of some modification of it, and submit their recommendation and the recommendation of the DCRPC to the Township Trustees.

Section 23.08 – PUBLIC HEARING BY THE BOARD OF TOWNSHIP TRUSTEES

The Board of Township Trustees shall conduct a public hearing on the proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of that recommendation. The hearing will be published per ORC 519.12. Failure to post such notice shall not invalidate any such amendment.

Section 23.09 – ACTION BY THE BOARD OF TOWNSHIP TRUSTEES

Within twenty (20) days after its public hearing, the Board of Township Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof.

Section 23.10 – EFFECTIVE DATE AND REFERENDUM

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after adoption unless a referendum is properly filed in accordance with ORC 519.12.

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 County Recorder and with the Regional Planning Commission. The failure to file any amendment with the office of the County Recorder or the Regional Planning Commission as required by this Section does not invalidate the amendment and is not grounds for an appeal of any decision of the Board of Zoning Appeals.

ARTICLE 24 – DEVELOPMENT PLAN

In addition to any other procedures set forth in this Zoning Resolution, all Applications for Amendments to the Zoning Map to a Planned District, except Planned Overlay Districts, shall follow the procedures set forth herein. Notwithstanding the foregoing, no use shall be established or changed and no structure shall be constructed or altered until the required Development Plan has been approved in accordance with the provisions of the Liberty Township Zoning Resolution, Article 4 - General Design and Development Standards and/or District Specific Standards.

APPLICANT MUST SELECT OPTION A - TWO-STEP OR OPTION B - ONE-STEP AMENDMENT PROCESS

24.00.A Option A is a two-step process.

In Step 1, the applicant, being the owner of the subject real estate, may apply for rezoning into a zoning district. A Preliminary Development Plan which complies with the requirements of Section 24.01 - Preliminary Development Plan of this Zoning Resolution must be submitted with the application. Consideration and approval of the Preliminary Development Plan is a legislative amendment and is subject to the timelines defined in ORC 519.12.

In Step 2, the applicant, being the owner of the subject real estate, may apply for the consideration and approval of a Final Development Plan which must conform with the requirements of Section 24.02 of this Zoning Resolution, and, unless otherwise allowed, conform to the approved Preliminary Development Plan. The approval or disapproval of the Final Development Plan is an administrative act by the Zoning Commission.

24.00.B Option B is a one-step process where the applicant, being the owner of the subject real estate, simultaneously submits the requirements of Section 24.02-Development Plan of this Resolution for designation of the property to the requested District designation and approval of the Final Development Plan. The one-step process is a legislative amendment and is subject to the timelines defined in ORC 519.12.

Section 24.01 – PRELIMINARY DEVELOPMENT PLAN

Six (6) paper copies and one (1) electronic copy of the Preliminary Development Plan and Application shall be submitted to the Zoning Commission. Only fully complete application packets shall be reviewed by the Zoning Department and scheduled for a Zoning Commission hearing. If an application submitted to the Zoning Department is found to be incomplete and/or missing required documentation or information, the application and all copies of the submittal except the electronic copy, shall be returned to the Applicant. The Applicant may make the necessary alterations to the application and re-submit to the Zoning Department for review and scheduling. The Application shall be signed by the applicant and all property owners and all fees must be paid to be considered a complete application. The plan shall include in text and map form, the following:

- 24.01.A** A survey plat and legal description of the property signed by a registered surveyor showing the size and location of the proposed project.
- 24.01.B** The proposed size and location of the tract at a scale of at least one inch equals one hundred feet (1"=100') showing topographic contours of at least five (5)-foot intervals.
- 24.01.C** All existing conditions on-site including wooded areas, wetlands, floodplain areas, and existing structures within two hundred (200) feet of property boundaries.

24.01.D The relationship of the proposed development to the existing uses including easements, setbacks, and right-of-way areas.

24.01.E Proposed locations of all structures and uses.

24.01.F Proposed density calculations and percentage of lot coverage.

24.01.G Proposed acreage, usage, and, density of all individual development phases within the entire development.

24.01.H Development Phases:

- 1.** If the proposed timetable for development includes developing the land in phases, phasing shall be fully described in textual form in a manner calculated to give the Township a definitive timeline for development of future phases.
- 2.** Proposed acreage, usage, and, density of all individual development phases within the entire development.
- 3.** All phases shall be a minimum of five (5) acres.

24.01.I The general character of the tract, including:

- 1.** The limitations or controls to be placed on operations or location;
- 2.** Lots, numbered with dimensions, bearings, and distances;
- 3.** Proposed traffic patterns showing public and private streets and transportation facilities;
- 4.** Description of other development features, including landscaping and entry features; and
- 5.** Lighting and signage.

24.01.J Conceptual architectural design and elevations, roof pitch, and exterior construction materials.

24.01.K The intended provisions for utilities including water, fire hydrants, sanitary sewer and adequate storm water drainage outlets. Information regarding existing pipe sizes, capacities, committed flows, and potential needed upgrades must be documented by the utility provider or a registered civil engineer, whichever is applicable.

24.01.L A design of the open space and proposed description of its use, ownership, and plan for maintenance.

24.01.M The purpose, need, and reason for each divergence from Article 4 - General Design & Development Standards and/or District Specific Standards or the Sign Regulations of this Zoning Resolution, such as setbacks, parking, landscaping, lighting, signage and so forth, must be specified. All justifications must be based on the subject property.

24.01.N Traffic Impact Analysis based upon new trip generation as estimated by the Delaware County Engineer's standards.

24.01.O All required design standards in Article 4 - General Design & Development Standards and District Specific Standards as defined in this Zoning Resolution.

- 24.01.P** The proposed size and location of any alternative energy apparatus including, but not limited to, solar panels and wind generators.
- 24.01.Q** Emergency service provisions (letter from Fire department regarding access and water supply to the proposed development site).
- 24.01.R** Construction phasing plans, if any.
- 24.01.S** The ability of the applicant to carry forth its Development Plan by control of the land and the engineering feasibility of the Development Plan.
- 24.01.T** Plan approval period – the approval of a preliminary development plan shall be effective for a period of one (1) year from the date thirty (30) days after the zoning is approved by the Board of Trustees in order to allow for the preparation and submission of the Final Development Plan.

Section 24.02 – FINAL DEVELOPMENT PLAN

Six (6) paper copies and one (1) electronic copy of the Final Development Plan shall be submitted to the Zoning Commission and shall include all acreage, development phasing, and density as approved in the Preliminary Development Plan. Only fully complete application packets shall be reviewed by the Zoning Department and scheduled for a Zoning Commission hearing. Complete Applications must be received by the appropriate Submittal Date to be scheduled for a Hearing before the Zoning Commission. If an application submitted to the Zoning Department is found to be incomplete and/or missing required documentation or information, the application and all copies of the submittal except the electronic copy, shall be returned to the Applicant. The Applicant may make the necessary alterations to the application and re-submit to the Zoning Department for review and scheduling. The Application shall be signed by the applicant and all property owners and all fees must be paid to be considered a complete application.

The Final Development Plan shall be to scale of at least one inch equals one hundred feet (1"=100') and shall show the proposed uses of the site, location of buildings and structures, streets and roadways, parking areas, all required design features, and required findings for approval, as well as the following items in detail, text and map form, satisfactory to the reviewing bodies. If the Final Development Plan varies in any way from the approved Preliminary Development Plan, a summary of the changes must accompany the Final Development Plan submittal. The plan shall include in text and map form, the following:

- 24.02.A** The permitted and accessory uses to be located on the tract including the limitations or controls to be placed on all uses, proposed lot sizes, and minimum setback requirements.
- 24.02.B** Environmentally sensitive areas including the one-hundred-year (100-year) floodplain, existing streams and ponds, drainage ways, wetlands, and slopes greater than twenty percent (20%) shall be mapped and all existing conditions identified.
- 24.02.C** Architectural design detail, including specification of exterior materials, colors, and elevations for all structures. Proposed architectural control procedures shall be included.
- 24.02.D** Building heights and dimensions.
- 24.02.E** Size, height, and location of all signs as regulated by this Resolution.

24.02.F Lighting Plan - Lighting details shall include, but not be limited to size, height, type, location, degree of illumination, color of fixture, and design detail. Foot candle output must be identified at all lot lines. All lighting shall conform to Article 4 - General Design & Development Standards and/or District Specific Standards of this Zoning Resolution.

24.02.G Landscaping plan - All yards, front, side and rear, shall be landscaped, and all organized open spaces shall be landscaped. 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.

24.02.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.

24.02.I A grading and drainage plan prepared by a registered engineer.

24.02.J A traffic impact analysis by a civil engineer who specializes in traffic evaluations showing the proposed traffic patterns, public and private streets, and transportation facilities, including their relationship to existing conditions with sight distance and sight triangles defined.

24.02.K The relationship of the proposed development to existing and probable uses and zoning classifications of surrounding areas.

24.02.L Location of all uses within the site and the location of schools, parks, and other public facility sites within or adjacent to the site.

24.02.M The proposed timetable for development of the site, including Open Space, entry features, streets, buildings, structures, utilities, and other facilities.

24.02.N Development Phases:

1. If the proposed timetable for development includes developing the land in phases, phasing shall be fully described in textual form in a manner calculated to give the Township a definitive timeline for development of future phases.
2. Acreage, usage, and, density of all individual development phases within the entire development.
3. All phases shall be a minimum of five (5) acres.

24.02.O The purpose, need, and reason for each divergence, from Article 4 - General Design & Development Standards and/or District Specific Standards or the Sign Regulations of this Zoning Resolution, such as setbacks, parking, landscaping, lighting, signage and so forth, must be specified. All justifications must be based on the subject property.

24.02.P The drawings that are a part of the Development Plan shall bear the seal and signature of the appropriate licensed professional(s), including the surveyor, architect, landscape architect, and/or engineer licensed to practice in the State of Ohio.

24.02.Q If the Development Plan fails to include all the information required above, the application will be considered incomplete and may be denied by the Liberty Township Zoning Commission. In the event that an applicant wishes to amend or otherwise change the application in any way, the Zoning Commission may table its consideration of the amended application until such time as all of its members have had an opportunity to review the complete and final application.

Section 24.03 – CRITERIA FOR APPROVAL

When approving an Application for Rezoning, the reviewing authority shall consider:

- 24.03.A** Whether the proposed rezone is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.
- 24.03.B** Whether the proposed rezone is in conformity with the Comprehensive Plan, or portion thereof, as it may apply.
- 24.03.C** Whether the proposed rezone advances the public health, safety, and general welfare of the Township and the immediate vicinity.
- 24.03.D** Whether the proposed rezone will be compatible in appearance and use with surrounding existing or proposed land uses.
- 24.03.E** Whether the proposed rezone promotes the efficient use of land and resources, promotes greater efficiency in providing public utility services, and encourages innovation in the planning and building of all types of development.

Section 24.04 – ADMINISTRATION OF DEVELOPMENT PLAN

After Development Plan approval, all recorded subdivision plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Department for administrative review to ensure conformance with the Development Plan as approved. Any change to an approved Preliminary or Final Development Plan shall be considered as follows:

- 24.04.A** For development plans with multiple subareas, an application for zoning amendment may be filed applicable to one or more subareas provided that the requested change will have no effect on the remaining subareas.
- 24.04.B** The approval of the Final Development Plan shall be effective for a period of three (3) years, or as approved as part of the Final Development Plan, in order to allow for the preparation and recording of a subdivision plat, if applicable, and the commencement of construction following the issuance of a zoning permit(s). If no plat has been recorded within this approval period (or, if platting is not required, if construction has not commenced) and unless the Zoning Commission approves an extension of this time limit, the Final Development Plan shall expire.

Section 24.05 – AMENDMENT OF AN APPROVED DEVELOPMENT PLAN

After a Development Plan has been approved by the Township Trustees, no changes to said plan shall be permitted without approval as set forth in this Section. Changes shall be classified as Minor or Major Modifications and must follow the appropriate approval process as set forth in this Section. The Zoning Inspector determines whether modifications are Minor or Major. Any changes or alterations approved by the Township Trustees or the Zoning

Inspector under this Section are administrative in nature and shall not be considered an amendment to the Township Zoning Resolution for the purposes of ORC Section 519.12.

24.05.A Minor Modification: A minor modification or change to a Development Plan which does not substantially alter the design, layout and/or character of the approved Development Plan, which does not increase the size of residential areas or reduce the size of open space areas is considered a Minor Modification and may be administratively reviewed and approved by the Zoning Inspector.

Minor modifications include, but are not limited to:

1. Lot line adjustments where no additional lots are created;
2. Adjusting the location of easements for public utilities so long as designated open space is not disturbed and the layout, design and character of the approved development is not altered;
3. Reducing impervious cover (street/driveway width, length, etc.) so long as subdivision layout development design concepts are not modified;
4. Altering and/or modifying architectural/landscaping theme when such alterations would result in less restrictive standards than approved as part of the rezoning;
5. Increasing the amount of open space when such increase benefits the general character of the approved development;
6. Minor relocation of public street(s) or entries (relocation is less than one hundred (100) feet from original approved location);
7. Minor alterations to the Comprehensive Sign Plan so long as the total signage area does not increase by more than 10%.
8. Less than 10% increase in and changes to signage height and sign area, changes in signage text and location from the approved development plan;
9. An increase in five (5) percent or more on signage height, setback and sign area; or
10. Such other changes that do not significantly alter the approved layout, design and general character of the development as outlined in the approved development plan or approved as part of the rezoning.

24.05.B Approval of minor modifications by the Zoning Inspector shall be given upon a finding that:

1. A necessity exists requiring the modification;
2. There is evidence of a reasonable effort to construct the development according to the approved development plan; and
3. That the modification is not in conflict with the general health and safety of the public or with the development standards for the zoning district.

24.05.C Major Modification: A modification, which substantially alters the design, layout and character of the approved development plan; increases the size of residential areas or reduces the size of open space areas or in any other way is a major deviation of the approved development plan, is a major modification. Modifications determined by the Zoning Inspector to be Major Modifications shall be required to go before the Board of Zoning Appeals or the Zoning Commission for public hearing. Proposed major modifications from the approved Development Plan that involve only one (1) dwelling unit shall be considered by the Board of Zoning Appeals. All other major modifications to the Preliminary or Final Development Plan shall be presented to the Zoning Commission for its consideration. Normal application and public hearing processes and procedures shall apply.

Major modifications include, but are not limited to:

- 1.** Any change in use in the Development.
- 2.** Enlarging residential areas or increasing the number of lots.
- 3.** Increasing setback reduction by more than five (5) percent.
- 4.** Increasing impervious cover by more than five (5) percent.
- 5.** Increasing signage height, setback and/or sign area by more than five (5) percent.
- 6.** Altering open space from the amount approved by more than five (5) percent.
- 7.** Relocating easements for public utilities when such relocation intrudes into open space or otherwise alters the layout, design and character of the approved development.
- 8.** A significant change in street pattern and/or the relocation of public streets, entries, and/or other infrastructure so as to significantly alter the approved layout, design, and character of the approved development, or where the relocation is one hundred (100) feet or more from the original approved location.
- 9.** A significant change in the landscape plan.
- 10.** Changes in the building exterior materials.
- 11.** Such other changes that significantly alter the approved layout, design and general character of the development as outlined in the approved plan, or as approved as part of the rezoning.

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ARTICLE 25 – BOARD OF ZONING APPEALS

Section 25.01 – BOARD OF ZONING APPEALS

The Liberty Township Board of Zoning Appeals shall consist of five (5) members who shall be residents of the unincorporated area of Liberty Township and who shall be appointed by the Board of Township Trustees to serve five (5) year terms. The Board of Township Trustees shall fill by appointment any vacancies including un-expired terms. The Board of Township Trustees may appoint alternate members in accordance with the provisions of ORC 519.13 to serve two (2) year terms. The time of service of each member shall be limited to two (2) consecutive full terms as a regular and two consecutive full terms as an alternate member. Members of the Board of Zoning Appeals shall be removable for non-performance of duty, misconduct in office, or other cause by the Board, in accordance with ORC 519.13.

Section 25.02 – ORGANIZATION

The Township Board of Zoning Appeals shall organize, electing a Chairperson and Vice Chairperson, and adopt rules in accordance with the provisions of this Zoning Resolution. The Board of Zoning Appeals shall keep minutes of its proceedings and shall keep records of its examinations and other official actions, all of which shall be a public record.

Attendance of three (3) members shall constitute a quorum. The concurring vote of three (3) members of the Board of Zoning Appeals shall be necessary to decide in favor of an applicant on any matter which the Board is required to hear under the Township Zoning Resolution. The failure of an applicant to secure at least three (3) concurring votes shall constitute a decision for disapproval of the application.

Section 25.03 – 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 executive, professional, technical, and other assistants as it considers necessary.

Section 25.04 – FUNCTIONS OF THE BOARD OF ZONING APPEALS

The authority of the Board of Zoning Appeals complies with ORC Section 519.14 and may exercise the following powers and perform the following functions:

- 25.04.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 ORC, or this Zoning Resolution.
- 25.04.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 Zoning Resolution will result in unnecessary hardship, and so that the spirit of the Zoning Resolution shall be observed and substantial justice done.
- 25.04.C** Approve Conditional Use Permit Applications for the use of land, buildings, or other structures if such certificates for specific uses are provided for in the Zoning Resolution.
- 25.04.D** Revoke an authorized variance or conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated.

Section 25.05 – REQUIREMENTS FOR VARIANCES AND APPEALS

If the Zoning Department rejects an application for Zoning Permit or Certificate of Zoning Compliance or if the Zoning Resolution prohibits the erection of a Building, Structure, Sign or Use, the applicant may appeal for a Variance to the Board of Zoning Appeals. All applications for appeal under this Section shall be submitted on such forms as designated by the Zoning Department and include the following information:

- 25.05.A** The action or order of the Zoning Department, such as the zoning violation and/or denied Certificate of Compliance.
- 25.05.B** The specific reference, including article(s) and section(s), to the zoning text or portions of the "Official Liberty Township Zoning Map" appealed from.
- 25.05.C.** The facts and information showing the basis of the appeal, including factors of characteristics unique to a parcel.
- 25.05.D** The specific remedy proposed or a proposed interpretation shall be described.

Section 25.06 – REQUIREMENTS FOR CONDITIONAL USES

The Board of Zoning Appeals shall not grant a Variance to permit a non-permitted or prohibited Use unless an unnecessary hardship exists. An unnecessary hardship shall exist only if the property owner is able to sufficiently prove, with facts, that it is not economically feasible to put their property to any Use permitted within its current zoning classification due to characteristics unique to the property. An unnecessary hardship shall be considered to not exist if the property is suitable for any Use permitted within its current zoning classification. An application for a Conditional Use Permit by at least one (1) owner of the property is required prior to any authorization by the Board of Zoning Appeals.

25.06.A Conditional Use Standards

Conditional Uses may be permitted provided that such uses shall be found to comply with the following requirements and all other applicable requirements as set forth in this Resolution:

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 an applicant.
2. The granting of a Variance is necessary for the preservation and enjoyment of substantial property rights.
3. The granting of the Variance will not materially and adversely affect 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.

25.06.B Expiration/Termination of Conditional Use Permit

An approved Conditional Use Permit Application shall be deemed to authorize only one, particular Conditional Use. The Conditional Use shall automatically expire if, for any reason, the Conditional Use shall cease for more than six (6) months, or construction is not begun within twelve (12) months. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit and the subsequent

owner(s) or his agent shall be required to re-apply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals.

25.06.C Approval of an Application for Conditional Use Permit

The Board of Zoning Appeals may impose such reasonable conditions as it considers necessary to ensure that an approved Conditional Use will be conducted in the best interest of the Zoning District. Failure to comply with the terms of approval shall be regarded as a violation of this Zoning Resolution and the sanctions may include revocation of such Permit after due process.

Section 25.07 – REQUIREMENTS FOR AREA AND USE VARIANCES

25.07.A Area Variance: The Board of Zoning Appeals shall not grant an Area Variance unless the property owner has encountered practical difficulties in the use of such owner's property. The Board of Zoning Appeals shall consider all relevant factors including, but not limited to, the following Findings of Fact:

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 can be obviated feasibly through some method other than a Variance.
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the Variance.

25.07.B Use Variance: 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 an application will not materially and adversely affect 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.

Section 25.08 – FORM OF APPLICATION

All Applications for Use and Area Variances under this Section shall be submitted on such forms as designated by the Zoning Department and shall be signed by the current property owner. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application and submitted at least 21 days prior to the meeting date.

Section 25.09 – PUBLIC NOTICE

Written application for a Use or Area Variance shall be made to the Township Zoning Department at least 21 days prior to the meeting date. 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. Public Notice of the Hearing shall be made in accordance with the ORC.

Section 25.10 – DECISION OF BOARD

The Board shall make its decision within a reasonable time after the hearing. The concurring vote of three (3) members of the Board shall be necessary to reverse or modify any order, requirement, decision, or determination of the Zoning Department, or to decide in favor of an applicant on any matter which the Board is required to hear under the Township Zoning Resolution.

ARTICLE 26 – DEFINITIONS

Whenever a defined word appears in this Resolution, its meaning is as set forth in this Resolution. Words not defined in this Resolution are interpreted in accordance with their usual dictionary meaning and customary usage.

Accessory Structure: A structure that has a permanent foundation detached from the principal building, is subordinate to the principal use of a building on the lot or tract and serves a purpose customarily incidental to the use of the principal building. Examples include detached private garages, carports, sheds, pool houses, electric vehicle charging stations. This definition excludes fencing.

Accessory Use: A use incidental to, and on the same lot as, a principal use.

Adjoining Lot or Land: A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land. Also known as abutting, adjacent or contiguous.

Advertising (sign): Any sign which directs public attention to a commercially or publicly offered use, event, commodity, item or service.

Adult Entertainment Business: An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude or seminude model studio, or sexual encounter establishment.

Agriculture: Per Section 519.01 of the Ohio Revised Code: farming, ranching, algaculture, aquaculture, apiculture, horticulture; viticulture; animal husbandry, including but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production, the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry and production. Agriculture does not include cultivation, processing, or dispensing of medical marijuana, except as otherwise required by the Ohio Revised Code.

Agritourism: An agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.

Assisted Living Facility: A residential living facility licensed by the State of Ohio for four or more persons that provides assistance with daily needs which may include medical assistance, transportation, meal preparation, and laundry services.

Attached: A structure or building joined or fastened to another structure or building by any means to become one continuous structure or building. When Attached is used to define the connection of two (2) buildings, they must either a) share a common wall, or b) provide for internal access between the two (2) buildings.

Buffer, Buffering: Open Spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another to visually shield or block noise, lights, or other nuisances.

Building: A structure having a roof supported by columns or walls, that is used or intended to be used, for the shelter or enclosure of persons, animals or property.

Building Area: The square foot area of a building or structure at ground level measured by outside dimensions.

Building Line: A line set with respect to the frontage, side or rear of a parcel of land and beyond which the owner of the land may not build.

Certificate of Compliance (COC): A document that may be issued by the zoning department that stipulates whether a planned use meets the requirements of this Zoning Resolution.

Club: A building(s) or facility(ies) occupied for social, educational or recreational purposes, but not primarily of profit or for rendering a service that is customarily carried on as business and not open to the general public.

Common Access Drive (CAD): A shared driveway or road that provides access to multiple properties or lots.

Composite Material (fencing): The materials are made from a combination of recycled plastic and recycled wood products.

Conditional Use: A use not allowed as of right in a given area, but that may be allowed if and once approved by the Township Board of Zoning Appeals ("BZA") and which may be subject to certain conditions.

Corner Lot: A lot located at the intersection of two roadways that has frontage on each roadway. On a corner lot, the front of the property shall be determined by the location of the main architectural features/front door of the structure.

Density (Residential): The number of dwelling units permitted per net acre of land. Density is defined within each district.

Design Standards: A set of guidelines defining parameters to be followed in site and/or building design and development.

Driveway: A private or designated area providing access for vehicles to a parking space, garage, dwelling, or other structure.

Dwelling: A building or portion thereof used exclusively for residential purposes. The term "dwelling" shall not include mobile homes, recreational vehicles, hotels, motels, boarding or lodging houses and group living.

Dwelling, Cluster Housing: A development design technique that concentrates dwellings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. Cluster housing does not permit any increase in the permitted densities or reduction of setback of the District in which it is located.

Dwelling, Common Wall Housing: Housing configuration in which two or more dwelling units share a common wall.

Dwelling, Multi-family: A building or portion thereof used for occupancy by more than one (1) family independently of each other.

Dwelling, Single-family: A building containing a single dwelling unit.

Dwelling Unit: A place for residential occupancy by one family with cooking, sleeping and sanitary facilities provided within the dwelling unit for the use of a single family maintaining a household.

Easement: A non-possessory interest in another's land that entitles the holder only to the right to use such land in a specified manner.

Entry Features: An area near the intersection of a public road and a driveway or roadway that is constructed with landscaping, lighting, pillars, or any other constructed materials or combination of materials in such a manner or position so as to aesthetically enhance, enclose, partially enclose, screen, divide, gate or separate areas.

Eaves: The part of the roof that meets or overhangs the walls of the building.

Face Change: The process of replacing the message area of a sign. A face change may include, but is not limited to, the replacement of a message board within a sign cabinet. The following changes to a sign shall not qualify as a face change: the expansion or reduction of the message area; an addition of or increased intensity in illumination and/or lighting; an increase in the height of a sign, a change in the location of a sign.

Farm Market: A retail establishment where the majority of products for sale have been grown or raised on-site and/or on land owned and operated by the market operator and sold directly to the consumer.

Fence: Any free-standing Structure or Accessory Wall, other than part of a Building, which encloses or partially encloses any premises, is intended to fully or partially screen a property, and/or is intended to limit or prevent straying from within or intrusion from without. Live vegetation and Entry Features shall not be included in this definition.

Flag Lot: A parcel of land in which the access to the road is provided along a long slender strip of land resembling flag poles that extend from a rectangular, more or less, main section of the lot resembling the flag.

Front Building Line: A line parallel (or most nearly parallel) to an adjacent street or road, touching the façade of a building at the point closest to the adjacent street or road. In a common access drive subdivision, a line parallel (or most nearly parallel) to the road or street to which the common access drive is connected and touching the closest point of a building's façade shall also be the front building line even if the road or street is not adjacent to the lot or parcel.

Gross Acreage: Total acreage of a site.

Gross Public Floor Area: The total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled public), stage areas, aisles, hallways, and entryways.

Height Measurement: The vertical distance shall be measured from the proposed finished grade to the highest point of the structure.

Hospital: An establishment which has an organized medical staff and provides equipment and services primarily for inpatient care to persons who require definitive diagnosis or treatment, or both, for injury, illness, pregnancy, or other disability, but not including narcotics addiction or those found to be criminally insane.

Illumination, External (Sign): A constant (non-flashing) artificial source of light directed towards signs so that the beam of light falls upon the exterior surface of the sign and is arranged so that no direct rays of light project from the artificial source of light onto other properties or streets.

Illumination, Internal (Sign): A source of illumination enclosed entirely within the sign and not directly visible from outside the sign.

Impervious Surfaces: Surfaces or elements on a site that prevent stormwater from immediately reaching soil beneath it, including but not limited to: buildings, parking areas, driveways, streets, sidewalks, pavers, and areas of concrete, asphalt, or other sealed surfaces.

Improvement: Any building, structure, item, component, change, addition, or other physical alteration constituting a physical addition to or change or betterment of real property, or any part of such addition, change, or betterment.

Independent Living Facility: A housing facility that predominantly consists of independent living units and maximizes independence for persons living in a community rather than a medical facility. The facility can include multi-unit buildings or several single-family buildings arranged in a community.

Kennels: Any household or establishment where more than four (4) dogs or more than six (6) cats, or any combination of cats and dogs exceeding six animals, who are more than six months old are kept, bred, trained and/or boarded at any one time, whether for profit or not.

Licensed Professional Massage Studio: An establishment offering massage therapy and/or body work by a massage therapist licensed under the ORC or under the direct supervision of a licensed physician.

Lot: A parcel or tract of land designated as a “lot” by a plat of record, a subdivision of record, or as otherwise created or existing by law.

Lot Coverage: Determined by dividing the total surface of all buildings, including covered porches and accessory buildings, and any other impervious surfaces, except sidewalks, located on the lot by the total area of the lot.

Lot Frontage: The length of a property line that abuts a street or public space: the width of the property facing the road.

Manufactured Home: A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974,” 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards. Mobile Home is defined separately.

Marijuana Facility: A medical marijuana cultivator or processor licensed under Ohio Revised Code Chapter 3796, or an adult use marijuana cultivator or processor licensed under Ohio Revised Code 3780. This definition shall not include retail dispensaries licensed under Ohio Revised Code Chapter 3796 or Ohio Revised Code Chapter 3780.

Mobile Home: A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a "Manufactured Home" as defined in division (C)(4) of section 3781.06 of the Ohio Revised Code, as may be amended, or as an "industrialized unit" as defined in division (C)(3) of section 3781.06 of the Ohio Revised Code, as may be amended

Model Home: A dwelling that is fully furnished but that is not occupied for residential purposes until after the majority of the properties within a residential subdivision are improved with dwellings. Model homes typically showcase a variety of finishes and features that are open for viewing by the public and staffed by a sales representative.

Modular Home: A factory built, single family structure assembled on site and anchored to a foundation.

Multi-Use Path/Trail: A path other than a Sidewalk that is designed for multiple non-motorized modes of travel, including but not limited to cycling, walking, and skating. A multi-use path/trail may be located within or outside of a right-of-way.

Net Developable Area: Determined by deducting the following from the Gross Acreage:

1. Fifteen percent (15%) of the Gross Acreage for streets and utilities;
2. Jurisdictional wetlands, as defined in the US Army 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 fifty percent (50%) wetland vegetation, and are poorly drained soils which are periodically inundated or saturated);
3. Areas within the FEMA designated one hundred (100)-year floodplain;
4. All areas of land containing slopes greater than twenty percent (20%) including all 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.

Nonconformity: Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Resolution or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

Non-conforming use: A use which lawfully occupied a building, structure, or land prior to the adoption of an application, resolution, or code, to which the use does not conform.

Non-conforming lots of record: A parcel of real estate which has been surveyed, given a legal metes and bounds description and legally recorded in the County recorder's office prior to the adoption of or amendment to the Zoning Resolution, and which does not conform with the current zoning regulations.

Non-residential Use: any use of land that is permitted by the Liberty Township Zoning Resolution and does not include the human inhabitation of a structure or any use incidental or accessory to such inhabitation.

Nuisance: A substantial and unreasonable interference with the enjoyment and use of property.

Open Space/Natural Green Space/Common Open Space: Land and/or water area which has been specifically designed or set aside for conservation, or recreational purposes, for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space land 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. Common open space is typically land set-aside for passive or active recreational purposes. Natural Green Space is typically land perpetually set aside for the purposes of protecting and preserving its natural, scenic, open, wooded, 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. If deemed appropriate by the Zoning Commission, open space may incorporate land for on-site wastewater disposal.

Open space development: Land that is designed and developed as a residential unit with open space as an integral characteristic. Instead of subdividing an entire tract into house lots of conventional size, the same number of housing lots may be clustered on a reduced amount of acreage on the condition that the remaining land in the tract is reserved for open space area, the future development or subdivision of which is prohibited.

On-Street Parking: Striped, angled, or parallel parking spaces that are permitted within the right-of-way or along a private street.

Parcel: Any individually identifiable tract of land recorded in the office of the county recorder.

Permanent Foundation: A permanent masonry, concrete, footing or foundation, to which a structure may be affixed.

Pervious Surface: Any material that permits full or partial absorption of storm water to percolate into the previously unimproved land.

Portable Storage Unit or Container: A portable, weather-resistant, commercially leased or rented receptacle designed and used for the storage and shipment of personal property, building materials or merchandise.

Principal Use: The primary or predominant use of any lot or parcel. For all residential zoning districts, the principal use shall be the dwelling.

Principal Structure: A Building in which the main or principal use of the lot is conducted.

Private Road: A road on privately-owned property, limited to the use of the owner or a group of owners who are solely responsible to maintain the road.

Public Road: Any road or street under the jurisdiction of and maintained by a public authority and open to public travel.

Recreational Vehicle: A vehicular portable structure that is designed and constructed to be used as a temporary dwelling for travel, recreation and vacation uses and is classified as a travel trailer, motor home, truck camper, fifth wheel trailer, park trailer or tent-type foldout camping trailer.

Refacing (Sign): To renew, restore, or repair the face or surface of a sign. Refacing does not refer to replacing the entire sign structure or the removal of the sign.

Residential Facility: A residential facility licensed by the state of Ohio and as defined within Chapter 5119 or 5123 of the Ohio Revised Code.

Residential Use: Any permitted use of land where a dwelling has been constructed with the intent of human inhabitation of that structure. Residential uses also include all uses that are incidental to or accessory to the human inhabitation of a structure.

Right-of-Way: (R.O.W.) A strip of land occupied or intended to be occupied by transportation facilities, public utilities, street drainage ditches or other special public uses.

Road Frontage: The lineal amount of land adjacent to a public or private road.

Screening: The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms or other methods.

Self-Closing: Equipped with a device which causes a gate to automatically fully close after being opened and latch without human or electrical power.

Self-Latching: A mechanical device or latch installed at the top of the pool gate and which is engaged each time the gate is secured to its closed position, which will not allow the gate to be re-opened by pushing or pulling and which will ensure the pool enclosure gate remains closed until unlatched by either lifting or turning the device itself, directly or by key.

Setback: The distance between a structure and a lot line or right-of-way.

Front Setback: The smallest distance between a structure and any associated Front Lot Line.

Rear Setback: The smallest distance between a structure and any associated Rear Lot Line.

Side Setback: The smallest distance between a structure and any association Side Lot Line.

Sexually-Oriented Business/Adult Entertainment Business: As used in this Zoning Resolution, 'sexually oriented business' is as defined in Ohio Revised Code 2907.40 and is an inclusive term used to describe collectively: adult media store, sexually oriented or sex oriented cabaret; sexually oriented or sex oriented movie theatre or arcade booth; lingerie modeling or photography studio; bathhouse; massage store (except as licensed by the State of Ohio in Revised Code Section 4731.16); and/or sex shop. Sexually oriented businesses are regulated in accordance with Liberty Township Board of Trustees Resolution #13-1021-06.

Sidewalk: A flat, hardscaped path designed for pedestrians to walk on and wheelchairs to roll across. Sidewalks may be located within a right-of-way or on privately owned property along a right-of-way. See also Multi-Use Path/Trail.

Sign (See Article 20 for specific definitions of various sign types): Any words, numerals, figures, devices, designs, images, or trademarks by which anything is made known, such as are used to designate an individual, a firm, profession, business, or a commodity and which are visible from any right-of-way. This definition shall not include temporary merchandise signs displayed inside of a building. This definition includes all Signs visible from any public right-of-way or adjacent property. This definition shall not pertain to any such items which are primarily displayed for celebratory and/or decorative purposes and which may be typically erected seasonally or for a one-time, non-commercial event. All Signs shall be classified as one or more of types as defined in Article 20.

Site Improvements: Site excavating, cutting, filling, or grading; street grading and surfacing with or without curbs or gutters; installation of sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, streets, and all other work needed to develop property and prepare for the construction of buildings and structures or for a permanent use.

Small Solar Facility: A Solar Energy System and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) megawatts.

Solar Energy: Radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.

Solar Energy System: A system and associated facilities that collect Solar Energy, which may include, but is limited to, an Integrated Solar Energy System, or Rooftop Solar Energy System.

Solar Energy Systems - Ground Mounted: Means a solar energy system that mounts a solar panel or panels and facilities on or above the ground.

Solar Energy Systems - Integrated: Means a solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows.

Solar Energy Systems - Rooftop: Means a solar energy system that is mounted to a structure or building's roof on racks.

Solar Energy Systems - Single Parcel Solar Facility: Means a Solar Energy System and associated facilities with a single interconnection to the electrical grid and designed for use by a structure(s) located on the same designated single parcel.

Spa/Hot Tub: A large tub full of water used for hydrotherapy, relaxation, or pleasure. A spa may contain powerful jets.

Stockade Fence: Any fence, or section of fence, regardless of its composition, that has less than fifty percent (50%) free and open area and/or is higher than forty-eight (48) inches.

Structure: Anything constructed or erected, with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, and billboards. For the purposes of this Zoning Resolution, fences are not considered structures..

Swimming Pool: A receptacle for water, or artificial basin of water, either above ground, below ground, or partly above and partly below ground, having a depth at any point in excess of 18 inches or a surface area exceeding 100

square feet and intended for use by persons for the purpose of immersion, partial immersion, or swimming, and including all appurtenant equipment. This may include spas, hot tubs, and collapsible pools in addition to other receptacles for water that meet this definition.

Swimming Pool Cover – A power-safety cover for a Swimming Pool complying with ASTM F 1346, that is a protective Swimming Pool cover that is used to, among other things, cover the entire Swimming Pool to prevent unauthorized access to the Swimming Pool; prevent children or pets from accidentally falling in; keep the Swimming Pool clean when not in use by preventing debris from collecting in the water and/or protecting it during the off-season months; and reduce evaporation of the water located in the Swimming Pool.

Tree Lawn: That strip of land lying between sidewalk and curb or, where no sidewalks exist, between the property line and the curb or, where no curb exists, between the property line and the pavement on all streets within Liberty Township.

Variance: Permission to depart from the strict rule or literal requirements, enforcement, and/or interpretation of this Zoning Resolution.

Vinyl (exterior siding material): Plastic exterior siding used for surfacing the outside walls of a frame building, imitating wood clapboard, board and batten or shakes, and used instead of other materials such as aluminum or fiber cement siding. It is an engineered product, manufactured primarily from polyvinyl chloride (PVC) resin.

Wall - Landscape/Garden Wall: A continuous vertical brick or stone structure that lines a landscape feature and acts as a division between the feature and the rest of the landscape. It does not serve as a retaining wall.

Wall - Retaining Wall: A continuous vertical concrete, brick or stone structure which prevents the movement of soil in order to allow ground levels of different elevations to exist adjacent to one another. As such, a permit is required from the Township before construction is started.

Water Impoundment: A body of water such as a pond, or retention or detention basin exceeding eighteen (18) inches in depth. This definition includes both natural and artificially created bodies of water and areas designated for the collection and/or storage of water. All ponds and basins must be, at minimum, as recommended by the Delaware County Soil & Water Commission or the Delaware County Engineer.

- **Basin, Detention**: A facility for the temporary storage of storm water runoff. Detention basins or ponds differ from retention basins in that the water storage is only temporary, often released by mechanical means at such time as downstream facilities can handle the flow.
- **Basin, Retention**: A pond, pool, or basin used for the permanent storage of water runoff. Retention basins differ from detention basins in that the latter are temporary storage areas. Retention basins have the potential for water recreation and water-oriented landscaping since the water remains.

Zoning Permit: A “Zoning Certificate” as required pursuant to ORC 519.17.

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