

# **LIBERTY TOWNSHIP ZONING RESOLUTION**

**Liberty Township,  
Licking County, Ohio**

**Prepared by**

***The Liberty Township Zoning Commission  
with assistance from the  
Licking County Planning Commission***

***Adopted by Trustees: DECEMBER 21, 2011***  
**Effective Date January 21, 2012**

This page intentionally blank

**CERTIFICATION OF ACCEPTANCE**  
**BY BOARD OF TRUSTEES AND CLERK**  
**OF LIBERTY TOWNSHIP**

Lois Buckenberger-Johnson, Chairman, Board of Trustees

Lois Buckenberger-Johnson Date

Heather Berry, Liberty Township Fiscal Officer

Heather Berry                      Date

# LIBERTY TOWNSHIP ZONING RESOLUTION

APPROVED BY TOWNSHIP TRUSTEES: December 21, 2011

EFFECTIVE DATE: January 21, 2012

ORIGINAL ADOPTION OF ZONING IN LIBERTY TOWNSHIP: May 2, 1972

# LIBERTY TOWNSHIP ZONING MAP

APPROVED BY TOWNSHIP TRUSTEES: February 22, 1996

EFFECTIVE DATE: March 24, 1996

ORIGINAL ADOPTION: May 2, 1972

This page intentionally blank

## Table of Contents

PREAMBLE - TITLE PAGE & CERTIFICATION OF ACCEPTANCE	January 21, 2012
ARTICLE 1 – PURPOSE AND SCOPE	May 25, 2003
Section 100 Title	
Section 101 Provisions Declared Minimum Requirement	
Section 102 Separability Clause	
Section 103 Repeal of Conflicting Resolution, Effective Date	
ARTICLE 2 – DEFINITIONS	August 12, 2009
Section 200 Interpretation of Terms and Words	
Section 201 Diagrams for Clarification of Selected Terms	
ARTICLE 3 – ENFORCEMENT	May 25, 2003
Section 300 Zoning Permits Required	
Section 301 Contents of Application for Zoning Permit	
Section 302 Approval of Zoning Permit	
Section 303 Submission to Director of Transportation	
Section 304 Building Permits Required	
Section 305 Expiration of Zoning Permit	
Section 306 Certificate of Compliance	
Section 307 Temporary Certificate of Compliance	
Section 308 Record of Zoning Permits and Certificates of Compliance	
Section 309 Failure to Obtain a Zoning Permit or Certificate of Compliance	
Section 310 Construction and Use to be as provided in Applications, Plans, Permits and Certificates	
Section 311 Complaints Regarding Violations	
Section 312 Penalties for Violation	
Section 313 Schedule of Fees, Charges and Expenses	
ARTICLE 4 – NONCONFORMITIES	May 25, 2003
Section 400 Intent	
Section 401 Incompatibility of Nonconformities	
Section 402 Existing Nonconforming Uses – Continuation	
Section 403 Single Nonconforming Lots of Record	
Section 404 Nonconforming Use of Land	
Section 405 Nonconforming Structures	
Section 406 Nonconforming Uses of Structures or Structures and Land In Combination	
Section 407 Repairs and Maintenance	
Section 408 Nonconforming Certificate	
Section 409 Uses under Conditional Use Provisions Are Not Nonconforming Uses	
Section 410 Nonconforming Lot of Record Yard Requirements	
ARTICLE 5 – ADMINISTRATION	May 25, 2003
Section 500 Office of Zoning Inspector Created	
Section 501 Duties of Zoning Inspector	
Section 502 Board of Zoning Appeals and Zoning Commission Created	
Section 503 Proceedings of the Zoning Commission	
Section 504 Duties of Zoning Commission	
Section 505 Proceedings of the Board of Zoning Appeals	

## Table of Contents

Section 506	Duties of the Board of Zoning Appeals
Section 507	Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal
Section 508	Procedures and Requirements for Appeals and Variances
Section 509	Appeals
Section 510	Stay of Proceedings
Section 511	Variance
511.01	Use Variance
511.02	Area Variance
Section 512	Application and Standards for Variances
Section 513	Supplementary Conditions and Safeguards
Section 514	Public Hearing by the Board of Zoning Appeals
Section 515	Notice of Public Hearing in Newspaper
Section 516	Notice to Parties in Interest
Section 517	Action by Board of Zoning Appeals
Section 518	Procedures and Requirements for Approval of Conditional Use Permit
Section 519	General
Section 520	Contents of Application for Conditional Use Permit
Section 521	General Standards Application to All Conditional Uses
Section 522	Specific Criteria for Conditional Uses
Section 523	Supplementary Conditions and Safeguards
Section 524	Procedure for Hearing, Notice
Section 525	Action by the Board of Zoning Appeals
Section 526	Expiration of Condition Use Permit

### ARTICLE 6 – AMENDMENT

May 25, 2003

Section 600	Procedure for Amendments or District Changes
Section 601	General
Section 602	Initiation of Zoning Amendments
Section 603	Contents of Application
Section 604	General Standards for All Zoning Amendments
Section 605	Transmittal to Zoning Commission
Section 606	Submission to County Planning Commission
Section 607	Submission to Director of Transportation
Section 608	Public Hearing by Zoning Commission
Section 609	Notice of Public Hearing in Newspaper
Section 610	Notice to Property Owners by Zoning Commission
Section 611	Recommendation by Zoning Commission
Section 612	Public Hearing by Board of Township Trustees
Section 613	Action by Board of Township Trustees
Section 614	Effective Date and Referendum

### ARTICLE 7 – PROVISIONS FOR OFFICIAL ZONING MAP

May 25, 2003

Section 700	Official Zoning Map
Section 701	Identification of the Official Zoning Map
Section 702	Interpretation of the District Boundaries

## Table of Contents

### ARTICLE 8 – DISTRICT REGULATIONS

January 21, 2012

- Section 800 Compliance with Regulations
- Section 801 Official Schedule of District Regulations Adopted
- Section 802 Intent of District Regulations
- Section 803 Conservation/Natural Recreation District (CN)
- Section 804 Agricultural District (AG)
- Section 805 Low Density Residential District (R-87)
- Section 806 Local Business District (LB)
- Section 807 General Business District (GB)
- Section 808 Light Manufacturing District (M-1)
- Section 809 Public Use District (PB)
- Section 810 Flood Plain Overlay District (FP)
- Section 811 Transportation Corridor Overlay District (TC)

### ARTICLE 9 – SUPPLEMENTARY DISTRICT REGULATIONS

August 12, 2009

- Section 900 General
- Section 901 Private Driveway Requirements
- Section 902 Conversion of Dwelling to More Units
- Section 903 Private Swimming Pools
- Section 904 Community or Club Swimming Pools
- Section 905 Temporary Buildings
- Section 906 Parking and Storage of Certain Vehicles
- Section 907 Junk Yards
- Section 908 Junk Motor Vehicles
- Section 909 Required Trash Areas
- Section 910 Supplemental Yard and Height Regulations
- Section 911 Setback Requirements for Corner Buildings
- Section 912 Visibility at Intersections
- Section 913 Yard Requirements for Multi-Family Dwellings
- Section 914 Screen/Buffer Yard Requirements for LB, GB, and M-1 Districts
- Section 915 Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts  
(Accessory Buildings/private swimming pools)
- Section 916 Side and Rear Yard Requirements for Residential Accessory Buildings
- Section 917 Architectural Projections
- Section 918 Exceptions to Height Regulations
- Section 919 Special Provisions for all Uses
- Section 920 Fire Hazard
- Section 921 Radioactivity or Electrical Disturbances
- Section 922 Noise
- Section 923 Vibration
- Section 924 Air Pollution
- Section 925 Lighting
- Section 926 Erosion
- Section 927 Water Pollution
- Section 928 Enforcement Provisions
- Section 929 Measurement Procedures
- Section 930 Satellite Dish Antenna, Greater Than Three (3) feet in diameter
- Section 931 Tower, Antennas, or Similar Structures or Appurtenances

## Table of Contents

- Section 932 Oil and Gas Well Regulatory Guidelines
- Section 933 Adult Entertainment Facilities
- Section 934 Street Frontage Required
- Section 935 Parking and Storage of Commercial Vehicles and Trailers
- Section 936 One Principal Structure per Lot
- Section 937 Ponds

### ARTICLE 10 – OFF-STREET PARKING AND LOADING FACILITIES

May 25, 2003

- Section 1000 General Requirements
- Section 1001 Parking Space Dimensions
- Section 1002 Loading Space Requirements and Dimensions
- Section 1003 Paving
- Section 1004 Drainage
- Section 1005 Maintenance
- Section 1006 Lighting
- Section 1007 Location of Parking Spaces
- Section 1008 Screening and/or Landscaping
- Section 1009 Disabled Vehicles
- Section 1010 Minimum Distance and Setback
- Section 1011 Joint Use
- Section 1012 Wheel Blocks
- Section 1013 Width of Driveway Aisle
- Section 1014 Access
- Section 1015 Width of Access Driveway
- Section 1016 Striping
- Section 1017 Parking Space Requirements
- Section 1018 General Interpretation of Article 10

### ARTICLE 11 – SIGNS

May 25, 2003

- Section 1100 Intent
- Section 1101 Governmental Signs Excluded
- Section 1102 General Requirements for All Signs and Districts
- Section 1103 Measurement of Sign Area
- Section 1104 Signs Permitted in All Districts – No Permit Required
- Section 1105 Signs Permitted in Districts
- Section 1106 Setbacks for Public and Quasi-public Signs
- Section 1107 Special Side and Rear Yard Provisions
- Section 1108 Limitation
- Section 1109 Abandoned Signs
- Section 1110 Violations

### ARTICLE 12 – RURAL Planned UNIT DEVELOPMENT (RPUD)

May 25, 2003

- Section 1200 Objectives for Rural Planned Unit Development
- Section 1201 Provisions Governing Rural Unit Development
- Section 1202 Conflict and Interpretation
- Section 1203 Uses Permitted
- Section 1204 Relationship to Licking County, Ohio Subdivision Regulations
- Section 1205 Minimum Project Area
- Section 1206 Project Ownership



## Table of Contents

Section 1207	Development Standards
Section 1208	Procedure for Approval of RPUD District
Section 1209	Pre-Application Meeting
Section 1210	Contents of Application for Approval of Preliminary Development
Section 1211	Preliminary Development Plan Review as a Subdivision
Section 1212	Public Hearing by Zoning Commission
Section 1213	Notice of Public Hearing by Newspaper
Section 1214	Notice to Property Owners by Zoning Commission
Section 1215	Criteria for Approval of a Preliminary Development Plan
Section 1216	Effect of Approval of the Preliminary Development Plan
Section 1217	Contents of Application for Approval of Final Development Plan
Section 1218	Final Development Plan Review as a Subdivision
Section 1219	Preliminary Approval; Expedited Final Plan
Section 1220	Public Hearing by Zoning Commission
Section 1221	Recommendation by Zoning Commission
Section 1222	Criteria of Approval – Final Plan
Section 1223	Action by Board of Township Trustees
Section 1224	Supplementary Conditions and Safeguards
Section 1225	Extension of Time

APPENDIX A – GUIDELINES FOR RECOMMENDED METHODS OF TREE PROTECTION	May 25, 2003
APPENDIX B – LIBERTY TOWNSHIP SCHEDULE OF FEES	May 25, 2003
APPENDIX C – ZONING RESOLUTION FORMS	May 25, 2003
APPENDIX D – REVISION AND UPDATE PARTICIPANTS	May 25, 2003

## Table of Contents

This page intentionally blank

## **ARTICLE 1- PURPOSE AND SCOPE**

### **Section 100 Title**

This resolution shall be known and may be cited as the "Liberty Township, Licking County, Ohio Zoning Resolution."

### **Section 101 Provisions Declared Minimum Requirements**

In their interpretation and application, the provisions of this resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, welfare, and morals. Wherever the requirements of this resolution conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

### **Section 102 Separability Clause**

Should any section or provision of this resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

### **Section 103 Repeal of Conflicting Resolution, Effective Date**

All resolutions or parts of resolutions in conflict with this zoning resolution or inconsistent with the provisions of this resolution are hereby repealed to the extent necessary to give this resolution full force and effect. This resolution shall become effective from and after the date of its approval and adoption, as provided by law.

This page intentionally blank

## **ARTICLE 2 - DEFINITIONS**

### **Section 200 Interpretation of Terms and Words**

For the purpose of this zoning resolution, certain terms or words used herein shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
4. The words "used" and "occupied" include the words "intended, designed, or arranged, or arranged to be used or occupied."
5. The word "lot" includes the words "plot" or "parcel."

**Access Management:** The process of providing and managing access to land development while preserving the flow of all modes of traffic in terms of safety, capacity, and speed, and preventing congestion while slowing the need for costly public expansion of the road system (see also "Congestion Prevention").

**Access Point:** The 20 foot connecting area of a lot where a vehicle gains egress and ingress from a driveway to a public roadway. Usually there is only one driveway per access point. However, the county is encouraging shared access points along more heavily traveled roadways. A shared access point is one access point that splits into two separate driveways.

**Accessory Structure/Use:** A structure, including private swimming pools, garages, parking places, outbuildings, sheds, and decks, on the same lot with and attached or detached from the principal structure, and of a nature customarily incidental and subordinate to the principal structure. (See "Accessory Building.")

**Adult Entertainment Facilities:** See Section 933.00.

**Agriculture:** The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, ornamental horticulture, olericulture, pomiculture, and animal (including horses) and/or poultry husbandry as well as the necessary accessory uses for packing, treating, or storing the produce, provided that:

1. The operation of any such accessory uses shall be secondary to that of normal agricultural activities.

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

**Alley:** See "Thoroughfare".

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

**Apartment House:** See "Dwelling, Multi-Family".

**Applicant:** The legal or beneficial owner(s) of land included in a proposed variance or development, including the holder of an option to purchase, or person having an enforceable proprietary interest in such land. When the applicant is not the owner, written consent shall be required from the legal owner of the land. (See also "Developer".)

**Aquifer:** An underground area with particularly large concentrations of groundwater. Most often, aquifers are found in those underground areas of porous rock or sand. Many rural well systems draw from aquifers. For planning purposes, an aquifer is often evaluated on its recharge rate and cleanliness.

**Architectural Review Board:** A group of local residents appointed to oversee the integrity and compatibility of the design of new structures with those existing in the township.

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

**Automotive, Manufactured Home, Travel Trailer, and Farm Implement Sales:** The sale or rental of new and used motor vehicles, manufactured homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

**Automotive Wrecking:** The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage; sale or dumping dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**Basement:** A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground. The difference from the bottom floor joist to the top of the concrete floor shall be seven (7) feet. The basement area can be used in calculating dwelling bulk, but shall not exceed fifty percent (50%) of the total dwelling bulk required in that zoning district.

**Bed and Breakfast:** A portion of a residence where a resident family for compensation provides lodging and breakfast. Transients generally use such a facility. Bed and Breakfast facilities are considered to be home occupations. (See "Home Occupations.")

**Beginning of Construction:** The incorporation of labor and material within the walls of the building or buildings; the incorporation of labor and materials at the site, lot or parcel where a building is to be constructed; the incorporation of labor and material where land is to be used for purposes other than construction of a building.

**Board or Lodging House:** See "Dwelling, Rooming House."

**Buffer:** A section or area within a property or site consisting of either natural existing vegetation or created by the planting of trees and/or shrubs or the erection of fences and/or berms designed to limit the view, sound, or other characteristic from the site to adjacent sites or properties. Buffers are free from buildings, driveways, or other paved surfaces and should be natural or aesthetically pleasing. They are usually composed of dense evergreens, landscaped earthen berms, or walls or fences made of natural appearing materials.

**Buildable Area:** The land remaining on the lot upon which the primary structure may be located after minimum township zoning requirements as well as county health and subdivision requirements for right-of-ways, yards, setbacks, easements, leach beds, etc. have been met.

**Building:** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.

**Building, Accessory:** A subordinate building, including a private swimming pool, detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

**Building, Height:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof ridge line, excluding any antennas, chimneys, etc.

**Building Line:** See "Setback Line."

**Building Permit:** Approval in the form of a building permit is required by Licking County in accordance with CABO Code. Using application forms furnished by building official, a permit shall be obtained before beginning work on the construction, prefabrication, use, or occupancy of new occupiable spaces. The enclosure of a space where either a foundation or a roof existed as of June 1, 1993 is not regulated by code. When any owner or

contractor has commenced work on a project without first obtaining the necessary permits, the building official shall conduct an investigation to determine whether all work performed prior to the subsequent issuance of the permit conforms to all building code provisions.

**Building, Principal:** A building in which is conducted the main or principal use of the lot on which said building is situated. (See Principal Structure.)

**Building, Residential:** Residential building shall mean any one family dwelling or portion thereof, which is used, designed, or intended to be used for human habitation; for living, sleeping, cooking, or eating purposes, or any combination thereof, and shall include structures accessory thereto.

**Business:**

1. **Business, Convenience:** Commercial uses catering primarily to passing traffic which originates outside of the surrounding neighborhood. Such uses generally require location on or near major thoroughfares and/or their intersections.
2. **Business, General:** Commercial uses which generally require location on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day to day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as stores that sell hardware and appliances.
3. **Business, Highway:** Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend to serve the motoring public. Highway business uses include, but need not be limited to, such activities as filling stations, truck and auto sales and services, restaurants and motels, and commercial recreation.
4. **Business, Local:** Commercial establishments, which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, uses include, but need not be limited to drugstores, stores that sell clothing, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores, if they are less than 3,000 square feet in floor area. Use in this classification tends to serve a day-to-day need in the neighborhood.
5. **Business, Office Type:** Quasi-commercial uses which may often be transitional between retail business and/or manufacturing, and residential uses. Office business generally accommodates such operations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting. Institutional offices or a charitable, philanthropic, or religious or educational nature are also included in this classification.
6. **Business, Services:** Any profit-making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and business.
7. **Business, Wholesale:** Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product or for use by business service.

**BZA:** The Board of Zoning Appeals of Liberty Township.

**CABO:** Council of American Building Officials. Building codes for one, two, and three family dwellings, 1992 addition.

**Canopy:** A structure constructed of rigid materials including, but not limited to, metal, wood, concrete, plastic, canvas or glass which is attached to and supported by a building or by columns, poles or braces extended to the ground.

**Cemetery:** Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

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

**Cinema/Film Theaters:** Cinemas or theaters to be used for the showing and viewing of motion pictures.

**Clinic:** A clinic is a place which provides a range of services by a group of licensed practitioners, their associate and assistant(s), including the care, diagnosis and treatment of those who are sick, ailing, infirm, and/or injured persons, and include the care of those who are in need of medical, surgical or dental attention, but who are not provided with board or room nor kept overnight on the premises.

**Club:** A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

**Collector Street:** See “Thoroughfare.”

**Commercial Entertainment Facilities:** Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

**Commission:** The Liberty Township Zoning Commission.

**Comprehensive Development Plan:** A plan, or any portion thereof, adopted by the Planning Commission and the legislative authority of Licking County depicting the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the general goals, objectives, and policies of the community based on the residents’ input.

**Conditional Use:** A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Official Schedule or District Regulations.

**Conditional Use Permit:** A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

**Congestion Prevention:** The process of providing and managing access to land development while preserving the flow of all modes of traffic in terms of safety, capacity, and speed, and preventing congestion while slowing the need for costly public expansion of the road system.

**Corner Lot:** See “Lot Types.”

**Covenant:** A written promise or pledge.

**Cul-de-Sac:** See “Thoroughfare.”

**Culvert:** A transverse drain that channels water under a bridge, street, or driveway for drainage. Culverts must be a minimum of 30 feet in length, 12 inches in diameter, and plastic culverts must be double-walled. All culverts are subject to approval of the Zoning Inspector.

**Day care Facility:** A facility for the care of babies, children, or elderly people.

**Dead-End Street:** See “Thoroughfare.”

**Dedication:** An act of transmitting property or interest thereto.



**Deed:** In the ordinary acceptance of the word, a “deed” is an instrument conveying real property. A deed denotes an instrument conveying full title with covenants of warranty without any interest remaining in the grantor.

**Density:** A unit of measurement; the number of dwelling units or other primary structures per acre of land:

1. **Gross Density:** The number of dwelling units or primary structures per acre of the total land to be developed.
2. **Net Density:** The number of dwelling units or primary structures per acre of land when the acreage involved includes only the land devoted to residential uses.

**Disabled Vehicle:** Any vehicle that is extensively damaged; this damage may include, but is not limited to, any of the following: missing tires, motor, transmission, and/or in a state of not being operable.

**Discount Stores:** Discount retail department store.

**Display Sign:** A structure that is arranged, intended, designed, or used as an advertisement, announcement or direction, including a sign, sign screen, billboard, and advertising device of any kind.

**District:** A portion of the territory of the township within which certain uniform regulations and requirements or various combinations thereof apply.

**Ditch:** An excavation, either dug or natural, for the purpose of drainage or irrigation with intermittent flow.

**Ditch Petition:** The process, governed by the *Ohio Revised Code*, Section 6131.63, and amendments, that detail the method for permitting public maintenance of drainage facilities.

**Drainage:** The removal of surface or subsurface water from a given area either by gravity or by pumping.

**Driveway:** A privately owned or maintained way designated by the lot owner to provide vehicle and pedestrian ingress and egress to the lot from a public roadway. Shared driveways, where more than one lot owner has the right or access to a single driveway is discouraged. Shared access points, however, are permitted and even encouraged in certain instances. (See “Access Point.” See also Section 901.)

**Dwelling:** Dwelling is any building, which contains one “Dwelling Units”, used, intended, or designed to be built, used, rented, leased, let, or hired out to be occupied, or which is occupied for living purposes.

1. **Dwelling, Industrialized Unit:** An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit but not a manufactured home.
2. **Dwelling, Manufactured Home:** See “Manufactured Home.”
3. **Dwelling, Multi-Family:** A dwelling consisting of three or more dwelling units, including condominiums, with varying arrangements of entrances and common walls. Multi-family housing may include public housing.
4. **Dwelling, Rooming House (Boarding House, Lodging House, Dormitory):** A dwelling, or part thereof, other than a hotel, motel, or restaurant where meals and/or lodging are provided for five or more unrelated persons in exchange for compensation by previous arrangement. This does not include transients. No cooking or dining facilities are provided in the individual rooms.
5. **Dwelling, Single-Family:** A dwelling consisting of a single dwelling unit, which is separated from other dwelling units by open space.
6. **Dwelling, Two-Family:** A dwelling consisting of two dwelling units which may be either attached by a common wall or one above the other, with each unit having a separate or combined entrance or entrances.

**Dwelling Units:** A dwelling unit is a single unit (except manufactured home as defined by *Ohio Revised Code* 4501.01) providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

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

**Earth Material:** Soil, sediment, rock, sand, gravel and organic material or residue associated with or attached to the soil.

**Easement:** Authorization by a property owner for another person, party, company, or the public to use a designated part of his or her property for a specified purpose (driveway, utilities, etc.).

**Engineer:** Any person registered to practice professional engineering by the State of Ohio Board of Registration as specified in Section 4733.14 of the *Ohio Revised Code*.

**Essential Services:** The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment, and accessories in connection therewith which are reasonable necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

**Existing Grade (Original Grade):** The level and contour of ground prior to any development or earth disturbing activity.

**Finished Grade (Finished Elevation):** The final level and contour of the ground after cutting and filling.

**Family:** One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption, or marriage, no such family shall contain over four persons. (See "Dwelling, Rooming House.")

**Farm Market:** Markets from which fifty percent (50%) or more of the gross income received from the market is derived from produce raised or grown upon farms owned or operated by the market operation in a normal crop year.

**Farm Vacation Enterprises (Profit or Non-Profit):** Farms adapted for use as vacation farms, picnicking and sports areas, fishing waters, camping ground, scenic preserves, natural recreation areas, hunting reserves, and/or watershed projects.

**Flood:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

1. **Flood, Base:** A flood having a one (1) percent chance of being equaled or exceeded in any given year.
2. **Flood Plain:** That land, including the flood fringe and the floodway, subject to inundation by water from any source. This area is also known as the Flood-Prone Area.
3. **Flood, Regional:** Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has a 1 in 100 probability of occurring on any given year (a "100 year flood event").
4. **Floodway:** That portion of the flood plain, including the channel, that must be reserved to convey and discharge the base flood waters without cumulatively increasing the water surface elevation more than one foot. Floods of less frequent recurrence are usually contained completely within the floodway.
5. **Flood(way) Fringe:** That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

**Floor Area of a Residential Building:** The sum of the gross horizontal area of the floors of a residential building, excluding basement floor areas not devoted to residential use, decks and the area of roofed porches and roofed terraces. All dimensions may be measured from the exterior walls.

**Floor Area of a Non-Residential Building (To be Used in Calculating Parking Requirements):** The sum of the gross horizontal area of the floors of the structure measured from the exterior walls of the specified.

**Food Processing:** The preparation, storage, or processing of food products, excluding any consumption on premises. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

**Front Yard Setback:** The front yard setback is measured from the centerline of the road

**Frontage:** All contiguous property abutting on one side of a street between intersecting or intercepting streets, or between a street and a public right-of-way, waterway, and/or a dead-end street, or village boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street, which it intercepts. (See "Lot Frontage.")

**Future Land Use:** A fundamental part of a Comprehensive Plan, future land use and the future land use map provide the basis for zoning in a township or other jurisdiction. The U.S. Supreme Court and other courts continue to place more emphasis and greater legal weight on a zoning resolution developed in accordance with a comprehensive plan and its future land use map.

**Garages, Mini-Storage:** A principal commercial structure, open to the public, for the use of temporary, enclosed storage of personal belongings, furniture, household goods, boats, trailers, or automobiles.

**Garages, Private:** A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers, and/or boats of the occupants of the premises.

**Garages, Public:** A principal or accessory building other than private garages, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

**Garages, Service Station:** Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed retail, and where in addition, the following services may be rendered and sales made:

1. Sales and service of spark plugs, batteries, and distributors, and parts.
2. Tire servicing and repair, but not recapping or re-grooving.
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like.
4. Radiator cleaning and flushing.
5. Washing, polishing, and the sale of washing and polishing materials.
6. Greasing and lubrication.
7. Providing and repairing fuel pumps, oil pumps, and lines.
8. Minor servicing and repair of carburetors.
9. Adjusting and repairing brakes.
10. Minor motor adjustment not involving removal of the head or crankcase or racing the motor.
11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principle operations.
12. Provisions of road maps and other informational material to customers, provision of restroom facilities.
13. Warranty maintenance and safety inspections.

Uses permissible at a service (filling) station do not include major mechanical and body work, straightening of body parts, painting, storage of autos not in operational condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations. A service station is not an automobile repair garage or an automobile repair/conditioning shop.

**Governmental Buildings:** Buildings owned or operated by federal, state or local governments or departments and/or subdivisions thereof, which buildings are used for administrative, ministerial, public service, safety, health,

public utility, or recreational purposes. "Governmental Buildings" under this resolution shall **not** include any buildings used for imprisonment or rehabilitation, including but not limited to any prison, jail, workhouse, penal institution, reformatory, correctional institution, penitentiary, juvenile detention home, juvenile community rehabilitation center, any facility created under Chapter 341, Sections 2151.65, Sections 753.02 et seq., or Sections 5145.01 et seq. of the *Ohio Revised Code*, or any similar facility.

**"Grandfather Clause":** See "nonconformities."

**Grocery Store:** Grocery stores are retail stores selling a complete assortment of food preparation and wrapping materials, household cleaning, and servicing items.

**Health Permit:** The well and septic permits required before a zoning permit for human habitation can be issued.

**Headwall:** A structure designed to prevent the collapse of culverts from traffic weight. Headwalls should be designed to rise no more than one foot above the driveway elevation so as not to pose as a traffic hazard or obstruction to safe sight distance.

**Home Occupation:** See Specific District

**Hospital:** A building or portion thereof used for the accommodation of sick, injured or infirm persons, including sanitaria, sanatoria.

**Hotel or Motel and Apartment Hotel:** A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

**Improvements:** Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, wells, septic systems, turn lanes, and other related matters normally associated with the development of raw land into building sites.

**Institution:** Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling or other correctional services. "Institution" under this Resolution shall **not** include a prison, jail, workhouse, penal institution, reformatory, correctional institution, penitentiary, juvenile detention home, juvenile community rehabilitation center, any facility created under Section 2151.65, Chapter 341, Sections 753.02 et seq., or Sections 5145.01 et seq. of the *Ohio Revised Code*, or any similar facility. (Amended 07-12-2009, Effective 08-12-2009)

**Junk Motor Vehicles:** See Section 908 (Amended 07-12-2009, Effective 08-12-2009)

**Junk Yard:** Any open area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including, but not limited to: auto wrecking yards, house-wrecking yards, used lumber yards and places or yards for storage and equipment, as well as any structures or buildings used in connection therewith. (Amended 07-12-2009, Effective 08-12-2009)

**Kennel, Noncommercial:** Any building or structure, including surrounding fenced land, used for the care and board of five or more domesticated dogs or cats more than four months of age, owned by the occupant or owner of the premises which is not open to the general public.

**Kennel, Commercial:** Any building or structure, including surrounding fenced land, used for the care and board of five or more domesticated dogs or cats more than four months of age, which is open to the public for let, hire, board, training, housing, grooming, breeding, or other use on a commercial basis and for compensation. This also includes a kennel where pet care products, equipment, merchandise, and/or food is sold.

**Legal Description:** This is a description of the property by metes and bounds or lot numbers of a recorded plat, including a description of any portion of the property subject to an easement or reservation, if any, under the Land Installment Contracts Law.

**Licking County Health Department:** The organization representing the Board of Health of the Licking County General Health District established under Chapter 3709 of the *Ohio Revised Code*.

**Licking County Planning Commission:** A commission established pursuant to *Ohio Revised Code*, Chapter 713. Also referred to as "LCPC".

**Loading Space, Off-Street:** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

**Location Map:** See "Vicinity Map."

**Lot:** For the purpose of this Resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, and may consist of:

1. A single lot of record.
2. A portion of a lot of record.
3. A combination of complete lots of record, of complete lots of record and portions of lots of record.

**Lot, Minimum Area of:** The area of a lot is calculated *exclusive* of any portion of the right-of-way of any public or private roadway, and any other easements of record.

**Lot Coverage:** The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

**Lot Frontage:** The front of a lot shall be construed to be that portion adjacent to the publicly dedicated road right-of-way (or road centerline if no right-of-way exists). For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to public roadways shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section. (See Frontage section.)

**Lot Lines:** The lines that make up the boundary of a lot.

**Lot Measurements:** A lot shall be measured as follows:

1. **Depth:** The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front at the building setback line and the rearmost points of the side lot lines in the rear.
2. **Width:** The distance between the straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.
3. **Width Throughout:** The smallest length line of all imaginary lines that can be draw parallel to the lot frontage between the side lot lines connecting the front and rear lot lines of the lot.

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

**Lot Types:** Terminology used in this resolution with reference to corner lots, interior lots, and through lots is as follows:

1. **Corner Lot:** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the lot meet at an interior angle of less than 135 degrees.
2. **Interior Lot:** A lot with frontage on only one street.
3. **Through Lot:** A lot, other than a corner lot, with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
4. **Reversed Frontage Lot:** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

5. **Flag Lot:** A lot that utilizes a narrow strip of land to provide access to, or legal frontage on, a public roadway.

**Maintenance and Storage Facilities:** Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

**Major Thoroughfare Plan:** The portion of the Comprehensive Plan adopted by the Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

**Manufactured Home:** A Manufactured Home is any non-self propelled vehicle transportable in one or more sections, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained herein. Calculations used to determine the number of square feet in a structure are based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. A manufactured home shall be at least 24 feet wide and long with a dwelling bulk of at least 1,200 square feet for homes with a basement or 1,350 square feet for homes without a basement in the Agricultural District.

**Manufactured Home Park:** Manufactured Home Park means any tract of land upon which three or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as apart of the facilities of the park. A tract of land that is subdivided where the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of a manufactured home on each lot is **not** a manufactured home park even though three or more manufactured homes are parked thereon if the roadways are dedicated to the local government authority. Manufactured Home Park does not include any tract of land used solely for the storage or display for sale of manufactured homes or solely as a temporary park-camp.

**Manufacturing, General:** Processing, major manufacturing, warehousing, assembling, storing, major research and testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

**Manufacturing, Light:** Manufacturing establishments which are clean, quiet, and are free of elements which create a nuisance or are hazardous, such as noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other injurious or obnoxious conditions shall operate entirely within enclosed structures and generate minimum traffic congestion. This district is further designed to act as a transitional use between general manufacturing uses and other less intense business and residential uses.

**Motel or Motor Hotel:** A series of attached, semi-attached or detached sleeping or living units, for the accommodation of automobile transient guests, said units having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants. (See "Hotels.")

**Nonconformities:** A building, structure, or use of land existing at the time of enactment of this Resolution, and which does not conform to the regulations of the district or zone in which it is situated. (Also known as "grandfather clause".)

**Nonferrous Foundries:** Casting of materials not containing or derived from iron but would include aluminum, copper, metal, and other such operations.

**Nuisance:** Anything beyond the community norm that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses, including but not limited to: odors, pollution, noise, dust, fumes, smoke, radiation, and congestion.

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

**Nursing Home, Nursery:** A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

**Open Space:** An area of undeveloped nature or developed recreational areas, substantially open to the sky that may share a lot with a structure. The area may include, along with the natural environmental features: water areas, swimming pools, tennis courts, designated parks, schools, deed-restricted open spaces, and any other recreational facilities that the Zoning Commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

**Outlet Stores:** Stores which sell damaged goods, seconds, or overstock merchandise. Such merchandise is typically bought in bulk and sold at discount prices.

**Overlay Districts:** Zoning districts, which extend on top of more than one base-zoning district and are intended to protect certain critical resources and features, or further promote public health, safety, comfort, and morals. When the standards of the base-zoning district conflict with that of the overlay zone, the more restrictive standard shall apply.

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

**Party Wall:** A masonry or concrete two-hour rated firewall on an interior lot line used or adapted for joint service between two buildings. Each wall built as a part of a twin-single and placed on the dividing line between lots, and any wall replacing the same, shall be built as a party wall. There shall be no windows, doors, openings or other penetrations in the party wall.

**Paved:** A public roadway, private driveway, or parking lot is considered paved when it has adequate base and surface composed of asphalt and/or concrete appropriate for the underlying soil type and amount of traffic, as determined by the Licking County Engineer's Office. Note: all roadways used in calculating lot frontage must be paved and dedicated to the township. Parking lots required by this resolution must also be "paved" unless otherwise noted.

**Performance Bond or Surety Bond:** An agreement by a sub divider, mining operation or developer with the State, County, or Township for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the sub divider's agreement.

**Personal Services:** Any enterprise conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, barbershops, beauty parlors, and similar activities.

**Planned Unit Development:** An overlay district in which a housing types are accommodated on the land in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedures for approval of such development contain requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

**Principal Structure:** In the Agricultural District with a residential use or in the Low Density Residential District, a dwelling located on a lot of record shall be deemed a principal structure. For permitted uses in a residential district other than a dwelling, the term "principal structure" shall mean the structure in which is conducted the main or primary use of the property on which such structure is located. In the Local Business District, General Business District, Light Manufacturing District, or Public Use District, a principal structure means a structure in which is conducted the main or primary use of the property on which such a structure is located. In a residential district, a dwelling located on a lot of record shall be deemed the principal structure.

**Private Swimming Pools:** An in-ground or out-of-ground pool, including any decking. All swimming pools and related structures are considered Accessory Structures and shall comply with all yard setback requirements for the District in which the pool is to be located. A zoning permit is required only to ensure that the pool is in compliance with the yard and fencing requirements. (See "Swimming Pools." See also Section 903.)

**Professional Activities:** medical practitioners, lawyers, architects, and engineers, and similar professions provide the use of offices and related spaces for such professional services as.

**Public Service Facility:** The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

**Public Uses:** Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

**Public Way:** An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street subway, tunnel, viaduct, walk, bicycle path, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

**Quasi-public Use:** Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature which improve the quality of life for the community.

**Recreation Camp:** An area of land on which two or more travel trailers, campers, tents or other similar temporary recreation structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

**Recreation Facilities:** Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

**Research Activities:** Research, testing, and related facilities including operation of prototype, pilot plant, or semi-works processes which are no larger than normal version of process, exposure of product to weather and all other tests relating to code and other product performance requirements, and fabrication or assembly operations which process materials or equipment for market development and other uses, provided that such operations shall be conducted within a building or be visually screened or located more than 200 feet from adjacent property lines, and, provided further, that the same do not violate the provisions of Sections 919 through 929, inclusive.

**Right-of-Way:** A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

**Roadside Stand:** A temporary structure designed or used for the display or sale of agricultural and related products. (See Farm Market.)

**Roadway:** Any public or private way dedicated to public travel 40 feet or more in width. The word "roadway" shall include the words "road," "street," "highway," "thoroughfare," "avenues," "lanes," "circles," etc.

**Safe Sight Distance:** The unobstructed distance necessary for a driver to make the necessary movement of the automobile to avoid an accident with something that unexpectedly enters the roadway in front of the vehicle. For example, the distance it would take for a driver to see a car suddenly pull into the lane in front of him or her and still be able to safely stop his or her car.

**Seasonal Business:** A business that operates for less than seven (7) months of a calendar year on a regular annual basis.



**Seat(s):** For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs.

**Setback Line:** A line established by the zoning resolution generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory buildings or structure may be located above ground, except as provided in Section 915 & 916. (See also “Accessory Structure,” “Front Yard Setback,” and “Yard.”)

**Sewers, Central or Group:** An approved sewage disposal system, which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

**Sewers, On-Site:** A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

**Sidewalk:** That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

**Sign:** Any device designated to inform or attract the attention of persons.

1. **Sign, Canopy:** A sign, which is suspended from, attached to, supported from or forms a part of a canopy.
2. **Sign, Height of:** The vertical distance measured from the average elevation of the nearest road centerline to the top of the sign face or sign structure, whichever is greater.
3. **Sign, Illuminated:** Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
4. **Sign, Lighting Device:** Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
5. **Sign, On-Premises:** Any sign related to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
6. **Sign, Off-Premises:** Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
7. **Sign, Projecting:** Any sign which projects from the exterior of a building.
8. **Sign, Swinging:** A sign installed on an arm mast or spar that is not, in addition, permanently fastened to an adjacent wall or an upright pole.

**Stable, Commercial:** Any building or structure including surrounding fenced land, used for the care and board of horses, donkeys, mules, llamas, ponies, and their get, which is open to the public for let, hire, use, or board on a commercial basis and for compensation.

**Stable, Private:** A structure or building, including surrounding fenced lands, used for the care and board of horses, donkeys, mules, or ponies and their get, owned by the occupant or owner of the premises which is not open to the general public.

**Story:** Story is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that habitable portion of a building included between the upper surface of the topmost floor and ceiling or roof above.

**Street:** See “Roadway.”

**Structure:** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, parking lots, walls, fences, and billboards.

**Supermarkets:** Large scale stores which sell groceries and services. The facilities may also serve as a department store and/or restaurant. Supermarkets are generally open 24 hours a day and generate high volumes of traffic. Strong access management and congestion prevention is crucial as well as proper internal traffic circulation.

**Supply Yards:** A commercial establishment storing and offering for rent or sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

**Surfaced:** A private driveway is considered surfaced when its top layer has adequate gravel, paving stone, and/or slag stone appropriate to remain in place for the existing slope and speed and weight of vehicles that will use it.

Note: all roadways used in calculating lot frontage must be “paved” (see above) and dedicated to the township.

Parking lots required by this resolution must also be “paved” unless otherwise noted.

**Swimming Pools:** A pool, pond, lake, or open tank containing water with a depth of at least two (2) feet of water, and a diameter of eight (8) feet at any point and maintained by the owner or manager.

1. **Private:** Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; it is an accessory structure.
2. **Community:** Operated with a charge for admission; it is a principal structure or use.

**Target Range (Shooting Range):** An area used for recreational discharge of firearms at targets. These areas must meet Section 922 (Noise) of these regulations as regular gun discharge is considered objectionable noise. In addition, a barrier must be erected that captures all projectiles fired or launched in the range.

**Technical Review Committee (TRC):** The TRC is comprised of two members from the Liberty Township Zoning Commission, two members of the Liberty Township Board of Zoning Appeals, and the Chairman of the Liberty Township Trustees. The TRC reviews, advises, and recommends to the Township Zoning Commission and Board of Zoning Appeals on matters relating to applications in the planned unit development and overlay districts.

**Theaters:** Theaters or playhouses designed and used exclusively for theatrical productions, ballets, operas, or other live entertainment productions.

**Thoroughfare, Street, or Road:** The full width between property lines bounding every public way or whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

1. **Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. **Arterial Street:** Arterial are major thoroughfares designed to carry traffic between municipalities and other activity centers and to provide connections with major state and interstate roadways. Typically, existing state routes will be classified as arterial.
3. **Collector Street:** Collectors distribute traffic between lower order residential streets and higher order arterial. Their purpose is primarily to promote free traffic flow, and direct access for adjoining lots should be limited where possible. Collectors should not be used for on street parking, and may provide linkages to adjoining developments to improve circulation. Typically, existing County roads will be classified as collectors and, a new collector will be required when a residential subdivision reaches 150 dwelling units, or an equivalent traffic generation.
4. **Cul-de-Sac:** A street that has a single means of access and that terminates in a vehicular turnaround. Cul-de-sacs should be encouraged where feasible to the extent that they provide low traffic volumes and neighborhood identity. Lengths of cul-de-sacs are limited to minimize backup time for large service vehicles unable to use the turn-around, to minimize mistaking cul-de-sacs with connecting streets, and to discourage speeding.
5. **Dead-End Street:** A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
6. **Local Street:** Local residential streets are the lowest order streets providing access to residential lots and carrying only the traffic generated by adjoining residential land uses. Residential subdivisions should be developed so that the maximum numbers of housing units have frontage on local residential and cul-de-sac streets.
7. **Loop Street:** A type of local street, each end of which terminated at an intersection with the same arterial or collector street, and whose principal radius points of the 180 degree system of turns are not more than 1,000 feet from said arterial or collector street, not normally more than 600 feet from each other.
8. **Marginal Access Street:** A local or collector street, parallel and adjacent to an arterial or collector street,

providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street).

9. **Sub collector:** Sub collectors are designed to provide access to adjoining property and carry traffic between local residential streets and cul-de-sacs and higher order collectors and arterial. Typically, sub collectors should be provided when residential subdivisions exceed 100 single-family dwellings.

**Through Lot:** See “Lot Types.”

**Tourist Home:** See “Bed and Breakfast.”

**Transient Uses of Land:** Land use activity involving the use of mobile, non-permanent structures. Such uses may include flea markets or carnivals.

**Transportation, Director of:** The Director of the Ohio Department of Transportation.

**Trip:** A single or one-direction vehicle movement with either the origin or the destination (exiting or entering) inside a site.

**Truck Stop:** A facility generally providing service to motor vehicles and/or semi trailer or other types of vehicles as defined in O.R.C. 4501.01. The service provided by such facility may include, but is not limited to, gasoline, diesel fuel, repair service, and restaurant facilities. Generally these are associated with interchange areas along major limited access highways and provide a service to the motoring public.

**Twin-Single Dwelling:** A structure with two single-family dwellings divided by a party wall.

**Use:** The specific purposes of which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

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

**Veterinary Animal Hospital or Clinic:** A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals and birds, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

**Vicinity Map:** A drawing located on the plat or lot survey which sets forth by dimensions or other means, the relationship of the proposed subdivision, lot, or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the site in question.

**Walkway:** A public way, four feet or more in width, for pedestrian use only, whether along the side of a road or not.

**Wholesale Store:** An establishment or place of business primarily engaged in selling wholesale or outlet goods directly to the general public.

**Yard:** A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

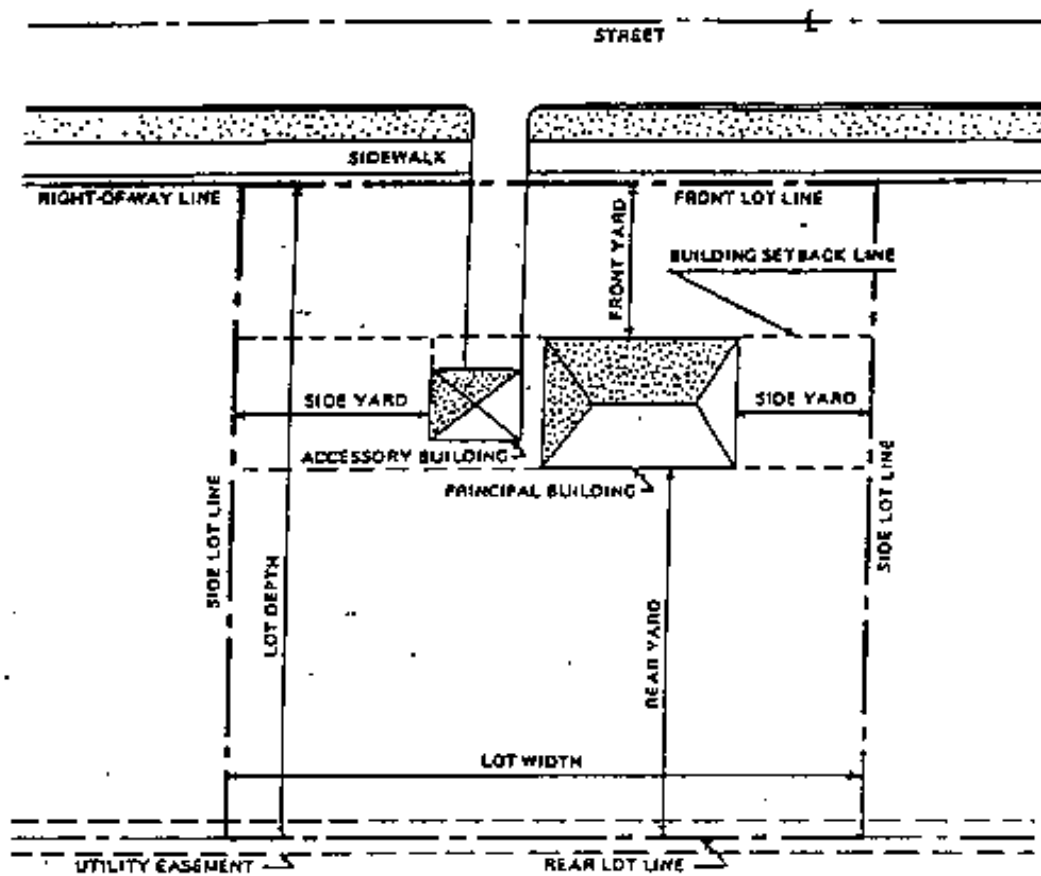
1. **Yard, Front:** A yard extending between side lot lines across the front of a lot and from the lot line to the front of the principal building.
2. **Yard, Rear:** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. **Yard, Side:** A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

**Zoning Inspector:** The zoning inspector of the township, or his or her authorized representative employed by the township trustees to enforce the zoning regulations.

**Zoning Map:** The map or maps of the township, together with all amendments subsequently adopted showing official zoning boundaries.

**Zoning Permit:** A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

**Section 201**      **Diagrams for Clarification of Selected Terms**

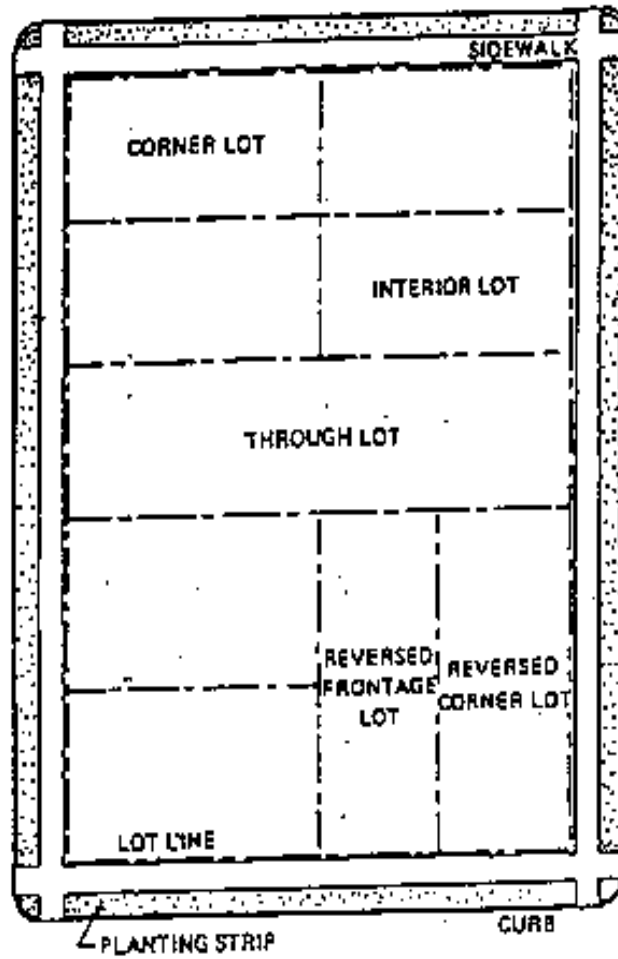


LOT AREA- TOTAL HORIZONTAL AREA

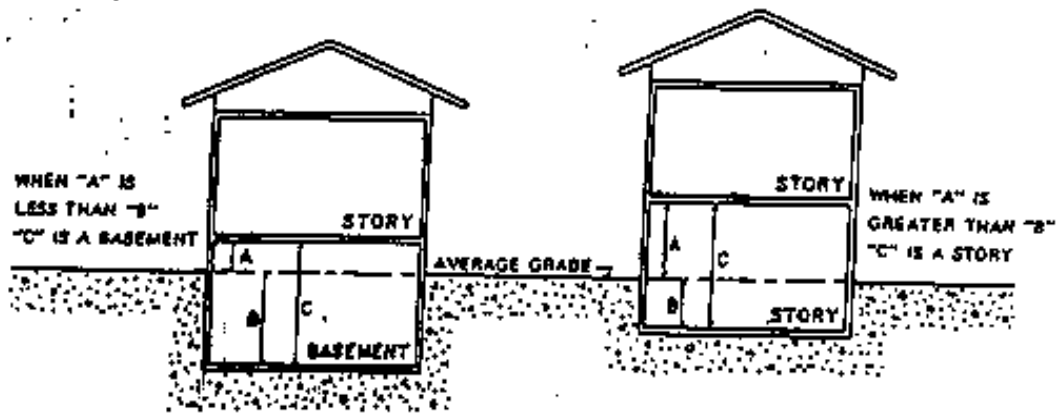
LOT COVERAGE- PER CENT OF LOT OCCUPIED  
BY BUILDING

## LOT TERMS

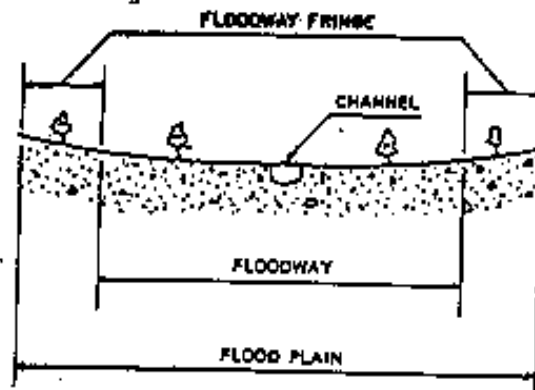
STREET



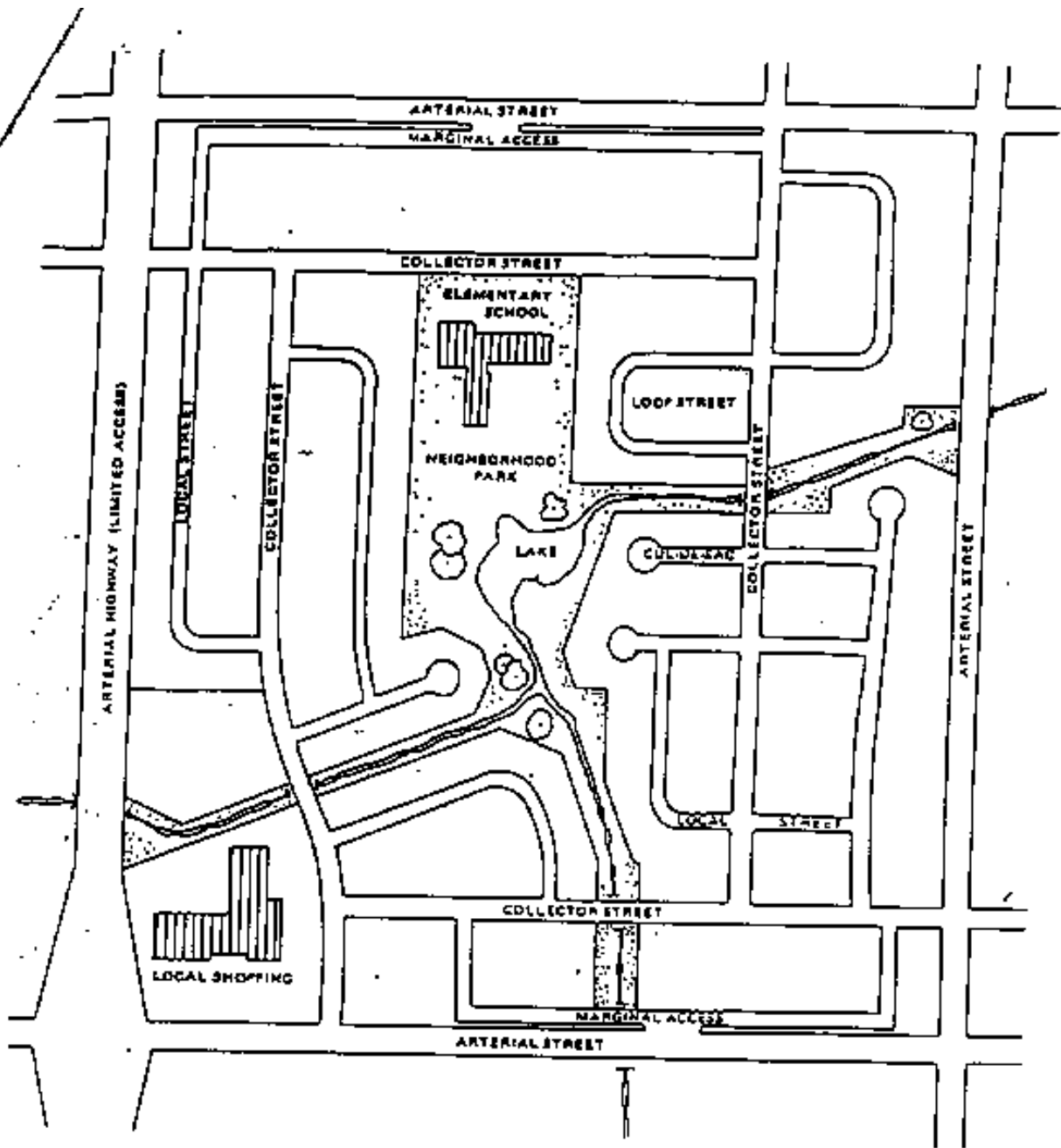
## TYPES OF LOTS



## BASEMENT & STORY

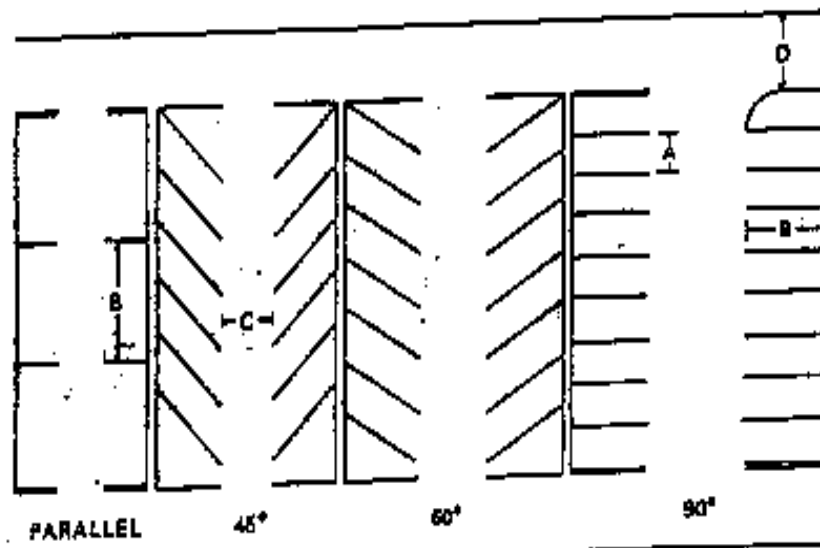


## FLOOD PLAIN TERMS



## CLASSIFICATION OF THE THOROUGHFARE SYSTEM





## OFFSTREET PARKING

OFF-STREET PARKING DIMENSIONAL TABLE

		45°	60°	90°	Parallel
A	Width of Parking Space	12'	10'	8'	9'
B	Length of Parking Space	18'	18'	19'	23'
C	Width of Driveway Aisle	13'	17'6"	25'	12'
D	Width of Access Driveway	17'	14'	14'	14'

This page intentionally blank.

## **ARTICLE 3 – ENFORCEMENT**

### **Section 300 Zoning Permits Required**

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use or variance or from Board of Township Trustees approving a Planned Unit Development District, as provided by this resolution.

### **Section 301 Contents of Application for Zoning Permit**

The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within six (6) months or the work has not been substantially completed within 18 months. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant.
2. Legal description of property, name and address of legal owner.
3. Existing use.
4. Proposed use.
5. Zoning district.
6. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration.
7. Building heights.
8. Number of off-street parking spaces or loading berths.
9. Number of dwelling units.
10. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this resolution.
11. Provision for on-site inspection with placement of building stakes, or review of existing structure and/or use, including any permits for water and sewer or other necessary permits.
12. Minimum building standards to which applicant will comply.
13. Owner's consent, or owner's consent through power of attorney to application or satisfactory showing of applicant's legal or equitable interest in said property.
14. Explanation as to the conformity with Section 604 of this resolution.
15. All applicable fees. (See "Schedule of Fees" in Appendix B.)
16. All applications shall be notarized.

### **Section 302 Approval of Zoning Permit**

Within 30 days after the receipt of an application, the Zoning Inspector shall either approve or disapprove, in writing, the application in conformance with the provisions of this resolution. All zoning permits shall, however, be conditional upon the commencement of work within six months. The Zoning Inspector shall retain one copy of the plans, one will be returned to applicant, and one given to the County Auditor. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of the resolution.

### **Section 303 Submission to Director of Transportation**

Before any zoning permit is issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway (i.e. U.S. 62, S.R. 37, or S.R. 310) for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail to the

Director of Transportation that he or she shall not issue a zoning permit for 120 days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that ODOT shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the 120 day period or any extension thereof agreed upon the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this resolution, issue the zoning permit.

### **Section 304 Building Permits Required**

A building permit is required from the Building Code Department before construction can begin on any commercial, industrial, or multi-family structures, or any one, two, or three family dwellings or room addition(s), as permitted by this resolution. Building permits shall be issued in conformance with the Building Code of Licking County and/or the Basic Building Code of the State of Ohio.

To apply for a building permit, the applicant shall submit appropriate material and fees, as specified by the Building Code Department. Building permits will be granted in accordance with the applicable building code. Upon submittal of application and any other necessary information, the applicant will be notified of the status of his or her application in accordance with the applicable building code.

### **Section 305 Expiration of Zoning Permit**

If the work described in any zoning permit has not begun within six months from the date of issuance thereof, said permit shall expire; the Zoning Inspector shall revoke it; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been completed within eighteen months of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons effected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

### **Section 306 Certificate of Compliance**

It shall be unlawful to use any building, land, or premises, or all, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure or in a manner that does not comply with designated zoning district until a certificate of compliance shall have been issued thereof by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this resolution. This section shall apply to business and manufacturing districts only. The owner or occupant shall make application for a certificate by submitting the information necessary under Section 301.

### **Section 307 Temporary Certificate of Compliance**

The Zoning Inspector may issue a temporary certificate of compliance for a period not exceeding six months during alterations or partial occupancy of a building pending its completion.

### **Section 308 Record of Zoning Permits and Certificate of Compliance**

The Zoning Inspector shall maintain a record of all zoning permits and certificates of occupancy and copies shall be furnished upon request to any person. The Township shall maintain a record of all zoning and compliance permits, which shall become part of Liberty Township record.

### **Section 309 Failure to Obtain a Zoning Permit or Certificate of Compliance**

Failure to obtain a zoning permit or certificate of compliance shall be a violation of this resolution and punishable under Section 312 of this resolution.

### **Section 310 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates**

Zoning permits or certificates of compliance issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this resolution, and punishable as provided in Section 312 of this resolution.

### **Section 311 Complaints Regarding Violations**

Whenever a violation of this resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis thereof shall be filed with the Liberty Township Zoning Inspector. The Zoning Inspector shall record properly such complaints, immediately investigate, and take action thereon as provided by this resolution.

### **Section 312 Penalties for Violation**

Violation of the provisions of this resolution or failure to comply with any of its requirements, including violation of conditions and safeguards established in various sections of this resolution or failure to comply with any of its requirements, shall, upon conviction thereof, be fined not more than \$100 or imprisonment for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of written notification of the violation from the Liberty Township Zoning Inspector, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense, and suffer the penalties herein provided. Nothing herein contained shall prevent the township from taking such other lawful action as is necessary to prevent or remedy any violation.

### **Section 313 Schedule of Fees, Charges, and Expenses**

The Board of Township Trustees shall by separate resolution establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees is included in Appendix B and shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Board of Township Trustees. Until said fees are paid, no action shall be taken on any application.

This page intentionally blank

## **ARTICLE 4 - NONCONFORMITIES**

### **Section 400 Intent**

Within the districts established by this resolution or amendments that may later be adopted there exists lots, uses of land, structures, and uses of structures and land in combination which were lawful before this resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this resolution or future amendments. It is the intent of this resolution that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

### **Section 401 Incompatibility of Nonconformities**

Nonconformities are declared by this resolution to be incompatible with permitted uses in the districts in which such use is located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

### **Section 402 Existing Nonconforming Uses - Continuation**

Except as hereinafter specified, the lawful use of a building or premises existing at the time of the adoption or amendment of this resolution may be continued, although such use, building, or structure does not conform with the provisions of this resolution for the district in which it is located.

### **Section 403 Single Nonconforming Lots of Record**

In any district in which a structure/use is permitted, a structure and customary accessory buildings may be erected or permitted on any single nonconforming lot of record at the effective date of adoption or amendment of this resolution, notwithstanding limitations imposed by other provisions of this resolution including minimum lot sizes, yard setbacks, and square footage requirements. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, for the district in which such lot is located. Variances of requirements listed in Articles 9 and 10 of this resolution other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Sections 508 through 517.

However, no lot of record created prior to the date of this resolution shall be granted any greater non-conformity than as previously allowed under Section 403 of the Liberty Township Zoning Resolution adopted **February 22, 1996**, effective **March 24, 1996**, as it existed prior to the date of this Section 403.

### **Section 404 Nonconforming Use of Land**

Where, at the time of adoption of this resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this resolution, the uses may be continued, without the approval of the Board of Zoning Appeals, so long as they remain otherwise lawful, provided:

1. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied by such uses at the effective date of adoption or amendment of this resolution, unless approved by the Board of Zoning Appeals in accordance with Article 5.
2. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this resolution, unless approved by Board of Zoning Appeals in accordance with Article 5.
3. If any such nonconforming uses of land are discontinued or abandoned for more than two years, any subsequent use of land shall conform to the regulations specified by this resolution for the district in which such land is located.

4. No additional structure not conforming to the requirements of this resolution shall be erected in connection with such nonconforming use of land.

### **Section 405 Nonconforming Structures**

Where there are existing structures or when the construction of a lawful structure began before the effective date of adoption or amendment of this resolution that could not be built under the terms of this resolution by reason of restriction on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued, without the approval of the Board of Zoning Appeals, so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way, which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity, provided that all such alterations are in accordance with Section 406.3 or the Board of Zoning Appeals reviews changes.
2. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved. Replacing the structure that has been moved with another nonconforming structure shall be prohibited unless approved by the BZA in accordance with Article 5.

### **Section 406 Nonconforming Uses of Structures or Structures and Land in Combination**

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this resolution that would not be allowed in the district under the terms of this resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. If no structural alterations are made, any nonconforming use of a structure or structure and land, may, upon approval by the Board of Zoning Appeals, be changed to a more restrictive nonconforming use provided that the Board of Zoning Appeals shall find that the proposed use is more appropriate to the district than the existing nonconforming use, that the proposed use will not have a greater adverse impact on the neighborhood, and that it will not prolong the natural life of a nonconforming use (i.e., costly improvements are indicators that the natural life of the nonconforming use will be extended). In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this resolution and any or all of the following:
  - a. The nonconforming structure or use shall not be detrimental to the public welfare or seriously affect or be injurious to other property or improvements in the neighborhood in which the property is located.
  - b. The nonconforming structure or use shall not contribute substantially to increasing congestion of streets or create a traffic hazard.
  - c. The proper number of parking and loading spaces as required by the resolution is provided for the use or structure to the maximum extent possible.
  - d. The existing drainage, sewerage, and street systems are not overburdened and the necessary improvements are provided to accommodate the use or structure.
  - e. The nonconforming structure shall be compatible with surrounding development within three hundred (300) feet in that the same or similar exterior finish, roof materials and rooflines are used.
  - f. Sufficient buffers to protect conforming uses are provided in accordance with the following requirements and subject to existing yard limitations.



- 1) Perimeter of a Lot Abutting Residential Property
    - a) On the perimeter of a lot abutting residential land use, a continuous barrier is required for the purpose of buffering loading, unloading, and other service areas, garbage and trash receptacles, and off-street parking or other vehicular use areas exposed to abutting property.
    - b) The barrier shall be a minimum of six (6) feet in height consisting of opaque material such as a wood fence, an earth berm, an opaque hedge, or any combination thereof. If the barrier consists totally or in part of plant materials, such materials shall be planted in a strip of evergreen shrubs not less than ten (10) feet in width and four (4) feet in height.
  - 2) Parking
    - a) All vehicular use areas including parking lots shall be buffered from view of public rights-of-way by a barrier, consisting of an earth berm, hedge, wall, or any combination thereof, consisting of a minimum of thirty (30) inches in height.
    - b) All vehicular use areas, including parking spaces, drives and service drives will be constructed in according with County Subdivision Regulations.
  - 3) The buffer standards contained within this subsection shall not apply to nonconforming single family and two family dwellings.
  - 4) All applicable County, State, and Federal codes shall be met.
  - 5) The applicant shall have one (1) year to obtain a building permit and zoning permit to restore the structure, building, or use from the effective date of the resolution approved by the Board of Zoning Appeals.
3. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
  4. When a nonconforming use of a structure, or structure and land in combination is discontinued or abandoned for more than two years for any reason, the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
  5. Reasonable expansion of a nonconforming use shall be reviewed by the BZA in accordance with these standards established in Sections 406 and 521.

## **Section 407 Repairs and Maintenance**

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-load bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. 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 408 Nonconforming Certificate**

The Zoning Inspector may upon his/her own initiative, or may upon the request of any property owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination that certifies that the lot, structure, or use is nonconforming.

The certificate shall specify the reason for the nonconformity, including a description as to the extent and kind of nonconformity of the property in question, the extent that dimensional requirements are nonconforming, and the portion of the lot and/or structure used for the nonconforming use.

The purpose of this section is to protect the owners of land or structures that are or become nonconforming by certifying that their property and/or use is, in fact, nonconforming. Once certified, the owner is entitled to all rights and regulations as defined in *Ohio Revised Code* - Article 519.19, and Article 4 of the Liberty Township Zoning Resolution. There may be properties and/or uses that are nonconforming, whose owners do not have certificates. A fee may be charged for a certificate as determined by the Township Trustees (see Appendix B).

One copy of the certificate shall be returned to the owner and the Township Zoning Clerk, who shall maintain a file of all such certificates as a public record, shall retain one copy.

#### **Section 409 Uses Under Conditional Use Provisions Are Not Nonconforming Uses**

Any use, which is permitted as a conditional use in a district under the terms of this resolution, shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

#### **Section 410 Nonconforming Lot of Record Yard Requirements**

The yard requirements for lots of record shall meet the required yard(s) as called for in the zoning district in which the existing lot of record is located, when possible. When it is not possible to meet the existing yard requirements and when the lot of record is located in an area where lots are developed or improved having yards with a variation of not more than ten (10) feet in depth, the average of such developed/improved yards shall establish the yard requirements for the lot of record, except as provided elsewhere in these regulations.

The yard requirements for lots of record shall meet the required yard(s) as called for in the zoning district in which the existing lot of record is located, when possible, but it is the intent of this resolution to provide for a lot of record to be developed and/or improved with structures or uses to be compatible with the existing neighborhood and existing structures. If the applicant and Zoning Inspector cannot reach an agreement on a yard requirement or setback, the applicant can appeal the Zoning Inspector's decision to the Board of Zoning Appeals.

## **ARTICLE 5 - ADMINISTRATION**

### **Section 500 Office of Zoning Inspector Created**

A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this resolution. He or she may be provided with the assistance of such other persons as the Board of Township Trustees may direct. The Liberty Township Zoning Inspector, before entering upon his or her duties, shall give bond as specified in Section 519.161, *Ohio Revised Code*.

### **Section 501 Duties of Zoning Inspector**

For the purpose of this resolution, the Zoning Inspector shall have the following duties:

1. Upon finding that any of the provisions of this resolution are being violated, he or she shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation.
2. Order discontinuance of illegal uses of land, buildings, or structures and notify the person responsible in writing.
3. Order removal of illegal buildings or structures or illegal additions or structural alterations and notify the person responsible in writing.
4. Order discontinuance of any illegal work being done and notify the person responsible in writing.
5. Take any other action authorized by this resolution to ensure compliance with or to prevent violation(s) of this resolution. This may include the issuance of and action on zoning and certificate of compliance permits and such similar administrative duties as are permissible under the law.

### **Section 502 Board of Zoning Appeals and Zoning Commission Created**

A Board of Zoning Appeals and a Zoning Commission are hereby created, both of which shall consist of five members each to be appointed by the Board of Township Trustees each for a term of five years, except that the initial appointments shall be one member each for one, two, three, four, and five year terms. The Board of Township Trustees will also appoint 2 alternates each for the Board of Zoning Appeals and the Zoning Commission. Each member and alternate shall be a resident of the township. Members of the Board of Zoning Appeals or the Zoning Commission may be removed from office by the Board of Township Trustees for cause, upon written charges and after a public hearing. The Board of Township Trustees shall fill vacancies through appointment for the un-expired term of the member vacating the position.

### **Section 503 Proceedings of the Zoning Commission**

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this resolution. Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. The Zoning Commission may, within the limits of the moneys appropriated by the Board of Township Trustees for the purpose, employ or contract with such planning consultants and executive and other assistants, as it seems necessary. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Commission. Meetings of the Zoning Commission in accordance with Section 504 will seat alternates to bring the membership present to five (5). Alternates not seated for the meeting will not vote. Three members of the Commission shall be necessary to constitute a quorum to conduct business. A majority vote of those members of the Commission present shall be necessary to decide in favor of any applicant on any matter upon which it is required to pass under this resolution or to initiate, review, or interpret under Section 503.

## **Section 504 Duties of Zoning Commission**

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

1. Initiate proposed amendments to this resolution.
2. Review all proposed amendments to this resolution and make recommendations to the Board of Township Trustees as specified in Article 6.
3. Review all planned unit development and make recommendations to the Board of Township Trustees as provided in Article 12.
4. Review all proposed changes to the official Zoning Map and make recommendations to the Board of Township Trustees.

## **Section 505 Proceedings of the Board of Zoning Appeals**

The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this resolution. Meetings shall be held at the call of the chairman and at such other times as the Board of Zoning Appeals may determine. Meetings of the Board of Zoning Appeals in accordance with Section 506 will seat alternates to bring the membership present to five (5). Alternates not seated for the meeting will not vote.

Three members of the Board of Zoning Appeals shall be necessary to constitute a quorum to conduct business. A majority vote of those members of the Board of Zoning Appeals present shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this resolution or to effect any variation in the application of this resolution. The chairman, or in his or her absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be a public record and be immediately filed in the office of the Board of Zoning Appeals.

## **Section 506 Duties of the Board of Zoning Appeals**

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

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector.
2. To authorize such variances from the terms of this resolution as will not be contrary to the public interest, where, owing to the special conditions of the land, a literal enforcement of this resolution will result in unnecessary hardship, and so that the spirit of this resolution shall be observed and substantial justice done.
3. To grant conditional use permits as specified in the Official Schedule of District Regulations and under the conditions specified in Article 8 and such additional safeguards as will uphold the intent of this resolution.
4. To interpret the zoning map and resolution upon appeal of Zoning Inspector's decision. Where the streets or lot layout actually on the ground, or as recorded, differs from the streets and lot lines as shown on the zoning map, the Board of Zoning Appeals, after written notice to the owners of the property or properties concerned, and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this resolution. In case of any questions as to the location of any boundary line between zoning districts or where there is uncertainty as to the meaning and intent of a textual provision of the resolution, a request for interpretation and clarification of the zoning map or the textual provision in question may be made to the Board of Zoning Appeals and a determination shall be made by said Board.

## **Section 507 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal**

It is the intent of this resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law. It is further the intent of this resolution that the duties of the Board of Township Trustees in connection with this resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this resolution. Under this resolution, the Board of Township Trustees shall have only the duties of considering the adoption or rejection of proposed amendments and/or changes to the official zoning map or the repeal of this resolution as provided by law, and of establishing a schedule of fees and charges as stated in Section 313 of this resolution. Nothing in this resolution shall be interpreted to prevent any one from appealing a decision of the Board of Zoning Appeals as provided in Chapters 2505 and 2506 of the *Ohio Revised Code*. Any such appeal shall be made within 30 days of the Board's written decision.

## **Section 508 Procedures and Requirements for Appeals and Variances**

Appeals and variances shall conform to the procedures and requirements of Section 509 through 518, inclusive, of this resolution. As specified in Section 506, the Board of Zoning Appeals has appellate jurisdiction to appeals and variances.

### **Section 509 Appeals**

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this resolution may be taken by any person aggrieved or by any officer of the legislative authority of the township affected by any decision of the Zoning Inspector. Such appeal shall be taken within 30 days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

### **Section 510 Stay of Proceedings**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him or her, that by reason of facts stated in the application, a stay would, in his or her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken or due cause shown.

### **Section 511 Variance**

#### **Section 511.01 Use Variance**

1. The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this resolution as will not be contrary to the public interest where, owing to special conditions of the land, a literal enforcement of the provisions of this resolution would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this resolution would result in unnecessary hardship.
2. The factors to be considered and weighed in determining whether a property owner seeking a use variance has encountered unnecessary hardship in the use of the property include, but are not limited to:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure, or

buildings in the same district.

- b. That a literal interpretation of the provisions of this resolution would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this resolution.
- c. That special conditions and circumstances do not result from the applicant's action.
- d. That granting the requested variance will not confer a special privilege(s), which are denied by this resolution to other lands, structures, or buildings in the same district.

### **Section 511.02 Area Variance**

- 1. The Board of Zoning Appeals in regards to lot area, lot width and setbacks may authorize upon appeal in specific cases such variance from the terms of this resolution as will not be contrary to the public interest where, owing to special conditions of the land, a literal enforcement of the provisions of this resolution would result in practical difficulties.
- 2. The Board of Zoning Appeals shall not grant a variance from the terms of this resolution unless and until practical difficulty is proven. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered practical difficulties in the use of the property include; but are not limited to:
  - a. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;
  - b. Whether a variance is substantial;
  - c. Whether the essential character of the neighborhood would be substantially altered or whether
  - d. adjoining properties would suffer a substantial detriment as a result of the variance;
  - e. Whether the variance would adversely affect the delivery of governmental services, (e.g. water, sewer, garbage, medical, fire, police);
  - f. Whether the property owner purchased the property with knowledge of the zoning restriction;
  - g. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; an
  - h. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

### **Section 512 Application and Standards for Variances**

A variance from the terms of this resolution shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing:

- 1. Name, address, and phone number of applicants.
- 2. Zoning district in which property is currently located.
- 3. Legal description of property, legal owner and address.
- 4. Description of the nature of the variance requested.
- 5. List of all owners and their legal address of those owning property within 500 feet from any point on

- the perimeter of the applicant's property line. A map certified by the County Engineer's office showing the area in question shall also be submitted.
6. A narrative statement demonstrating that the requested variance conforms to the standards listed in Section 511.01 B as well as owner's consent to application or satisfactory evidence showing applicant's legal or equitable interest in property.
  7. All applications shall be notarized.

A variance shall not be granted unless the Board of Zoning Appeals makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by Subsection 6 (above) of this section have been met by the applicant. Variances may be granted as guided by, but not limited to, any or all of the following examples:

1. To permit any yard or setback less than the yard or setback required by the applicable regulations.
  2. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than eighty (80) percent of the required area and width.
  3. To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
  4. To reduce the applicable off-street parking or loading facilities required, but generally by not more than thirty (30) percent of the required facilities.
  5. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance.
  6. To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than forty (40) percent. (See Section 1007.2)
  7. To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five (25) percent.
  8. To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than twenty-five (25) percent.
1. Under no circumstance shall a variance be granted due to personal hardship. Variances are granted for reasons associated with difficulties with the land only.

### **Section 513 Supplementary Conditions and Safeguards**

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this resolution in the district involved, or any use expressly or by implication prohibited by the terms of this resolution in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this resolution. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this resolution and punishable under Section 312 of this resolution.

### **Section 514 Public Hearing by the Board of Zoning Appeals**

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Zoning Inspector of an applicant.

### **Section 515 Notice of Public Hearing in Newspaper**

Before holding the public hearing required in Section 514, notice of such hearing shall be given in one or more newspapers of general circulation of the township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance. Notice shall state who placed the notice (such as clerk or chairman of the Board of Zoning Appeals).

## **Section 516 Notice to Parties in Interest**

Before holding the public hearing required in Section 514, written notice of such hearing shall be mailed by the chairman of the Board of Zoning Appeals, by first class mail, evidenced by a certificate of mailing, at least ten (10) days before the day of the hearing to all landowners identified on the respective application. The notice shall consist of the same information as required of notices published in newspapers as specified in Section 515.

## **Section 517 Action by Board of Zoning Appeals**

Within thirty (30) days after the public hearing required in Section 514, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 513, or disapprove the request for appeal or variance. Appeals from the Board of Zoning Appeals' decisions shall be made in the manner specified in Section 507.

## **Section 518 Procedures and Requirements for Approval of Conditional Use Permits**

Conditional uses shall conform to the procedures and requirements of Sections 519 through 526, inclusive of this resolution.

### **Section 519 General**

It is recognized that an increasing number of new kinds of land uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article 8, shall follow the procedures and requirements set forth in Sections 519 through 526, inclusive. The Board of Zoning Appeals may not grant or permit a use that is dissimilar to the surrounding uses.

## **Section 520 Contents of Application for Conditional Use Permit**

At least one owner or lessee of property for which such conditional use is proposed shall file an application for conditional use permit with the chairman of the Board of Zoning Appeals. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant.
2. Proposed amendment and legal description of proposed conditional use and property address.
3. Names and addresses of all legal owners within 500 feet from any point on the perimeter of the applicant's property line.
4. Description of existing use.
5. Zoning district.
6. Description of proposed conditional use.
7. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board of Zoning Appeals may require to determine if the proposed conditional use meets the intent and requirements of this resolution on a copy of a map certified by the County Engineer's office showing the property in question and surrounding areas.
8. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan.
9. Such other information as may be required in Section 522, including legal owner's consent if applicant is not the legal owner or satisfactory showing of applicant's legal or equitable interest.
10. A fee as established by the Board of Township Trustees according to Section 313 (See Appendix B: Schedule of Fees).
11. All applications shall be notarized.



## **Section 521 General Standards Applicable to All Conditional Uses**

In addition to the specific, requirements for conditionally permitted uses as specified in Section 522, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is, in fact, a conditional use, as established under the provisions of Article 8 and appearing on the Official Schedule of District Regulations adopted by Section 802 for the zoning district involved.
2. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the township, the Liberty Township Comprehensive Plan, the county's comprehensive plan, and/or the township resolution.
3. Will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services such as highways, street, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but not limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.
8. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

## **Section 522 Specific Criteria for Conditional Uses**

The following is a list of specific criteria that is individually selectable and can be used in evaluating or determining conditionally permitted uses as specified under the Official Schedule of District Regulations. In addition, several conditionally permitted used listed under the various districts of Article 8 specifically refer to one or more of the following conditions as a probable requirement for approval. The Board of Zoning Appeals should review the following items to determine if any of these should be a condition for approval of any proposed conditional use. The Board of Zoning Appeals may also add other conditions to the following list in order to protect and promote the public health, safety, and morals:

1. Protection of Surrounding Properties and Neighborhoods
  - a. Such uses, if not in a residential district, shall not be conducted closer than 500 feet from any residential district, nor closer than 200 feet from any structure used for human occupancy in any other district.
  - b. All structures and activity areas should be located at least 100 feet from all property lines.
  - c. Such structures should be located adjacent to parks and other non-residential uses such as schools and shopping facilities where use could be made of joint parking facilities.
  - d. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
  - e. Such uses should be properly landscaped to be harmonious with surrounding residential uses in accordance with Section 914.
  - f. The area of use shall be completely enclosed by a fence sufficient for screening and appropriately landscaped to be harmonious with surrounding properties.
  - g. All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general.
  - h. There shall be no more than one (1) sign oriented to each abutting street and identifying the activity.

- Furthermore the requirements of Article 11: *Signs* must be met.
- i. All lighting and lighting used for advertising purposes shall be directed away from surrounding and nearby residential properties by suitable screen of evergreen shrubs of at least 10 feet in width and 4 feet in height, or wall at least 6 feet in height above finished grade.
  - j. Sound from loud speakers, which can be detected beyond the premises, shall not be permitted.
  - k. The buildings shall be designed so as to conform with the architectural character of the neighborhood.
  - l. Structures must be located at least 50 feet from any other lot in any residential use district (i.e. AG, R-87).
  - m. Structures must be located at least 25 feet from any lot in any business use district (i.e. LB, GB, M-1).
2. Specific Performance Standards
- a. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway.
  - b. Hours may be limited further depending upon the surrounding land uses.
  - c. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed 24 hours.
  - d. The facility shall be operated so that guests reside at the home for no longer than one continuous week.
  - e. The facility shall contain not more than four (4) sleeping rooms for guests.
  - f. Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be screened from public view. A screening plan shall be submitted to the Board of Zoning Appeals for approval.
  - g. Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions.
  - h. The applicant shall submit a written statement showing the measures and practices he or she will use to reduce the noise level in the design of the building and the management or rotation of animals and outdoor exercise runs.
  - i. No dead animals shall be buried on the premises and incineration of dead animals shall not create odors or smoke.
  - j. Outdoor playgrounds, tot lots, exercise areas etc., shall be fully enclosed by a fence, the height and design which shall be approved by the Board of Zoning Appeals.
3. Excavation
- a. Information shall be submitted on the anticipated depth of excavations and on depth and probable effect on the existing water table and coordinated with the Ohio Division of Water.
  - b. All excavations shall be made either to a water producing depth, such depth to be made either to a water producing depth, such depth to be not less than five feet below the low water mark, or shall be graded or backfilled with non-noxious, non-flammable, and non-combustible solids, to secure:
    1. That the excavating area shall not collect the permit to remain therein-stagnant water.
    2. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof--so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area. The banks of all excavations not backfilled shall be sloped which shall not be less than three feet horizontal to one foot vertical and said bank shall be seeded.
4. Mining
- a. There shall be filed with the Board of Zoning Appeals a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five feet, the type and number per acre of trees or shrubs or grass to be planted, and the location of future roads, drives, drainage courses, or other improvements contemplated.
  - b. There shall be filed with the Zoning Inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads, and natural features.
  - c. All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or the County Engineer may specify other treatment as.

5. Access
- a. All points of entrance or exit should be located no closer than 400 feet from the intersection of two arterial thoroughfares or no closer than 200 feet from the intersection of an arterial street and a local or collector street.
  - b. Structures should have primary access to a collector thoroughfare.
  - c. Such developments should have primary access to arterial thoroughfares or be located at intersections of arterial and/or collector streets.
  - d. Such uses should be located on an arterial thoroughfare, adjacent to non-residential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
  - e. Such developments should be located on or immediately adjacent to state highways.
  - f. Truck parking areas, maneuvering lands, and access ways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed 24 hours.
  - g. Such use should be subject to the restrictions outlined in Section 812 (Transportation Corridor Overlay District).
  - h. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall, if applies, provide a safe drop off point for pedestrians that will not impede other traffic.
6. Miscellaneous - Administrative
- a. The Board of Zoning Appeals may, at its discretion, require that, upon the issuance of conditional use permit, the conditions of the permit be subject to periodical review to insure compliance with the terms of the permit.

### **Section 523 Supplementary Conditions and Safeguards**

In granting any conditional use, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this resolution. All conditional use permits are subject to revocation should the applicant fail to uphold the conditions upon which the conditional use permit was granted. A public hearing shall be held to review the purported violation. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall also be deemed a violation of this resolution and punishable under Section 312 of this resolution.

### **Section 524 Procedure for Hearing, Notice**

Upon receipt of the application for a conditional use permit specified in Section 520, the Board of Zoning Appeals shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in Section 514 through 516.

### **Section 525 Action by the Board of Zoning Appeals**

Within thirty (30) days after the public hearing required in Section 524, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 523, or disapprove the application as presented. If the application is approved or approved with modifications, the Board of Zoning Appeals shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board of Zoning Appeals for approval. If the Board of Zoning Appeals disapproves the application, the applicant may seek relief through the Court of Common Pleas. Appeals from The Board of Zoning Appeals' decisions shall be made in the manner specified in Section 508.

## **Section 526 Expiration of Conditional Use Permit**

A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than two (2) years.

## **ARTICLE 6 - AMENDMENT**

### **Section 600 Procedure for Amendments or District Changes**

Utilizing the procedures specified in Section 601 through 614, inclusive, of this resolution, may amend this resolution.

### **Section 601 General**

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may by resolution after receipt of recommendation thereon from the Zoning Commission, and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

### **Section 602 Initiation of Zoning Amendments**

Amendments to this resolution may be initiated in one of the following ways:

1. By adoption of a motion by the Zoning Commission.
2. By adoption of a resolution by the Board of Township Trustees.
3. By the filing of an application by at least one owner or lessee of property within the area proposed to be changed or affected by said amendment.

### **Section 603 Contents of Application**

Applications for amendments to the official zoning map adopted as part of this resolution by Section 700 must contain at least the following information:

1. Name, address and phone number of applicant(s) and legal owner(s) and shall be notarized.
  - a. Present use
  - b. Present Zoning District
  - c. Proposed use
  - d. Proposed Zoning District
2. Area in question shall be drawn on a certified map from the County Engineer's Office. Map will include all properties specified in Paragraph 4.
3. A written description, sufficient to identify the area in question shall be included as well as a legal description, including survey and/or vicinity map if deemed necessary by the Zoning Inspector or Zoning Commission.
4. A list of all property owners within 500 feet from any point of the perimeter of the applicant's property line, and their mailing addresses who are within, contiguous to or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten parcels are to be rezoned.
5. A statement on how the proposed amendment relates to the Comprehensive Development Plan and any amendments to it.
6. A fee as established by the Board of Township Trustees according to Section 313.
7. Owner's consent to application or satisfactory showing of applicant's legal or equitable interest in said property.

Applications for amendments proposing to amend, supplement, change or repeal portions of this resolution other than the official zoning map will not be accepted unless items 1,3,5 and 6 are met.

## **Section 604 General Standards for All Zoning Amendments**

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the township or county's comprehensive plan and/or the zoning resolution and the Licking County Subdivision Regulations.
2. Will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
3. Will not be hazardous or disturbing to existing or future neighboring uses.
4. Will be served adequately by essential public facilities and services such as highways, street, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
6. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor, air or water pollution, or potential for explosion.
7. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
8. Will not result in destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

## **Section 605 Transmittal to Zoning Commission**

Immediately after the adoption of a resolution by the Board of Township Trustees, or the filing of an application by at least one owner or lessee of property, said the Zoning Commission shall transmit to the Commission or upon adoption of a motion resolution or application. The person responsible for receiving the zoning amendment shall transit the application or resolution to the Zoning Commission Chairperson within twenty-four (24) hours.

## **Section 606 Submission to County Planning Commission**

Within five (5) days after the adoption of a motion by the Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application by at least one owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and map pertaining to the case in question to the Licking County Planning Commission. The Licking County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

**Note:** The L.C.P.C. regular monthly meeting is normally held on the 4th Monday of every month. The Zoning Commission's public hearing should be scheduled after this date, but should also comply with Section 608 of this resolution.

## **Section 607 Submission to Director of Transportation**

Before any zoning amendment is approved affecting any land within 300 feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Director of Transportation. The Zoning Commission may proceed as required by law, however, the Board of Township Trustees shall not approve the amendment for 120 days from the date the Director of Transportation receives the notice. If the Director of Transportation notifies the Board of Township Trustees that he or she shall proceed to acquire any land needed, then the Board of Township Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest or

upon the expiration of the 120 day period or any extension thereof agreed upon the Director of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law.

### **Section 608 Public Hearing by Zoning Commission**

The Zoning Commission shall schedule a public hearing after the adoption of their motion, transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall be not less than 20 nor more than 40 days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

### **Section 609 Notice of Public Hearing in Newspaper**

Before holding the public hearing as required in Section 608, notice of such hearing shall be given by the Zoning Commission by at least one publication in one or more newspapers of general circulation of the township at least 10 days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, the time and state the name of the person responsible for giving notice of public hearing and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least 10 days prior to the public hearing, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

### **Section 610 Notice to Property Owners by Zoning Commission**

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail as evidenced by a certificate of mailing, at least ten (10) days before the date of the public hearing to all owners of property within, contiguous to, and directly across the thoroughfare, street or road, from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 609.

### **Section 611 Recommendation by Zoning Commission**

Within thirty (30) days after the public hearing required by Section 608, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be not granted.

### **Section 612 Public Hearing by Board of Township Trustees**

Within thirty (30) days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. The Board of Township Trustees as specified in Section 609 and 610 shall give notice of the public hearing in a newspaper and to contiguous property owners.

### **Section 613 Action by Board of Township Trustees**

Within twenty (20) days after the public hearing required by Section 612, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, the unanimous vote of the Board of Township Trustees is required.

## **Section 614 Effective Date and Referendum**

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

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



## **ARTICLE 7 - PROVISIONS FOR OFFICIAL ZONING MAP**

### **Section 700 Official Zoning Map**

The districts established in Article 7 of this resolution as shown on the official zoning map which, together with all explanatory matter thereon, are hereby adopted as part of this resolution.

### **Section 701 Identification of the Official Zoning Map**

The official zoning map shall be identified by the signature of the Chairman of the Board of Township Trustees and attested by the Township Clerk.

### **Section 702 Interpretation of District Boundaries**

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the official zoning map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the official zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official zoning map.
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks or said railroad line.
5. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to exist along the centerline of the body of water, unless otherwise indicated.

This page intentionally blank

## **ARTICLE 8 - DISTRICT REGULATIONS**

### **Section 800 Compliance With Regulations**

The regulations for each district set forth by this resolution shall be minimum regulations and shall apply uniformly to each class or kind of structure of land, except as hereinafter provided:

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
  - a. No building or other structure shall be erected or altered:
  - b. To provide for greater height or bulk.
  - c. To accommodate or house a greater number of families.
  - d. To occupy a greater percentage of lot area.
2. To have narrower or smaller rear yards, front yards, side yards, or other open spaces.
3. No yard or lot existing at the time of passage of this resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this resolution shall meet at least the minimum requirements set forth herein.

### **Section 801 Official Schedule of District Regulations Adopted**

District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to "Supplementary District Regulations." District regulations for the Rural PUD District shall be those specified in Article 12.

### **Section 802 Intent of District Regulations**

It is the intent of these regulations to set forth within the district regulations the permitted uses, the conditionally permitted uses, and general requirements of the district, and other regulations as they pertain, in general, to each zoning district. Conditionally permitted uses are in addition to the permitted uses in each district and as governed by Article 4, Article 5, and other articles of these regulations. Rules, regulations, requirements, standards, resolutions, articles, and/or sections not specifically included for each district but which are contained in these regulations and which are applicable to each district or use shall be applied as if stated in full in Article 8 of these regulations. Uses not specifically defined or stated as permitted or conditionally permitted in any district which cannot reasonably be interpreted by the Zoning Inspector or the Zoning Commission shall be referred to the Board of Zoning Appeals for an order in the determination of such use and the district to which and under what circumstances it will prevail as specified in Article 5, Administration.

### **Section 803 Conservation / Natural Recreation District (CN)**

**Purpose:** The purpose of the CN District is to preserve and protect public and private lands, significant forests and wildlife areas, steep slopes, open spaces, scenic vistas, and outdoor recreational areas for the welfare and enjoyment of the township residents. It is important that significant natural resources and open spaces be conserved for the benefit of current and future residents.

#### **Permitted Uses - CN District:**

1. Any customary agricultural uses including general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, forestry, sod farming, and wild crop harvesting.
2. Recreational facilities such as parks, hiking and/or equestrian trails, bike paths, fishing, golf courses and/or driving ranges, baseball diamonds, football and/or soccer fields, tennis and/or volleyball courts, picnic

- grounds, swimming areas, boat launching ramps.
3. Water conservation works including water supply works, flood control and watershed protection, fish and game hatcheries and preserves.
  4. Nature and wildlife preserves, botanical gardens.
  5. Residential uses limited to lawns, gardens, play areas, and necessary parking.
  6. Dwelling for habitation of the person employed to care for the land.
  7. Conservation/museum buildings for education about and preservation of the land.
  8. Accessory use and building(s).
  9. Essential services.

**Conditionally Permitted Uses - CN District:** After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of these regulations, the following uses may be conditionally permitted:

1. Circus, carnival, and similar non-permanent, temporary, and/or transient uses.
2. Gun clubs, target ranges, archery ranges.

**Agricultural Exemptions:** Sections 519.02 and 519.25, inclusive, of the *Ohio Revised Code* confer no power on any board or township trustees or zoning appeals to prohibit the use of land for agricultural purposes or the construction or use of buildings or structures incident to the use of agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such building or structure.

#### **General Requirements of the CN District**

**Required Lot Area and Lot Width:** If a dwelling or principal structure is located on the lot, there must be a minimum of 1.6 acres of useable ground and the Licking County Health Department may require more based on the use of the principal structure. Licking County Subdivision Regulations for minimum lot size and frontage must be met. No accessory structure shall be located closer than 35 feet to any existing or proposed public right-of-way, and not closer than 50 feet to any side or rear lot line.

**Height Limit:** No structure shall exceed 35 feet in height.

#### **Section 804 Agricultural District (AG)**

**Purpose:** The purpose of the AG District is to preserve and protect the decreasing amount of prime agricultural land, preserve and protect open space, wildlife habitat, forestry, water resources, and rural lifestyle. This district also is established to control the indiscriminate infiltration of urban development in agricultural areas, which adversely affects agricultural operations. Land within this district shall not be viewed as land waiting to be developed, but instead, land that is currently being used for a viable purpose intended by this resolution. The single-family dwelling unit must meet the Licking County Board of Health's requirements and/or that of other authorities before being issued zoning permits.

Permitted uses, dimensional requirements, and other regulations of the AG, Agricultural District; the following regulations shall apply:

#### **Permitted Uses - AG District:**

1. Agriculture.
2. Single-family dwellings.
3. Public parks and playgrounds.
4. Private stables.
5. Accessory uses and structures.
6. Home Occupation: An occupation conducted in a dwelling unit, provided that:

- a. No more than one non-family member and members of the family residing on the premises shall be engaged in such occupation
- b. The owner or tenant, joint or outright, of the residence must also be the owner of the home occupation operation.
- c. The use of a dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. As such, no more than 25 percent of total floor area of the dwelling unit shall be used in the conduct of the home occupation, up to a maximum of 500 square feet. This includes any floor space used for the storage of material components or final products.
- d. D. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
- e. E. No traffic shall be generated by such home occupation to create greater volume than the average daily trip generation for a single-family residence with an average of 2 vehicles per household and a total of 9 trips may be generated per vehicle for that household. Any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this resolution, and shall not be located in the required front yard.
- f. No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses outside of the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

**Conditionally Permitted Uses - AG District:** A conditional use permit may be issued in accordance with Article 5, and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principles outlined in Section 521 of this resolution as well as any additional standards in accordance with any or all of those standards found in Section 522 or other conditions as required by the Board of Zoning Appeals or as noted in the following descriptions:

1. Commercial stables.
2. Golf courses.
3. Veterinaries/animal hospitals or clinics.
4. Implement sales and repairs.
5. Feed and seed sales.
6. Fertilizer and agricultural chemical sales.
7. Government buildings. Refer to Sec.522-5 as applies.
8. State accredited public & private schools for academic instruction. Refer to Sec.522-5 (a & b).
9. Churches.
10. Cemeteries.
11. Transient uses of the land (flea markets, carnivals, or other uses involving the use of mobile, non-permanent structures), provided such land use activity ceases to exist and any non-permanent structures are removed within thirty (30) days. Refer to Sec.522-1 (c,i,j).
12. Commercial Kennels
13. Mining. Refer to Sec.522-4.

#### **General Requirements of the AG District**

**Height Limit:** No building shall be erected or enlarged to exceed two and one-half (2 ½) stories or 35 feet.

**Lot Area, Width and Depth:** Every lot shall have a minimum lot area of not less than two and three-fourths (2.75) acres (119,790 square feet), exclusive of road right-of-way. All lots smaller than 20 acres shall have a width of 200

feet throughout, while those lots 20 acres or greater must have at least 60 feet of width throughout. All lots must meet those frontage requirements as outlined in Section 934 of this resolution.

**Front Yard:** There shall be a front yard of not less than 100 feet in depth from the centerline of the road, provided however, that where normal lots comprising forty (40) percent or more of the frontage are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such developed front yards shall establish the front yard depth for the entire frontage, except as provided elsewhere in these regulations.

**Side Yard:** There shall be side yards of not less than 35 feet on each side.

**Rear Yard:** There shall be a rear yard of not less than 75 feet.

**Notes:** 1) For yard requirements for all lots of record, see Section 410.  
2) All structures placed on corner lots must meet those requirements outlined in Section 911.

**Dwelling Bulk:** Dwellings or structures shall have a minimum area of living space by outside dimensions, exclusive of porches, garages, and cellars or basements as hereinafter specified:

<u>Single-Family Dwelling</u>	
With basement*	1,200 square feet
Without basement	1,350 square feet

Single-family dwellings shall not be less than 24 feet in width or depth.

\*Basement area shall include a minimum of 600 square feet of floor area.

**Parking Requirements:** Parking requirements shall be as regulated in Article 10 of these regulations.

**Sign:** Signs shall be as regulated in Article 11 of these regulations.

**Agricultural Exemptions:** Sections 519.02 to 519.25, inclusive, of the Revised Code confer no power on any board of township trustees or zoning appeals to prohibit the use of land for agricultural purposes or the construction or use of buildings or structures incident to the use of agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such building or structure.

## **Section 805 Low Density Residential District (R-87)**

**Purpose:** The purpose of the R-87 District is to encourage the establishment of low-density single-family dwellings not to exceed one dwelling unit per two (2) gross acres. The R-87 Districts are associated with those areas to be served by collector, local, and cul-de-sac streets. The single-family dwelling unit must meet the Licking County Board of Health's requirements and/or that of other authorities, before being issued sewage and zoning permits.

Permitted uses, dimensional requirements, and other regulations of the R-87, Low Density Residential District; the following regulations shall apply:

### **Permitted Uses - R-87 District:**

1. Single-family dwellings.
2. Public parks and playgrounds.
3. Accessory buildings and structures.
4. Agriculture - provided that the operation is on 5 acres or more.

5. Home Occupation: An occupation conducted in a dwelling unit, provided that:

- a. No more than one non-family member and members of the family residing on the premises shall be engaged in such occupation.
- b. The owner or tenant, joint or outright, of the residence must also be the owner of the home occupation operation.
- c. C. The use of a dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. As such, no more than 25 percent of total floor area of the dwelling unit shall be used in the conduct of the home occupation, up to a maximum of 500 square feet. This includes any floor space used for the storage of material components or final products.
- d. D. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
- e. E. No traffic shall be generated by such home occupation to create a greater volume than the average daily trip generation for a single-family residence with an average of 2 vehicles per household a total of 9 trips may be generated per vehicle for that household. Any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this resolution, and shall not be located in the required front yard.
- f. No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses outside of the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

**Conditionally Permitted Uses - R-87 District:** A conditional use permit may be issued in accordance with Article 5, and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principles outlined in Section 522 of this resolution as well as any additional standards in accordance with any or all of those standards found in Section 522 or other conditions as required by the Board of Zoning Appeals and conditions referred to in the following descriptions:

1. Churches and other places of worship, including Sunday school buildings. Refer to Section 522-1-l.
2. Public and private schools for academic instruction either state accredited or approved by the Board of Zoning Appeals. Refer to Sec.522-1-l and 5 (as applies).
3. Public libraries, public museums, public art galleries. Refer to Sec.522-1-m and 522-1 (as applies) and 522-5 (as applies).
4. Governmental buildings. Refer to Sec. 522-1 and 522-5 (as applies).

**General Requirements of the R-87 District**

**Height Limit:** No building shall be erected or enlarged to exceed two and one-half (2 1/2) stories or 35 feet.

**Lot Area, Width and Depth:** Every lot shall have a minimum width of 200 feet throughout the lot, and a minimum lot area of not less than two (2) acres (87,120 sq. ft.), exclusive of road right-of-way. All lots must meet those frontage requirements as outlined in Section 934 of this resolution.

**Front Yard:** There shall be a front yard of not less than 100 feet in depth from the centerline of the road, provided however, that where normal lots comprising forty (40) percent or more of the frontage are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such developed front yards shall establish the front yard depth for the entire frontage, except as provided elsewhere in these regulations.

Side Yard: Side yards shall not be less than 25 feet on each side.

Rear Yard: There shall be a rear yard of not less than 75 feet.

**Notes:** 1) For yard requirements for all lots of record, see Section 410.  
2) All structures placed on corner lots must meet those requirements outlined in Section 911.

Dwelling Bulk: Dwelling or structures shall have a minimum area of living space by outside dimensions, exclusive of porches, garages, and basements, as herein specified:

<u>Single-Family Dwelling</u>	
With basement*	1,200 square feet
Without basement	1,350 square feet

Single-family dwellings shall not be less than 24 feet in width or depth.

Accessory buildings shall not exceed 2000 square feet.

\*Basement area shall include a minimum of 600 square feet of floor area.

Parking Requirements: Parking requirements shall be as regulated in Article 10 of these regulations.

Signs: Signs shall be as regulated in Article 11 of these regulations.

**Lot Requirements Reduction for R-87 District When Served by Central Water and Sewer:** If centralized public water and sewer become available, the lot requirements for the R-87 can be reduced. The single-family dwelling unit must be connected to a central water and sewer system in order for this lot reduction to be utilized.

**Lot Area, Width and Depth with Central Water and Sewer:** Every lot shall have a minimum width of 125 feet throughout the lot, and a minimum lot area of not less than one (1) acre (43,560 sq. ft.), exclusive of road right-of-way. All lots must meet those frontage requirements as outlined in Section 934 of this resolution.

## **Section 806 Local Business District (LB)**

**Purpose:** The purpose of the LB District is to encourage the establishment of local businesses and services, which tend to meet the daily needs of the residents of an immediate neighborhood. Such districts shall reduce parking and traffic congestion as well as discourage large regional oriented-businesses or other businesses and services that would affect the neighborhood character of the district. These districts shall be strategically located with access to a collector thoroughfare as specified in the *Major Thoroughfare Plan*. Strip development shall be discouraged. Permitted uses, dimensional requirements, and other regulations of the LB, Local Business District; the following regulations shall apply:

### **Permitted Uses - LB District:**

1. Churches.
2. Public and private schools.
3. Public parks and playgrounds.
4. Governmental buildings.
5. Cemeteries.
6. Local retail business or service including fruit-vegetable stores, drug stores, barbers or beauty shops, shoe stores, supplying commodities or performing services primarily for the residents of a local community.
7. Lodges, clubs and fraternal organizations.
8. Nursery (plant materials) and/or greenhouse.



9. Doctor's parks, offices, or clinics.
10. Vision and hearing clinics.
11. Dental offices and clinics.
12. Law offices.
13. Insurance and real estate offices.
14. Banks and finance establishments without drive-thru facilities, either automatic (ATM) or staffed.
15. Utility company offices.
16. Planning, architect, or engineering offices.
17. Schools of dance, business, or music instruction.
18. Restaurants without entertainment or drive-thru facilities.
19. Antique stores.
20. Accessory buildings and uses.

**Conditionally Permitted Uses - LB District:** A conditional use permit may be issued in accordance with Article 5, and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principles outlined in Section 522 of this resolution as well as any additional standards in accordance with any or all of those standards found in Section 522 or other conditions as required by the Board of Zoning Appeals and conditions referred to in the following descriptions:

1. Clinic and Day care facilities. Refer to Sec.522-1-I, 2-j, 5-h as applies.
2. Public or private swimming pool. Refer to Sec.522-1 (c, f, h, i, j).
3. Grocery store. See definition; refer to Sec.522-1 (h, i, j), 2-b, c, 5 (as applies), and 6-a.
4. Funeral homes provided that there are no cremation facilities on the premises. Refer to Sec. 522-1-k, 5-h.
5. Theaters. Refer to Sec.522-1-c.
6. Auto accessory store provided there is no storage of wrecked automobiles or scrapped or salvaged auto parts on the premises.
7. Automobile service station provided operations involving major repairs, body and fender work, and painting, are not conducted on the premises; provided all pumps are set back at least fifty-five (55') feet from the centerline of the road of all abutting streets; provided all pumps are set back at least eighty (80') feet from the centerline of the road along those major thoroughfares; and provided parking and/or services areas are separated from adjoining residential properties by a suitable planting screen, fence, or wall at least six (6') feet in height above finished grade.
8. Bakery provided that goods baked on the premises are primarily sold at retail only. Refer to Sec. 522-1-e, and 5 (as applies).
9. Contractor's office provided there is no storage of construction vehicles, equipment, or materials are on the premises.
10. Meat, fish, and/or poultry shop provided that no slaughtering be permitted. Refer to Sec. 522-1-e and 5 (as applies).
11. Pet shop, provided all animals are housed within the principal buildings. Refer to Sec. 522-1-e and 5 (as applies).
12. Veterinary clinic. Refer to Sec. 522-1-e and 5 (as applies).
13. Research activities. Refer to Sec. 522-1-e and 5 (as applies).
14. 14. \* Dry cleaning or laundry pickup agency provided that any laundering, cleaning or pressing done on the premises involves only articles delivered to the premises by individual customers. Refer to Sec. 522-1-e and 5 (as applies).
15. Open air fruit and vegetable stands or other open-air markets.
16. Restaurants with drive-through facilities, but no entertainment. Refer to Sec. 522.
17. Banks and financial establishments with drive-through facilities, both automatic (ATM) and staffed. Refer to Sec. 522.

*\* NOTE: These uses require the availability of central water and sewer service.*

#### **General Requirements of the LB District**

**Height Limit:** No building shall be erected or enlarged to exceed two and one-half (2 ½) stories or 35 feet.

**Lot Area, Width and Depth:** Every lot shall have a minimum width of 200 feet throughout, and a minimum lot area of not less than two (2) acres (87,120 square feet), exclusive of road right-of-way. A minimum lot size of 10,000 sq. ft. with a minimum frontage of 75 ft. shall be allowed when a lot is serviced by public water and sewer. All lots must meet those frontage requirements as outlined in Section 934 of this resolution.

**Front Yard:** There shall be a front yard of not less than 75 (50 with central water and sewer) feet in depth.

**Side Yard:** There shall be a side yard of not less than 25 feet (15 with central water and sewer).

**Rear Yard:** There shall be a rear yard of not less than 25 feet.

**Notes:** 1) For yard requirements for all lots of record, see Section 410.  
2) All structures placed on corner lots must meet those requirements outlined in Section 911.

**Bulk Requirements:** All structures shall have a minimum of 600 sq. ft. and shall not exceed 3,000 sq. ft. per business unit with no more than four business units (units sharing at least one common wall) per 10,890 sq. ft. All structures shall not be less than 24 feet in width and length. All structure requirements for the LB District are to be determined from outside dimensions, exclusive of porches, garages, and cellars or basements.

**Maximum Lot Coverage:** The maximum percentage of the total lot area that may be covered by both the principal and accessory buildings for commercial uses shall be 95%.

**Screening/Buffer Yard Requirements:** Screening/buffer yards shall be required as specified in Section 914 of these regulations.

**Parking Requirements:** Parking requirements shall be as regulated in Article 10 of these regulations.

**Signs:** Signs shall be as regulated in Article 11 of these regulations.

**Trash and Garbage:** All trash and garbage will be stored in container systems located and designed to screen them from public view.

## **Section 807 General Business District (GB)**

**Purpose:** The purpose of the GB District is to encourage the establishment of areas for general business uses, which meet the needs of a regional market area. Activities in this district are often large space users and the customers using such facilities generally do not make frequent purchases. GB Districts shall be located on an arterial thoroughfare as specified in the *Major Thoroughfare Plan*.

Permitted uses, dimensional requirements and other regulations of the GB, General Business District; the following regulations shall apply:

### **Permitted Uses - GB District:**

1. All permitted and conditionally permitted uses as allowed in the LB District.
2. Restaurants without entertainment.
3. Public and private schools.
4. Public parks and playgrounds.
5. Governmental buildings.

6. Theaters, movie houses, and/or cinemas. Uses discussed in Sec. 933 (adult entertainment) are not permitted.
7. Churches.
8. Auto and/or farm implement sales and service.
9. Trade and/or commercial schools.
10. Wholesale business or warehousing when no processing, fabrication or assembly is involved, if conducted entirely in an enclosed building.
11. Public parking garages.
12. Boarding houses.
13. Building trade equipment materials and sales including concrete, electrical, masonry, sheet metal, plumbing, heating, and other building shops, if conducted in an entirely enclosed building when no processing, fabrication or assembly is involved.
14. Furniture and appliance stores and repair.
15. Motion picture or recording studio.
16. Mini-storage facilities.
17. Welding shops.
18. Veterinary clinic.
19. Grocery and/or convenience stores.
20. Household appliance maintenance.
21. Accessory uses and buildings.

**Conditionally Permitted Uses - GB District:** A conditional use permit may be issued in accordance with Article 5, and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principles outlined in Section 521 and 522 of this resolution as well as any additional standards in accordance with any or all of those standards found in Section 522 or other conditions as required by the Board of Zoning Appeals and conditions referred to in the following descriptions:

1. All drive-through facilities not allowed in the above Permitted Uses for the GB District.
2. Hospital. Refer to Sec.522-1 (a, h), 5 (d, e, g as applies), 6-a, and must meet standards outlined in Sec. 812-D (1-5).
3. Watercraft and/or recreational vehicle storage if conducted in an entirely enclosed building. Refer to Sec.522-1 (I).
4. Radio or television broadcasting station and towers, (applies to commercial stations and equipment only).
5. Hotels and/or motels.
6. Automobile service station provided all pumps are setback at least fifty-five (55') feet from the centerline of the road, and parking and/or service areas are separated from adjoining residential properties by suitable visual screen or solid fence or wall at least six (6') feet in height. There shall be a eighty (80') feet setback from the centerline of the road of all pumps at an automobile service station on a major thoroughfare. Refer to Sec. 812-D (1-5) and 522-5 (as applies).
7. Truck stops with or without restaurants, provided any repair operations are conducted within a fully enclosed building and there is no open storage of wrecked vehicles, dismantled parts, or parts visible beyond the premises.
8. General automobile garage for the repair and servicing of vehicles, provided all operations are conducted within a fully enclosed building and there is no open storage of wrecked vehicles, dismantled parts, or parts visible beyond the premises.
9. Newspaper publishing plant provided that the requirements for parking, loading, and unloading conform to those for industrial buildings.
10. Automobile carwash, or laundry, provided central water and sewer connections are available and used, and provided off-street paved parking area, capable of accommodating not less than one-half (½) of hourly vehicle washing capacity awaiting entrance to the washing process is suitably located and maintained on the premises, and for such space to contain at least two hundred (200') square feet per waiting vehicle; and no safety hazard or impediment to traffic movement is created by the operation of such an establishment. Refer to Sec. 812-D (1-5).

11. Veterinary clinic, provided any structure shall be no closer than two hundred (200') feet to any residential zoning perimeter or residential dwelling; provided all boarding arrangements of animals are temporary in nature and are maintained within the facility, and it will not be audible beyond the property line from the use of outside runs or exercise areas. Refer to Section 522-2-f thru m.
12. Wholesale, discount, and/or outlet stores - provided that the facilities do not create undue traffic congestion. Refer to Sec. 522-1 (h, i, j), 2(c), 5 (as applies), and must meet standards outlined in Sec.812-D (1-5).
13. Supermarkets - provided that the facilities do not create undue traffic congestion. Refer to Sec. 522-1 (c, i, j, k), 2(c), 5 (as applies), and must meet standards outlined in Sec.812-D.
14. Accessory buildings to any above conditional use.
15. Fruit and vegetable stands or other open-air market.
16. Storage, distribution and sale of propane as long as the operation complies with NFPA Manual 58 requirements  
(amended 12-21-2011, effective 1-21-2012)

***\* NOTE: These uses require the availability of central water and sewer service.***

### **General Requirements of the GB District**

**Height Limit:** No building shall be erected or enlarged to exceed two and one-half (2 ½) stories or 35 feet.

**Lot Area, Width and Depth:** Every lot shall have a minimum width of 200 feet throughout, and minimum lot area of not less than two (2) acres (87,120 square feet), exclusive of road right-of-way. A minimum lot size of 20,000 sq. ft. with a minimum frontage of 100 feet shall be allowed when public water and sewer service lot. All lots must meet those frontage requirements as outlined in Section 934 of this resolution.

**Front Yard:** There shall be a front yard of not less than 75 feet in depth (50 feet in depth with central water and sewer).

**Side Yard:** There shall be a side yard of not less than 25 feet (15 feet in depth with central water and sewer).

**Rear Yard:** There shall be a rear yard of not less than 50 feet (25 feet in depth with central water and sewer).

**Notes:** 1) For yard requirements for all lots of record, see Section 410.  
2) All structures placed on corner lots must meet those requirements outlined in Section 911.

**Bulk Requirements:** All structures shall have a minimum of 600 sq. ft. per building unit and not be less than 24 feet in width or length. All structure requirements for the GB District are to be determined from outside dimensions, exclusive of porches, garages, and cellars or basements.

**Maximum Lot Coverage:** The maximum percentage of the total lot area that may be covered by both the principal and accessory buildings for commercial uses shall be 95%.

**Parking Requirements:** Parking requirements shall be as regulated in Article 10 of these regulations.

**Screening/Buffer Yards Requirements:** Screening/buffer yards shall be required as specified in Section 914 of these regulations.

**Signs:** Signs shall be as regulated in Article 11 of these regulations.

**Trash and Garbage:** All trash and garbage will be stored in container systems located and designed to screen them from public view.

## **Section 808 Light Manufacturing District (M-1)**

**Purpose:** The purpose of the M-1 District is to encourage the development of manufacturing establishments which focus on production of a finished product rather than raw good manufacturing and are clean, quiet, and are free of elements which would create a nuisance or are hazardous such as noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other injurious or obnoxious conditions; shall operate entirely within enclosed structures and generate minimum industrial traffic. This district is further designed to act as a transitional use between general manufacturing uses and other less intense business and residential uses.

Permitted uses, dimensional requirements, and other regulations of the M-1, Light Manufacturing District; the following regulations shall apply:

### **Permitted Uses - M-1 District:**

1. Public parks and playgrounds.
2. Nurseries, horticulture, and forestry facilities.
3. Furniture and office equipment manufacturing.
4. Clothing goods, apparel, and accessories involving no on-site tanning or dyeing.
5. Canning and preserving fruits and vegetables.
6. Bakeries.
7. Candy and other confectionery products processing.
8. Fur goods manufacturing and/or personal leather goods manufacturing involving no on-site tanning or dyeing.
9. Publishing and/or printing of periodicals, newspapers, greeting cards and books.
10. Commercial printing.
11. Bookbinding and related industries.
12. Glass products manufacturing, made of purchased glass.
13. Utility facilities.
14. Electronic components, computers, accessories, and communication equipment manufacturing.
15. Engineering, laboratory, scientific and research instruments and associated equipment manufacturing.
16. Surgical, medical, optical, and dental instruments and supplies manufacturing.
17. Photographic equipment and supplies manufacturing.
18. Watches, clocks, clockwork operated devices and parts manufacturing.
19. Sign manufacturing.

**Conditional Uses - M-1 District:** A conditional use permit may be issued in accordance with Article 5, and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principles outlined in Section 521 and 522 of this resolution as well as any additional standards in accordance with any or all of those standards found in Section 522 or other conditions as required by the Board of Zoning Appeals and conditions referred to in the following descriptions:

1. Agriculture
2. Metal cans and containers manufacturing.
3. Lumber yards.
4. Contract construction storage of machinery and materials.
5. Building materials (general retail).
6. Vehicle services, storage, and maintenance.
7. General warehousing (excluding combustible, toxic, or explosive materials).
8. Liquor stores, walk-in only and with no drive-through facilities.
9. Sheet metal work.
10. Machine shops, jobbing, and repair.
11. Household appliances manufacturing.
12. Electric lighting and wiring manufacturing.

13. Miscellaneous electrical machinery, equipment, and supplies.
14. Musical instruments and parts.
15. Toys, amusements, sporting and athletic goods.
16. Pens, pencils, and other office and artist material.
17. Farm equipment manufacturing.
18. Beverage industries.
19. Recycling industries (indoor operations only, excluding ferrous or hazardous operations).

### **General Requirements of the M-1 District**

**Height Limit:** No building shall be erected or enlarged to exceed two and one-half (2 ½) stories or 35 feet.

**Lot Area, Width and Depth:** Lots shall have a minimum lot size of two (2) acres (87,120 square feet) with a minimum frontage of 200 feet throughout. In those cases where central water and sewer service is available and connected, the minimum required lot size is reduced to 20,000 square feet (exclusive of road right-of-way) with 100 feet of frontage throughout the lot. All lots must meet those frontage requirements as outlined in Section 934 of this resolution.

**Front Yard:** There shall be a front yard of not less than 50 feet in depth. (75 feet in depth without central water and sewer)

**Side Yard:** There shall be a side yard of not less than 25 feet (25 feet without central water and sewer).

**Rear Yard:** There shall be a rear yard of not less than 50 feet. (75 feet without central water and sewer)

**Notes:** 1) For yard requirements for all lots of record, see Section 410.  
2) All structures placed on corner lots must meet those requirements outlined in Section 911.

**Bulk Requirements:** All structures shall have at least 600 sq. ft. per business unit and not be less than 24 feet in width and length. All structure requirements for the M-1 District are to be determined from outside dimensions, exclusive of porches, garages, and cellars or basements.

**Maximum Lot Coverage:** The maximum percentage of the total lot area that may be covered by the principal structure, accessory building(s), and impervious surfaces (including parking) for industrial uses shall be 95%.

**Performance Standards:** All uses in the M-1 District, including operations incidental to the primary use (except those conditional uses permitted otherwise), shall operate entirely within enclosed structures. Uses in the M-1 District shall not create or emit any noise, vibration, smoke, gas, fumes, odor, glare, dust, fire hazard, dangerous radiation or other injurious or obnoxious conditions sufficient to create a nuisance beyond the premises.

**Parking Requirements:** Parking requirements shall be as regulated in Article 10 of these regulations.

**Screening/Buffer Yards Requirements:** Screening/buffer yards shall be required as specified in Section 914 of these regulations.

**Signs:** Signs shall be as regulated in Article 11 of these regulations.

**Trash and Garbage:** All trash and garbage will be stored in container systems located and designed to screen them from public view.

### **Section 809 Public Use District (PB)**

**Purpose:** The purpose of the PB District is to encourage the preservation, placement, construction, development, and use of land in Liberty Township for uses that benefit the public and enhance the quality of life for the community.

Permitted uses, dimensional requirements and other regulations of the PB, Public Use District; the following regulations shall apply:

**Permitted Uses - PB District:**

1. Agriculture.
2. Public parks, playgrounds, and recreational areas.
3. Public and private schools.
4. Libraries.
5. Bicycle trails.
6. Cemeteries.
7. Government offices and facilities
8. Community Center.

**Conditional Uses - PB District:** A conditional use permit may be issued in accordance with Article 5, and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principles outlined in Sections 521 and 522 of this resolution as well as any additional standards in accordance with any or all of those standards found in Section 522 or other conditions as required by the Board of Zoning Appeals and conditions referred to in the following descriptions:

1. Recycling center.

**General Requirements of the PB District**

**Height Limit:** No building shall be erected or enlarged to exceed three stories or 40 feet.

**Lot Area, Width and Depth:** Every lot shall have a minimum width of 500 feet throughout, and a lot area of not less than five acres (217,800 square feet) in area, exclusive of road right-of-way. All lots must meet those frontage requirements as outlined in Section 934 of this resolution.

**Front Yard:** There shall be a front yard of not less than 100 feet in depth.

**Side Yard:** There shall be a side yard of not less than 100 feet.

**Rear Yard:** There shall be a rear yard of not less than 100 feet.

**Notes:** 1) For yard requirements for all lots of record, see Section 410.  
2) All structures placed on corner lots must meet those requirements outlined in Section 911.

**Bulk Requirements:** All structures shall have 600 sq. ft. and not be less than 24 feet in width and length. All bulk requirements for the PB District are to be determined from outside dimensions, exclusive of porches, garages, and cellars or basements.

**Parking Requirements:** Parking requirements shall be as regulated in Article 10 of these regulations.

**Screening/Buffer Yards Requirements:** Screening/buffer yards shall be required as specified in Section 914 of these regulations.

Signs: Signs shall be as regulated in Article 11 of these regulations.

### **Section 810 Flood Plain Overlay District (FP)**

Purpose: It is the purpose of this district to promote the public health, safety, and general welfare and to minimize losses resulting from periodic inundation of floodwaters in Liberty Township. This district restricts or prohibits uses, which are dangerous to the health of the public and the safety of property in times of flooding, or uses which cause excessive increases in flood height or velocities. It requires that uses vulnerable to floods be protected from flood damage at time of initial construction and controls the filling, grading, dredging, and other development in this area which may increase flood damage. In addition, it restricts the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

Finding of Fact: The flood hazard areas of Liberty Township are subject to period inundation which may result in loss of life and property, hazards to health and safety, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by:

1. The cumulative effect of obstruction in flood plains, causing increased flood heights and velocities.
2. The occupancy of flood hazard areas by uses vulnerable to floods and which are not adequately elevated or protected from flood damage.

Applicable Lands: This section shall apply to all lands within the township boundaries shown on the Official Zoning Map within the boundaries of floodway, or floodway fringe, as identified by the Federal Emergency Management Agency on the FIRM and Floodway Map Nos. 390328-0025B and 390328-0100B, dated December 1, 1983, and any revision thereto as adopted by reference and declared to be a part of this resolution.

#### Overlay District Designation:

The areas of floodway or floodway fringe identified on the Official Zoning Map shall be shown as an overlay district. This overlay district shall be designated as the Flood Plain Overlay (FP) District.

Those areas within the Flood Plain Overlay District designated as floodway on the Official Zoning Map shall be subject to all the requirements of the Flood Plain Overlay District, as well as those specific sections that address the floodway.

The Flood Plain Overlay (FP) District shall be superimposed over the Official Zoning Map. The underlying zoning district, as shown on the Official Zoning Map, shall hereafter be called the base district. The base district shall determine uses and minimum requirements. However, if the provisions and requirements governing the Flood Plain Overlay District are more restrictive than those of the base district, the provisions of this article shall supersede those of the base district.

#### Interpretation of Boundaries:

When disagreement exists as to the boundaries of the Flood Plain Overlay District or the floodway, those boundaries shall be interpreted to be the boundaries of the floodway and floodway fringe as shown on the Flood Insurance Maps and Floodway Map Nos. 390328-0025B and 390328-0100B, dated December 1, 1983. Disagreement as to boundaries of the flood hazard areas will be resolved by the procedures outlined in the Licking County Flood Damage Regulations, and not the Liberty Township Board of Zoning Appeals.

#### Warning and Disclaimer of Responsibility:

The degree of flood protection required by this resolution is considered reasonable for regulatory proposes. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This resolution does not imply that areas outside the Flood Plain Overlay District boundaries or land uses permitted within such district will be free from flooding or flood damages. This resolution



shall not create liability on the part of Liberty Township, Licking County, or any officer or employee thereof for any flood damages that result from reliance of this article or any administrative decision lawfully made there under.

**Compliance:**

Unless specifically exempted as stated in Section 4.2 of the Licking County Flood Damage Prevention Regulations, no structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this article and other applicable ordinances of Liberty Township and Licking County.

**Abrogation:**

This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**Flood Plain Development Permit:**

A flood plain development permit shall be obtained before the start of construction or development of land in the Flood Plain Overlay District. This permit shall be in addition to the zoning permit required in Section 300 of this resolution. Application for a flood plain development permit shall be made to the Licking County Planning Commission's Flood Plain Administrator, 20 South Second Street, Newark, Ohio 43055, (614) 349-6555. This permit will be applied for and approved by the Flood Plain Administrator of the Licking County Planning Commission prior to the zoning permit being applied for and approved. The Zoning Inspector must receive a copy of the flood plain development permit before the zoning permit is issued.

All structures or uses to be located in the Flood Plain Overlay District shall comply with the requirements of the Liberty Township Zoning Resolution and the Licking County Flood Damage Prevention Regulations and any amendment or revisions.

**General Requirements of the FP District:**

Any new subdivision of land proposed to be located in identified 100-year flood hazard areas shall be left undeveloped (i.e. open space, recreational areas, etc.). No area shown as flood prone shall be used for building sites, leach fields, or well sites. Any activity within the flood prone area shall meet Licking County Floodplain Damage Prevention Regulations. These requirements shall be included in the covenants and deed restrictions for all land split or sold in the Flood Plain Overlay District. If the 100-year flood hazard or floodway designation is disputed, the sub divider/developer must demonstrate where the FIRM is inaccurate through an engineering analysis that is accepted by FEMA according to their flood map amendment procedures.

1. **Change to Non-Flood Plain District:** Changes of district classification from the FP District to any other classification provided by this resolution may be initiated in accordance with the requirements of this resolution; provided that the applicant can show that any flood condition existing at the time the Flood Plain Overlay District was originally established no longer exists or has been remedied to the satisfaction of the Licking County Flood Plain Administrator, and that the area in question is now reasonably well protected from floods for the intended purpose and occupancy. Prior to the recommendation of a change of zoning to the Township Trustees, the Liberty Township Zoning Commission shall obtain certification from the Licking County Planning Commission, or the agency or department administering the Floodplain Damage Prevention Regulations and Subdivision Regulations, that the area proposed to be removed from the Flood Plain Overlay District is free from inundation from a 100 year flood event, and the amendment procedures of Article 6 shall be followed.

**Required Lot Area, Lot Width, Height, Parking, Yards, and Sign Requirements:**

The lot area, lot width, building height, parking, yards, and sign requirements shall comply with the base district requirements as outlined in this article (for accessory structures, see Sect. 915 & 916).

## **Section 811 Transportation Corridor Overlay District (TC)**

**Purpose:** The purpose of the Transportation Corridor District is to provide overlay requirements to ensure that existing and anticipated corridor land uses and traffic improvements, within the district, will be developed in a manner that protects the health and safety of residents of Liberty Township. The importance of maintaining traffic flow and accessibility so as to reduce potential traffic hazards, encourage compatible land uses, better comply with the Clean Air Act Amendment of 1990, and to protect property values, requires that special emphasis on traffic planning and frontage treatment be achieved through the use of an overlay district. The TC Overlay District shall also require uniform signage, adequate screening, and landscaping in an effort to establish visual harmony and promote aesthetic design in development within the district.

**Jurisdictional Boundaries:** The Transportation Overlay District is defined as all land, which has frontage on, or access through an easement or driveway to:

Johnstown-Utica Road (U.S. 62)  
Johnstown-Alexandria Road (S.R. 37)  
Hazelton-Etna Road (S.R. 310)

### **Permitted Uses - TC District:**

Any permitted use allowed in the underlying zoning district, except that, where the requirements of this section are in conflict with the permitted uses or regulations of the underlying zoning district, the regulations set forth in this section shall control.

### **Design Standards:**

#### **1. Traffic Safety Measures**

One or more of the following traffic safety measures shall be required in an effort to aid access and traffic management:

##### **a. Access Road/Driveway Requirements**

Access roads, provided that they meet state and federal regulations and are designed for one-way traffic or setback to create double frontage lots, should be utilized, when possible, to service commercial development located along the corridor. Such roads will help prevent traffic interruptions on the thoroughfare.

##### **b. Left Turn Lanes**

Left turn lanes, which provide stacking lanes for those cars preparing to turn left, should be utilized when possible in an effort to prevent traffic slow down and traffic hazards.

##### **c. Acceleration/Deceleration Lanes**

The use of acceleration/deceleration lanes should be utilized whenever possible to help prevent traffic slow-down and general interruptions, thereby avoiding potential traffic hazards.

##### **d. Driveway Spacing**

Access points along arterial highways shall be separated by a minimum distance of 550 feet (from edge to edge of driveway cuts) along U.S. 62, S.R. 37, and S.R. 310 and shall be adjusted accordingly for other roads included in the TC Overlay District based on their given

speed limits (National Cooperative Highway Research Program, Access Management Guidelines for Activity Center, Washington, D.C., 1992). They must also meet the requirements of Article 8: Congestion Prevention in the Licking County Subdivision Regulations.

e. Access Roads/ Points of Access off Major Thoroughfare

The utilization of access roads and alternative points of access from the major thoroughfare should be utilized when possible to help prevent traffic slowdown and interruptions along the corridor, thus preventing traffic hazards.

f. Right-in/ Right-out only turns

Points of access that allow only right-in/ right-out access to major thoroughfares should be utilized in an effort to prevent traffic slowdown and additional points of traffic conflicts.

2. Setback Requirements

All new structures and accessory structures must be set back 115 feet from the edge of current right-of-way line of the designated corridor highway or road.

3. Loading Areas

Commercial loading areas shall be located to the rear of buildings and screened from adjacent uses.

4. Storage Areas

Storage areas and trash storage receptacles shall be enclosed by structures or opaque fences and be located to the rear of the building.

5. Utility and Transmission Lines

New or upgraded utility and transmission lines located within the corridor overlay district (including those located along the rear property line) shall be located underground and be designed and located in such a manner that they will have minimum adverse visual and physical impact on to the natural/or rural character of the roadside.

6. Pedestrian Access

Sidewalks are encouraged to be provided where pedestrian traffic between sites is expected and they shall be designed to minimize conflict with automobiles. Where central sewer systems are required, sidewalks shall be required on both sides of all streets within the development and along the adjacent side of all existing roadways that abut or pass through the site. Where sidewalks are required, these sidewalks shall be constructed to handicapped/disabled person standards at street intersections. In areas of high pedestrian traffic, such as within one (1) mile of a school, major park, playground, shopping center, transportation hub, or community facility (measured from the nearest point of the proposed development to the nearest point of the place of pedestrian activity), sidewalks may be required at the discretion of the Liberty Township Zoning Commission.

7. Corridor Landscaping/Buffers/Screening

- a. All existing, healthy trees having a trunk diameter of 6 inches or more shall be preserved whenever possible. The developer may be required to submit a tree survey which indicates the location of such trees so that site design options that would allow for the maximum preservation of mature tree stands can be negotiated. (See Appendix A for tree protection requirements.)

- b. A "buffer zone" shall be required along the boundary of all neighboring properties, which facilitate unlike land uses. The width of these buffer zones shall be in accordance with the following chart:

**REQUIRED WIDTH OF BUFFER ON PROPOSED USE BORDER**

<b>PROPOSED USE</b>	<b>EXISTING ADJACENT USE</b>			
	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	PUBLIC
COMMERCIAL	20 ft.	None	10 ft.	20 ft.
INDUSTRIAL	30 ft.	10 ft.	None	30 ft.

A "buffer zone" as referred to in this section shall be defined as a green strip of land, free from buildings, driveways, or other paved surfaces, which is permanently set aside by the owner. All buffer zones shall be planted in trees and shrubs in a density sufficient to provide contiguous properties with sufficient foliage to screen unlike land uses all year around. Walls and fences (made of natural materials or material made to look natural) may be used in combination with shrubs, planted at a minimum of 3-foot intervals, in an effort to achieve the goal of adequate screening.

- c. All parking areas constructed within the Transportation Corridor (TC) shall meet those requirements specified in Article 10 of this Resolution. When there are conflicting requirements, the stricter of the two shall prevail.
- d. Landscaping/ Design Requirements

1) Distance between parking area and building:

A minimum distance of 8 feet shall be maintained between any building, including any walkway immediately adjacent thereto, and the parking area. This space is to be reserved for plant material, either existing (in accordance with the procedures and guidelines found in Appendix A of this Resolution) or planned.

2) Interior plantings

In addition to all other requirements, all commercial, business, institutional, or industrial parking areas for more than 20 vehicles (excluding parking structures), shall provide and maintain a minimum of a 300 square foot planting area with minimum dimensions of 7 feet for every 8 parking spaces (including handicapped spaces) located within the parking area. Planting areas shall:

- a) Contain at least 2 "shade trees" which are at least 8 feet in height and 6 inches and 1/4 inches in circumference (2 inches in diameter) measured at 1/2 feet above grade for new planted trees and measured at 4 1/2 feet above grade for existing trees. ("Shade trees" as used herein mean any tree, evergreen, or deciduous, whose mature height of its species can be expected to exceed 35 feet and which has an expected crown spread of 30 feet or more or is considered a shade tree in accordance with the American Association of Nurserymen.
- b) Contain ground covering sufficient to cover otherwise exposed planting surface so that soil erosion will be minimized. ....

- c) Be located within the parking area as tree islands, at the end of parking bays, inside 7 foot wide or greater medians, between rows of cars, or as part of a continuous street or a transitional protective yards. No vehicular parking space shall be separated from a shade tree by an intervening building and be located farther than 50 feet from the tree trunk of a planting area. Landscaped planting areas shall be distributed in a uniform manner as to provide shade yet should also be positioned within the parking area in accordance with sound landscape design and parking lot circulation principles.

3) Berms

Earthen berms or sloped ground may be provided, substituted, or combined with the above buffer requirements. Any berms used to comply with this requirement shall have a minimum height of 1 1/2 feet and a minimum crown width of 2 feet and a total minimum width of 7 feet and shall be planted with a locally adapted species of shrubs, which conform to the spirit of Section 812.7. However, shrubs may have a lesser height provided that the combined height of the berm and the plantings after 3 years is at least 30 inches high.

8. Screening

Any area used for service yards, utility meters, above ground tanks, and other such equipment shall be screened through landscaping (which could include a berm or a fence constructed of natural material if necessary) so that such facilities are not visible from the highway/road or neighboring properties and shall be located not less than 10 feet from the side and/or rear property lines.

9. Signs

All signs shall meet those requirements specified in Section 1100 of this resolution in addition to the following standards:

- a. Signs shall not have light-reflecting backgrounds but may use light-reflecting lettering.
- b. The various parts of a sign shall have the same name and message on all used faces.
- c. Any multi-faced sign shall have the same name and same message on all used faces.
- d. All signs shall be of standard geometric shapes.
- e. All lighted signs shall be lit with capped, exterior white ground lights which have a steady, stationary light of reasonable intensity and all direct light must be shielded from all adjacent streets and residential buildings.
- f. All signs must be constructed of natural materials or material made to look natural.
- g. All commercial, institutional, and industrial structures shall be limited to the following advertising signs:
  - 1) A wall sign, a projected swinging sign, awning or canopy sign with a total area of all such signs not to exceed 80 square feet, not more than 15 feet in height, setback at least 10 feet from the road right-of-way.
  - 2) A ground sign, with a total area not to exceed 32 square feet per side and not more than 15 feet in height and which shall be set back at least 10 feet from the road right-of-way.
- h. All signs must not interfere with safe-sight distance of motorists.

**Site Design Submittal Requirements:**

Before a zoning permit is issued by the Liberty Township Zoning Inspector, the developer shall submit plans, drawn to an appropriate scale, to the ***Liberty Township Technical Review Committee*** as appointed by the Township Trustees (to be comprised of two [2] members from the Liberty Township Zoning Commission, two [2] members from the Liberty Township Zoning Board of Appeals, and one [1] Liberty Township Trustee, with the Liberty Township Zoning Inspector in an advisory capacity) for recommendations and approval. The Liberty Township Technical Review Committee may, at its discretion, request additional studies or outside assistance from the Licking County Planning Commission Staff or others, at the expense of the developer, in its effort to review the development plan in an appropriate manner.

The developer to the Liberty Township TRC for review shall submit the following plans:

1. **Site Plan:** The plot plan shall show the following:
  - a. The boundaries and dimensions of the lot.
  - b. The size and location of existing and proposed structures.
  - c. The proposed use of all parts of the lot and structures.
  - d. All reserve parcels and anticipated development phases.
  - e. The use of land and location of structures on adjacent property.
  - f. Existing tree stands that are 6" (inches) in diameter located within the setback.
2. **Development Plan:** The Development Plan shall show the following:
  - a. Structures: All proposed structures shall be located, showing square footage for each structure, expected entrance(s), service, and pedestrian areas for the first phase of the development plan. Structures planned for subsequent phases shall be schematically indicated.
  - b. Traffic concept: All points of ingress and egress onto public roadways and the overall traffic distribution scheme shall be shown, indicating traffic flow patterns and traffic control points. The criteria must include one or more of the "Traffic Safety Measures" as described in Section 812-D-1 of this Resolution.
  - c. Parking layout: A parking layout must be shown to include the following:
    - 1) Access points and expected movement for all transportation modes through and between separate parking lot areas;
    - 2) Expected pedestrian access routes from parking areas and bus stops to structures.
  - d. Landscaping: All proposed site landscaping, screening, and buffering shall be indicated as to type and size of material to be used, proposed locations, berming and other features in accordance with Section 812-D-7 of this Resolution.
  - e. Proposed location and design of signs.
  - f. Lighting – See Section 925

## **ARTICLE 9 - SUPPLEMENTARY DISTRICT REGULATIONS**

### **Section 900 General**

The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered.

### **Section 901 Private Driveway Requirements**

Due to safety concerns each lot may have only one point where a driveway accesses a public roadway, unless the lot is located in a platted subdivision and the speed limit of the roadway is 35 mph or less, in which case no more than two access points are permitted. Where only one access point is permitted, a loop drive may still be constructed provided that there is only one access point to the roadway. For all residential lots greater than one (1) acre in size, private driveways shall not be located closer than 5 feet to an adjoining lot unless it is a shared driveway or shared driveway access point and approved by the Licking County Planning Commission. Private driveways must be free of obstruction to a height of 12 feet and a width of 12 feet to allow emergency vehicle access.

The access point to the public roadway for a private drive must be surfaced from roadway edge of pavement to a depth of two car lengths (30 feet) onto the lot and the grade of this section cannot exceed twenty (20) percent. Where ditches exist or are required, proper culverts and headwalls must be installed.

### **Section 902 Conversion of Dwelling to More Units**

A residence may not be converted to accommodate an increased number of separate dwelling units unless:

1. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district.
2. The lot area per family equals the lot area requirements for new structures in that district.
3. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.
4. The conversion is in compliance with all other relevant codes and resolutions for such structures.

### **Section 903 Private Swimming Pools**

**Definition:** A private swimming pool, as regulated herein, exclusive of portable swimming pools with a diameter less than 12 feet or with an area of less than 100 square feet, shall be any pool or open tank, not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than two (2) feet within five (5) feet of the edge of the water. No such swimming pool shall be allowed in any R-District except as an accessory use to a residence or as a private club facility and unless it complies with the following conditions and requirements:

1. **Exclusive Private Use:** The pool is intended and is to be used solely for the enjoyment of the occupants of the principal building of the property on which it is located and their guests.
2. **Distance Requirements:** The pool may be located anywhere on the premises except in required yard setbacks, provided further that pump and filter installations shall be located not closer than 20 feet to any property line.
3. **Fencing:** The swimming pool, or the entire property on which it is located, shall be walled or fenced to a height of 6 feet so as to restrict uncontrolled access by unauthorized persons from the street or from adjacent properties.
4. **Lighting:** Any lighting used to illuminate the pool area shall be so arranged as to deflect the light away from the adjoining properties.

## **Section 904 Community or Club Swimming Pools**

Community and club swimming pools where permitted by conditional use shall comply with the following conditions and requirements:

1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
2. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than 50 feet to any property line.
3. The swimming pool and all of the area used by the bathers shall be walled or fenced to restrict uncontrolled access by unauthorized persons from the thoroughfare or adjacent properties. Said fence or wall shall not be less than six feet in height and maintained in good condition and locked.
4. The pool facility meets parking requirements as prescribed in Article 11 of these regulations.

## **Section 905 Temporary Buildings**

Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities may not be used as a dwelling and shall be removed upon completion of the construction work. All such facilities or equipment shall be removed before a certificate of occupancy will be issued.

## **Section 906 Parking and Storage of Certain Vehicles**

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. However, one boat and one travel trailer may be stored behind the setback line if the vehicles have a current license.

## **Section 907 Junk Yards**

Junkyards are prohibited when they are determined to be a junk yard as defined in this resolution and any existing junk or salvage yard may not be expanded. Any area that meets this definition requires a conditional use permit as defined in Section 521 of this resolution. Should the conditional use permit be denied, then the area will be modified within 30 days of the date of the conditional use permit denial, to a state that will not fall into the definition of a junk yard.

## **Section 908 Junk Motor Vehicle**

Intent: It is the intent of this section to regulate junk motor vehicles in accordance with Ohio Revised Code (ORC) 505.871 and 505.173.

Definition of Junk Motor Vehicles: As used in this section, "junk motor vehicle" means a motor vehicle that meets all of the following criteria:

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

Notification of Property Owner: After determining that a motor vehicle fits the definitions stated above, the zoning inspector shall notify the person having the right to the possession of the property on which the junk motor vehicle is located that a violation has occurred. The notification may be delivered in person, or may be sent by certified mail with return receipt requested. The notice shall state that within ten (10) days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in an enclosed garage or other suitable structure, or shall be removed from the property.

Property Owners Right of Appeal: Any person wishing to appeal the decision made by the zoning inspector under



the provisions of this section may appeal such decision to the Liberty Township Board of Zoning Appeals in accordance with Section 509.

**Enforcement:** No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten (10) days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice and with the provisions of this Zoning Resolution.

In the instance that the problem continues to exist for greater than ten (10) days after receipt of the notice, the matter will be referred to the Sheriff's Office and to the Law Director's Office for review and a determination of whether or not prosecution of the violation should proceed.

In addition to other remedies provided by law, the board of township trustees may institute an action for injunction, mandamus, or abatement, or any other appropriate action or proceeding to prohibit the storage of junk motor vehicles in violation of this section.

**Collector's Vehicles:** This section is not intended to prevent a person from storing or keeping, or restrict a person in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that a person having such permission may be required to conceal, by means of buildings, fences, vegetation, terrain, or other suitable screening, any unlicensed collector's vehicle stored in the open.

Regardless of whether it is licensed or unlicensed, a collector's vehicle is a "junk motor vehicle" for purposes of this section if the collector's vehicle meets all of the criteria contained at the beginning of this section. Liberty Township may regulate the storage of that motor vehicle(s) on private or public property in the same manner that the storage of any other junk motor vehicle is regulated.

(Amended 07-12-2009, Effective 08-12-2009)

## **Section 909 Required Trash Areas**

All commercial, industrial, and multi-family residential uses which provide trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence of at least two feet in height above the trash container if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage, as determined by the Zoning Inspector, shall be required.

## **Section 910 Supplemental Yard and Height Regulations**

In addition to all yard regulations specified in the Official Schedule of District Regulations and in other sections of this resolution, the provisions of Sections 917, 918, and 919 through 929, inclusive shall be used for interpretation and clarification.

## **Section 911 Setback Requirements for Corner Buildings**

On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

## **Section 912 Visibility at Intersections**

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede or restrict vision between a height of two and one-half (2 ½) and ten feet above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines or such corner lots and a line joining points along said street lines 50 feet from the point of intersection.

### **Section 913 Yard Requirements for Multi-Family Dwellings**

Multi-family dwellings shall be considered as one building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one front, one rear, and two side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

### **Section 914 Screening/Buffer Yard Requirements for LB, GB, and M-1 Districts**

A "buffer" yard shall be required along the boundary of all neighboring properties, which facilitates unlike land uses. The width of the buffer yards shall be in accordance with the following chart:

#### **REQUIRED WIDTH OF BUFFER ON PROPOSED USE BORDER**

PROPOSED USE	EXISTING ADJACENT USE			
	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	PUBLIC
COMMERCIAL	20 ft.	None	10 ft.	20 ft.
INDUSTRIAL	30 ft.	10 ft.	None	30 ft.

A "buffer" yard as referred to in this section shall be defined as a green strip of land, free from buildings, driveways, or other paved surfaces, which is permanently set aside by the owner. All buffer zones shall be planted primarily in evergreen shrubs in a density sufficient to provide contiguous properties with sufficient foliage to screen unlike land uses all year around. Such foliage shall be at least 4 feet in height and 10 feet in planted width. Walls and fences (made of natural materials or materials made to look natural, that are 75% opaque), or landscaped berms, may also be used in an effort to achieve the goal of adequate screening.

### **Section 915 Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts (Accessory Buildings/private swimming pools)**

In addition to respective district's yard requirements, nonresidential buildings or uses shall not be located nor conducted closer than 40 feet to any lot line of a residential district. Accessory buildings/structures must comply with the front, side, and rear yard requirements of the zoning district where such accessory building is to be located.

### **Section 916 Side and Rear Yard Requirements for Residential Accessory Buildings**

All residential accessory buildings/ structures must comply with the respective district's yard requirements. No residential accessory structure/building may be closer than 10 feet to any lot line and cannot be larger in bulk than 150 square feet or have a height greater than 10 feet.

### **Section 917 Architectural Projections**

Open structures such as porches, canopies, balconies, platforms, carports, covered porches, and similar architectural projections shall be considered parts of the building to which they are attached and shall not project into the required minimum front, side, or rear yard.

### **Section 918 Exceptions to Height Regulations**

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, conveyors, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

## **Section 919 Special Provisions for All Uses**

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise conditions which could create a nuisance or adversely affect the surrounding areas or adjoining premises, except that any use permitted by this resolution may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous conditions and nuisances to acceptable limits as established by the performance requirements in Section 920 through 929, inclusive.

## **Section 920 Fire Hazard**

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance, which is compatible with the potential danger and shall meet all requirements of the *Ohio Fire Code and Ohio Building Code*.

## **Section 921 Radioactivity or Electrical Disturbance**

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

## **Section 922 Noise**

Objectionable noise as determined by the Zoning Inspector, subject to review by the Board of Zoning Appeals, which is due to volume, frequency, pitch, or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public safety purposes are exempt from this equipment.

## **Section 923 Vibration**

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

## **Section 924 Air Pollution**

Air pollution shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency. Smoke or other forms of air pollution shall not be detectable beyond the boundaries of the Light Manufacturing District.

## **Section 925 Lighting**

The regulation of outdoor lighting in Liberty Township has been found necessary to prevent misdirected or excessive artificial light caused by inappropriate or misaligned light fixtures that produce glare, light trespass (nuisance light), and/or unnecessary sky glow. The degree to which outdoor night lighting affects property owners or neighborhoods will be examined considering the light source, level of illumination, hours of illumination, and need for illumination in relation to the effects of the lighting on adjacent property owners and the neighborhood.

Applicability: All outdoor light fixtures installed and thereafter maintained within Liberty Township shall comply with the standards set forth in this section. Unless otherwise expressly exempted, lighting installed by Liberty Township shall comply with the standards set forth in this section.

### **Design Standards**

1. Where used for security purposes or to illuminate walkways, roadways, and parking lots, only shielded

light fixtures shall be used.

2. Where used for commercial and industrial purposes, all light fixtures shall be equipped with automatic timing devices, which turn off or reduce the lighting during non-operating hours and comply with the following:
  - a. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform, shall use a narrow cone beam of light that will not extend beyond the illuminated object.
  - b. Other upward directed architectural, landscape, or decorative direct light emissions shall have at least 90 percent (90%) of their total distribution pattern within the profile of the illuminated structure.
  - c. Proposed recreational and sports facility lighting shall be submitted to the Township Zoning Inspector for approval prior to installation. Such lighting shall have directional and glare control devices, when necessary to minimize light trespass.
  - d. Externally illuminated signs including commercial billboard, building identification, or other similar illuminated signs, shall comply with the following:
    - i. Top mounted light fixtures shall be shielded and are preferred.
    - ii. When top mounted light fixtures are not feasible, illumination from other positioned light fixtures shall be restricted to the sign area. Visors or other directional control devices shall be used to keep spill lighting to a minimum.
  - e. All other outdoor lighting shall use shielded light fixtures.
  - f. The term "shielded light fixture" as used herein shall be defined as complying with one of the following definitions:
    - i. A fixture for which the entire light source (Lamp-Light Bulb) is not visible when viewed at 90 degrees to the vertical, along a line parallel with the ground at the height of the fixture.
    - ii. A light fixture that complies with the IESNA definition of cutoff.
    - iii. A light fixture for which the illumination from the light source is controlled by a prismatic refractor in such a way that the bare lamp (light bulb) cannot be viewed directly by an observer from any angle.

In the case of complaint, it is the responsibility of the installer to provide proof, including published test data, to the Township Zoning Inspector that the proposed luminaire(s) (light fixtures) comply with one of the above definitions.

3. No flickering or flashing lights shall be permitted, except for temporary holiday decorations, which may be in use only during the period from Thanksgiving Day until January 6.

**Lighting Levels:** The following chart contains minimum, average and maximum horizontal or vertical illumination levels, as indicated, for the outdoor facilities shown. The minimum and maximum values shall be at any point on the lighted surface and all values shall be maintained.

<u>Area/Activity</u>		<u>Illumination in Foot-candles</u>		
		Minimum	Average	Maximum
Building surrounds (non-residential)	(Horizontal)	0.20	1.00	2.00
	(Vertical)	0.45	2.25	4.50
Bikeways and Walkways along roadside:				
Commercial areas	(Horizontal)	0.20	1.00	2.00
	(Vertical)	0.45	2.25	4.50
Intermediate areas	(Horizontal)	0.12	0.60	1.20
	(Vertical)	0.25	1.10	2.50
Residential areas	(Horizontal)	0.02	0.20	0.40
	(Vertical)	0.10	0.50	1.00
Bikeways and Walkways distant from roadside:				
And stairways	(Horizontal)	0.10	0.50	1.00
	(Vertical)	0.10	0.50	1.00
Loading and unloading platforms	(Horizontal)	5.00	20.00	50.00
Parking areas:	(Horizontal)	1.25	4.00	8.00

\*for pedestrian identification at a distance. Values at 6 feet above the pavement or walkway.

Reference Source: *Illuminating Engineering Society of North America (IESNA), Lighting Handbook* (2000, as revised).

All other illuminants for areas not defined above shall not exceed the recommendations contained in the *IESNA Lighting Handbook* (2000, as revised).

#### **Light Trespass (Nuisance Light):**

All light fixtures, except street lighting, shall be designed, installed, and maintained to prevent light trespass, as specified below:

The amount of illumination at the eye of a viewer on contiguous residential property, when viewing an offending light source, shall not exceed 0.1 foot-candles from that source.

#### **Height Standards for Lighting:**

1. Light fixtures in residential uses shall be mounted no higher than 16 feet.
2. Light fixtures in non-residential uses shall be mounted no higher than 25 feet.

## **Section 926 Erosion**

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties. All requirements as outlined in Article 6: Urban Soil and Sediment Pollution Control of the Licking County Subdivision Regulations and/or all State laws pertaining to erosion control must be adhered to.

## **Section 927 Water Pollution**

Water pollution shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency as well as those outlined in the State of Ohio's Wellhead Protection Guidelines.

## **Section 928 Enforcement Provisions**

The Zoning Inspector, prior to the issuance of a zoning permit, may require the submission of statement and plan indicating the manner in which elements creating a danger or nuisance involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances. This statement will describe how the business or operation will meet the environmental and nuisance requirements of the township zoning and state and federal regulations.

All uses existing on the effective date of this resolution shall conform to these performance requirements within one year, provided, that an extension of up to six months may be granted by the Board of Zoning Appeals. The Board of Zoning Appeals may grant extensions if the owner or operator of the use can demonstrate that compliance would create an unreasonable hardship.

The Zoning Inspector shall refer any proposed use, which is likely to violate performance requirements to the Board of Zoning Appeals.

## **Section 929 Measurement Procedures**

Methods and procedures for the determination of the existence of any elements, which are dangerous or create a nuisance shall conform to applicable standard measurement procedure published by the American Standards Institute, Inc., New York, Chemical Manufacturers' Association, Washington, D.C., the United States Bureau of Mines, and the Ohio and Federal Environmental Protection Agency.

## **Section 930 Satellite Dish Antennas, Greater Than Three (3) Feet in Diameter**

Definitions of dish-type satellite signal-receiving antennas:

1. "Dish-type satellite signal-receiving antennas," also referred to as "earth stations" or "ground stations" shall mean one or more of the following:
  - a. A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communication or other signals for satellites in earth orbit and other extraterrestrial sources.
  - b. A low-noise amplifier (LNA), which is situated-at, the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
  - c. A coaxial cable the purpose of which is to carry or transmit said signals to a receiver.
2. "Receiver" shall mean a television set or radio wave receiver.
3. "Dish" shall mean that part of a satellite signal-receiving antenna characteristically shaped like a saucer or dish.
4. "Grounding rod" shall mean a metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.

### **Location of Earth Station**

1. Ground-Mounted:
  - a. No earth station shall be constructed in any front or side yard, but, shall be constructed to the rear of the residence or main structure.
  - b. No earth station, including its concrete base slab or other substructure, shall be constructed less than ten (10) feet from any property line or easement (same as an accessory building(s)).
  - c. An earth station shall not exceed a grade height of 12 feet.

- d. An earth station must be bonded to a grounding rod.
  - e. No earth station shall be constructed upon the rooftop of any garage, residential dwelling, church, school, apartment building, or structure unless said satellite dish antenna complies with the roof-mounted regulations below.
2. Roof-Mounted:
- a. Earth stations shall be mounted directly upon the roof of a primary or accessory structure, and shall not be mounted upon appurtenances such as chimneys, towers, trees, poles, or spires.
  - b. An earth station shall not exceed a height of more than three feet above the roof upon which it is mounted.
  - c. An earth station "dish" shall not exceed three feet in diameter.
  - d. An earth station must be bonded to a grounding rod.

Penalty - Whosoever violates any of the provisions of this section shall be subject to the provisions of Sections 311 and 312.

Appeals - Appeals from decisions of the Zoning Inspector shall be made to the Board of Zoning Appeals as provided by this resolution.

### **Section 931 Towers, Antennas, or Similar Structures or Appurtenances**

Microwave, or radio transmission towers for cellular telephone and/or other similar communication systems, including radar and satellite receiving devices, or any other type of antenna, tower, or other man-made structures built for any private or public utility purposes, that are more than 75 feet in height, shall be located in a business, manufacturing, or public use district. For the purposes of this section, all districts other than business or manufacturing are considered to be used for residential purposes for which such towers, antennas or similar structures shall be excluded under Section 519.211 of the *Ohio Revised Code*.

### **Section 932 Oil and Gas Well Regulatory Guidelines**

Liberty Township is known to be the location of gas and oil reserves. This section sets forth requirements to insure that any operation incidental to exploration, production, or storage of gas and oil takes place in a manner not endangering public health, safety, and welfare. These regulations are pursuant to *Ohio Revised Code* 1509, the Ohio Administrative Code, and applicable Federal regulations.

- 1. Not less than seven days prior to any drilling operation, the operator shall file with the Zoning Inspector:
  - a. A plat, drawn to scale, showing:
    - (1) Ingress and egress points.
    - (2) The well location.
    - (3) The location of all known oil and gas wells within 1,000 feet.
    - (4) Storage tanks.
    - (5) Separators.
    - (6) Power shutoffs.
    - (7) Transmission lines.
    - (8) Oil flow shutoffs.
    - (9) Permanent and temporary pits.
    - (10) Access roads.
    - (11) All dikes and swales for erosion control and spill prevention. Submit final plat if different from one originally submitted to the township not less than 24 hours prior to drilling.
  - b. A list of emergency telephone numbers.
  - c. A copy of the state permit.
  - d. A copy of the brine and waste disposal plan (to include handling of brine, frac-water, sludge, and any other oil field wastes).
  - e. Except within 30 days, a copy of the Spill Prevention, Control and Countermeasure Plan (SPCC) as required by Title 40 Code of Federal Regulations, Part 112.
  - f. A statement schedule of the proposed drilling operation.

- g. A statement of liability coverage for all operations related to drilling, production, storage and transmission of all products, byproducts, and wastes.
- 2. No gas nor oil well, storage tank, nor separator unit shall be placed closer than 100 horizontal feet to any public highway, public building, or private residence.
- 3. No permanent production equipment shall be placed within 50 feet of a property line unless both properties are part of the same drilling unit. In no case shall any equipment be placed directly on the property line.
- 4. All permanent production facilities shall be enclosed by a chain-linked fence not less than six feet in height.
- 5. All shut-off valves shall be painted a conspicuous color for ease of identification in emergencies.
- 6. All gas and oil lines shall be buried at a minimum depth of 30 inches within 6 months of well going on line.
- 7. Within 6 months of the well going on line, access roads to the permanent well facilities will be constructed and shall be of sufficient width and paved with slag, gravel, crushed stone, or other suitable material to permit all weather access by emergency vehicles. All access roads shall be of sufficient size for the largest firefighting equipment used by the township.
- 8. All fence gates and storage tanks shall be locked. All locks at a given well shall utilize a master combination. Master combination with the well number shall be provided to the Zoning Inspector, fire chief, and county sheriff.
- 9. At all times a sign shall be posted on site showing:
  - a. Access street name, number, or both.
  - b. Owner.
  - c. Lease name.
  - d. Permit number.
  - e. All emergency telephone numbers.
- 10. All truck loading and parking areas shall be located outside of any road right-of-way and shall also comply with Section 901.5 herein.
- 11. All gas and oil production and storage equipment and brine storage shall be diked to prevent contamination of surface or ground water. The dikes shall be liquid tight. All diked areas shall have at least two layers of lining materials, separated by a minimum two-inch clay layer. The layers shall be laid in opposite directions to assure their integrity. Dikes surrounding storage facilities shall have a capacity three times that of the storage vessel.
- 12. In locations where dikes may be damaged by storm runoff, a diversionary dike or swale shall be constructed to prevent damage to the containment dikes.
- 13. If during construction of any temporary or permanent pit or containment dike, a subsurface drainage system is encountered, said subsurface drainage system shall be rerouted to a distance of 20 feet from the pit, or containment dike.
- 14. If a well is located on a steep slope or in a flood plain, all tanks shall be adequately and permanently anchored to resist slippage or floatation. All tanks shall be liquid tight.
- 15. No person shall conduct any well drilling, production or transmission operation that contaminates or pollutes the land surface or any surface or subsurface water. No saltwater (brine), sludge, frac-water or any other oil field wastes shall be deposited or discharged in the township for any purpose, except into an authorized injection well. No person shall vary or change the waste disposal plan or method initially submitted without prior notification to the Zoning Inspector.
- 16. The owner and/or operator of all transmission lines shall provide the Zoning Inspector with a plat drawn to scale of all transmission lines within 1,000 feet of the well, such plat shall be updated annually. All transmission lines buried or above ground, shall be marked with permanent markers. All lines crossing public roadways shall be marked with permanent markers at each side of the right-of-way.
- 17. The Zoning Inspector may inspect oil and gas wells and storage facilities at any time to insure compliance with local regulations.
  - 1. Upon completion or cessation of drilling, production, and transmission on the site for two (2) years, it shall be restored to its original state, or as close as possible, that existed before the oil and gas wells were created.



## **Section 933 Adult Entertainment Facilities**

### **Definitions**

1. "Adult Entertainment Facility" means any establishment, which is involved in one or more of the following listed categories:
  - a. Adult Book or Video-Book Store - An establishment having any of its display area or items for sale of its stock in trade, books, videos, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined.
  - b. Adult Mini-Motion Picture Theater - A facility with a capacity for less than 50 persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
  - c. Adult Motion Picture Theater - A facility with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
  - d. Adult Entertainment Business - Any establishment involved in the sale or services of products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live male or females and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions, which utilize activities as specified above.
2. "Specified Sexual Activities" means any of the following:
  - a. Human genitals in a state of sexual stimulation or arousal.
  - b. Acts, real or simulated, or human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic sexual abuse.
  - c. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
3. "Specified Anatomical Areas" means any of the following:
  - a. Less than completely covered human genitals, pubic regions, buttocks, and female breasts below a point immediately above the top of the areola.
  - b. Human male genitals in a discernible turgid state.
4. "Person" means any individual, corporation, company, business, partnership, association, establishment, or other legal entity of any kind.
5. "Fine Art Gallery" means any display of artwork, which is individually crafted and signed by, the artist to which is limited in edition to 1,000 or less.
6. "Sexually Explicit Nudity" means the sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depictions in such position or manner, which present or expose such nudity to prominent, focal, or obvious viewing attention.
7. "Sadomasochistic Sexual Abuse" means actual or simulated flagellation, rape torture, or other physical or sexual abuse, by or upon a person who is nude or partially denuded, or the condition of being fettered, bound for sexual gratification or abuse or represented in the context of a sexual relationship.
8. "Visibly Displayed" means the material is visible on a billboard, viewing screen, marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonably anticipated access and presence.
9. "Knowledge of Character" means having general knowledge, or reason to know; or a belief or ground for belief which warrants further inspection or inquiry, of the nature and character of the material or performance involved. A person has such knowledge when he or she knows or is aware that the material or performance contains, depicts, or describes sexually explicit nudity, sexual activity, sadomasochistic sexual

abuse, or lewd exhibition of the genitals, whichever is applicable, whether or not such person has precise knowledge of the specific contents thereof. Direct or circumstantial evidence, or both may prove such knowledge.

10. "Harmful to Juveniles" means any material or performance, whether through motion pictures, photographs, drawings, cartoons, slides, depictions, or descriptions in which (a), (b), and (c) apply.
  - a. The average adult person, applying contemporary community standards would find that the material or performance, taken as a whole, is intended to excite lustful or erotic thoughts in juveniles, or is designed or marketed to cater or appeal to a prurient interest in nudity, sex, or excretion.
  - b. The material or performance depicts or describes sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals, in a way, which is patently offensive to prevailing standards in the adult community with respect to what is suitable for juveniles.
  - c. The material or performance, taken as a whole, lacks serious literary, artistic, political, educational or scientific value for juveniles.

#### Exceptions

Nothing in this article shall be constructed to pertain to:

1. The purchase, distribution, exhibition and/or loan of any work of art, book, magazine or other printed material or manuscript by any accredited museum, library, fine art gallery, school or institution of higher learning.
2. The exhibition and/or performance of any play, drama, tableau, or motion picture by any theater, museum, library, fine art gallery, school or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

#### Location

Adult entertainment facilities, adult mini-motion picture theaters, adult entertainment facilities of any kind or type are not permitted in Liberty Township.

#### Unlawful Exhibition or Display of Harmful Material to Juveniles

No person having custody, control, or supervision or any business or commercial establishment or premises, with knowledge of the character of the material involved, shall do or cause to have done any of the following:

- a. Allow, permit, or fail to prevent any juvenile who is not accompanied by a parent or lawful guardian to enter or remain on premises if in that part of the premises where the juvenile is or may be allowed, permitted, or invited as part of the general public or otherwise, there is visibly displayed all or any part of any book, magazine, newspaper, or other form of any material which is either of the following: harmful to juveniles, when taken as a whole; or contains on its cover, package, wrapping, or within the advertisements therefore, depictions or photographs of sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals.
- b. Visibly display, exhibit, or otherwise expose to view, all or any part of such material in any business or commercial establishment where juveniles, as part of the general public or otherwise, are, or will probably be, exposed to view all or any part of such material from any public or private place.
- c. Hire, employ, or otherwise place, supervise, control, or allow in any business or commercial establishment or other place, any juvenile under circumstances which would cause, lead or allow such juvenile to engage in the business or activity of selling, distributing, disseminating, or otherwise dealing or handling such material, either to or for adults or juveniles.

#### Violation and Penalty

Whoever violates any provision of this article shall be subject to the provisions of Section 312 as well as loss of any conditional use granted for said premises.

### **Section 934 Street Frontage Required**

Except as required by other provisions of these regulations, no lot shall have less than required frontage (lot width) as measured along the edge of the road right-of-way of an existing public street.

For Cul-De-Sac Lots: The minimum road frontage requirement for lots fronting on a cul-de-sac shall be 60 feet, with the district's width requirement being met at the building setback line.

### **Section 935 Parking and Storage of Commercial Vehicles and Trailers**

No commercial vehicle with a net capacity rating in excess of two and one half tons, including commercial tractors, automobiles, trucks, buses, house trailers, semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials and equipment is to be performed during the actual time of parking.

### **Section 936 One Principal Structure per Lot**

Only one (1) principal structure or dwelling shall be permitted per lot.

### **Section 937 Ponds**

No pond, lake, or other area designed for the permanent storage of water may be constructed within thirty (30) feet of a public right-of-way or easement.

This page intentionally blank

# **ARTICLE 10 - OFF-STREET PARKING AND LOADING FACILITIES**

## **Section 1000 General Requirements**

1. No building or structure shall be erected, substantially altered, or its uses changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this resolution.
2. The provisions of this article, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this resolution.
3. Whenever a building or structure constructed after the effective date of this resolution is changed or enlarged in floor area, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this resolution is enlarged to the extent of 50 percent or more in floor area, number employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

## **Section 1001 Parking Space Dimensions**

A parking space shall have minimum rectangular dimensions of not less than nine (9) feet in width and 19 feet in length for 90 degree parking, nine (9) feet in width and 23 feet in length for parallel parking, ten (10) feet in width and 19 feet in length for 60 degree parking, and 12 feet in width and 19 feet in length for 45 degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in Section 1117 of this resolution.

## **Section 1002 Loading Space Requirements and Dimensions**

A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than fifteen (15) feet. One off-street loading space shall be provided and maintained on the same lot for every occupancy requiring delivery or goods and having a modified gross floor area of up to 5,000 square feet. One loading space shall be provided for each additional 10,000 square feet or fraction thereof.

## **Section 1003 Paving**

The required number of parking and loading spaces as set forth in Sections 1002 and 1017, together with driveways, aisles, and other circulation areas, shall be improved with material such as asphalt or concrete to provide a durable and dust-free surface.

## **Section 1004 Drainage**

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways and standing pools on the parking surface.

## **Section 1005 Maintenance**

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

## **Section 1006 Lighting**

All parking areas, which are intended to be used during non-daylight hours, shall be properly illuminated to avoid accidents. See Section 925

## **Section 1007 Location of Parking Spaces**

The following regulations shall govern the location of off-street parking spaces and areas:

1. Parking spaces for all detached residential uses shall be located on the same lot as the use, which they are intended to serve.
2. Parking spaces for commercial, industrial, institutional uses shall be located not more than 700 feet from the principal use.

## **Section 1008 Screening and/or Landscaping**

Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides which adjoin or face any property used for residential purposes, by an acceptably designed wall, a fence that is 75% opaque (made of natural material, or material that appears to be natural), landscaped berm, or planting screen. Such fence, wall, or planting screen shall be not less than four feet or more the six feet in height and shall be maintained in good condition. The space between such fence, wall, or planting screen, and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence, wall or planting screen will not serve the intended purpose, then no such fence, wall, or planting screen and landscaping shall be required.

## **Section 1009 Disabled Vehicles**

The parking of a disabled vehicle within a residential or commercial district for a period of more than two weeks shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building.

## **Section 1010 Minimum Distance and Setback**

No part of any parking area for more than ten vehicles shall be closer than 20 feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. If on the same lot with a one-family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than ten feet to any established street or alley right-of-way.

## **Section 1011 Joint Use**

Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that together they meet the requirements of Section 1017 and a written agreement approved by the Zoning Inspector is filed with the application for a zoning permit.

## **Section 1012 Wheel Blocks**

Whenever a parking lot extends to a property line, wheel blocks shall be installed to prevent any part of a parking vehicle from extending beyond the property line.

## **Section 1013 Width of Driveway Aisle**

Driveways serving individual parking spaces shall be not less than 25 feet wide for 90 degree parking, 12 feet wide for parallel parking, 17 and one-half (17 ½) feet for 60 degree parking, and 13 feet for 45 degree parking

## **Section 1014 Access**

Any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.

## **Section 1015 Width of Access Driveway**

The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards: for one-way traffic the minimum width of 14 feet except for 45 degree parking in which case the minimum width of the access road shall be 17 feet. Access roads for two-way traffic shall have a minimum width of 24 feet. Parking areas having more than one aisle or driveway shall have directional signs or markings in each aisle or driveway.

## **Section 1016 Striping**

All parking areas with a capacity over 12 vehicles shall be striped with double line (six inches both sides or center) between stalls to facilitate the movement into and out of the parking stalls.

## **Section 1017 Parking Space Requirements**

For the purpose of this resolution, the following minimum parking space requirements shall apply:

TYPE OF USE		MINIMUM PARKING SPACES REQUIRED
<b>RESIDENTIAL</b>		
1.	Single family or two family dwelling.	Two for each unit.
2.	Apartments or multi-family dwellings.	Two for each unit.
<b>TYPE OF USE</b>		<b>MINIMUM PARKING SPACES REQUIRED</b>
3.	Boarding houses, rooming houses, dormitories, and fraternity houses that have sleeping rooms.	One for each sleeping room or two for each permanent occupant.
4.	Manufactured homes.	Two for each unit.
<b>COMMERCIAL</b>		
1.	Automobile service garage that also provides repair.	Two for each gasoline pump and four for each service bay.
2.	Hotels & motels.	One for each sleeping room plus one space for each two employees.
3.	Funeral parlors, mortuaries, and similar type uses.	One for each 100 square feet of floor area in slumber room, parlors, or service rooms.

<b>RECREATIONAL OR ENTERTAINMENT</b>		
1.	Dining rooms, restaurants, taverns, night clubs, etc.	One for each 200 square feet of floor area.
2.	Bowling alleys.	Four for each alley or lane plus one additional space for each 100 square feet of the area used for restaurant, cocktail lounge, or similar use.
3.	Dance floors, skating rinks.	One for each 100 square feet of floor area used for the activity.
4.	Outdoor swimming pools, public or community or club.	One for each five persons capacity plus one for each four seats or one for each 30 square feet floor area used for seating purposes whichever is greater.
5.	Auditoriums, sport arenas, theaters, and similar uses.	One for each four seats.
6.	Retail store.	One for each 250 square feet of floor area.
7.	Banks, financial institutions, and similar uses.	One for each 200 square feet of floor area.
8.	Offices, public or professional administration, or service building.	One for each 400 square feet of floor area.
9.	All other types of business or commercial uses permitted in any business district (LB, GB)	One for each 300 square feet of floor area.
<b>INSTITUTIONAL</b>		
1.	Churches and other places or religious assembly.	One for each five seats.
2.	Hospitals.	One for each bed.
3.	Sanitariums, home for the aged, nursing home, asylums, and similar uses.	One for each two beds.
<b>TYPE OF USE</b>		<b>MINIMUM PARKING SPACES REQUIRED</b>
4.	Medical and dental clinics.	One for every 200 square feet area of examination, treating room office, and waiting room.
5.	Libraries, museums, and art galleries.	One for each 400 square feet of floor area.
<b>SCHOOLS (PUBLIC, PAROCHIAL, OR PRIVATE)</b>		
1.	Elementary, middle, and junior high schools.	Two for each classroom and one for every eight seats in auditorium or assembly halls.
2.	High schools.	One for every two students and one for each teacher and employee.
3.	Business, technical, and trade schools.	One for every two students.
4.	Colleges, universities.	One for every four students.
5.	Kindergartens, childcare centers, nursery schools, and similar uses.	Two for each classroom but less than six for the building.



<b>MANUFACTURING</b>		
1.	All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district.	One for every two employees on the largest shift for which the building is designed) plus one for each motor vehicle used in the business.
2.	Cartage, express, parcel delivery, and freight terminals.	One for every two employees (on the largest shift for which the building is designed) and one for each motor vehicle maintained on the premises.

### **Section 1018 General Interpretation of Article 10**

In the interpretation of Article 10, the following rules shall govern:

1. Parking spaces for other permitted or conditional uses not listed in this article shall be determined by the Board of Zoning Appeals upon an appeal from a decision of the Zoning Inspector.
2. Fractional numbers shall be increased to the next whole number.
3. Where there is an adequate public transit system or where for any other reason parking demand is unusually low, then the parking space provisions cited above may be reduced proportionately by the Board of Zoning Appeals upon an appeal from a decision of the Zoning Inspector.

This page intentionally blank

## **ARTICLE 11 - SIGNS**

### **Section 1100 Intent**

The purpose of this article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising signs, and outdoor signs of all types, which are to be used for the purposes of identification, navigation, and information. It is intended to protect property values, create a more attractive, un-intrusive, fair local economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, impairing motorist ability to see pedestrians, other vehicles, obstacles or to read traffic signs, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provided more open space, curb and deterioration of the natural environment, prevent signs from becoming a nuisance to surrounding properties and community, and enhance community development.

### **Section 1101 Governmental Signs Excluded**

For the purpose of this resolution "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulations.

### **Section 1102 General Requirements for All Signs and Districts**

The regulations contained in this section shall apply to all signs and all use districts.

1. See Section 925
2. All wiring, fittings, and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the National Electric Code.
3. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than four feet, including those projecting from the face of any theater, hotel, or motel marquee.
4. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 1104 herein, or after obtaining a permit in Section 1105.
5. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign.
6. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
7. Should any sign be or become unsafe or be in danger of failing, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector proceed at once to put such sign in a safe and secure condition or remove the sign.
8. No sign shall be placed directly above any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.
9. All off-premises advertising devices erected or maintained under Chapter 5516.10 of the *Ohio Revised Code*.
10. The following are prohibited:
  - a. Advertising devices erected or maintained on trees, or painted or drawn upon rocks or other natural features.
  - b. Advertising devices, which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.
  - c. Advertising devices illuminated so as to interfere with the effectiveness of or obscure an official sign, signal, or device.
  - d. Advertising devices which attempt or appear to attempt to direct the movement of traffic or which interfere with imitate or resemble an official sign, signal, or device.

### **Section 1103 Measurement of Sign Area**

The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

### **Section 1104 Signs Permitted in All Districts - No Permit Required**

- Notes:**
- A) For signs in the Transportation Overlay Corridor District - Where conflicts exist between the following requirements and those described in the TC District, the TC requirements must be followed.
  - B) Sign area measurement referred to in #1-7 below is considered the surface area of one face (side) of a double-faced sign. Both sides may be used, but no more than two (2) sides.
1. Temporary signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed 12 square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet. These signs may not exceed one per lot and shall be setback at least 25 feet from the centerline of the road.
  2. Non-farm signs are permitted in the Residential District. Non-farm signs denote the name and address of the occupant of the premises or the name of the professional or home occupation. These signs shall not exceed ten (10) square feet in area and shall be setback at least 25 feet from the centerline of the road. Non-farm signs may not exceed one sign per home or business.
  3. Farm signs are permitted in the Agricultural District. Farm signs denote the name and address of occupants, advertise for produce or merchandise grown on such farms, and/or denote membership or organizations. These signs shall not exceed 20 square feet of sign face area per lot and shall be setback at least 25 feet from the centerline of the road.
  4. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies are permitted in the AG, R-87, and PB Districts and shall not exceed 20 square feet in area. These signs or bulletin boards shall be located on the premises of such institutions, may not exceed one per lot, and shall be setback At least 25 feet from the centerline of the road.
  5. Entrance and/or exit signs are permitted at entrances to lots and for interior lot traffic circulation. These signs shall contain only directional symbols or wording and shall not exceed three (3) square feet in area or three (3) feet in height.
  6. Temporary signs announcing special community events, the erection of a building, or signs for similar uses are permitted provided that the total sign area does not exceed, in the aggregate, twenty (20) square feet. Such signs may not be placed prior to 30 days before the event or start of construction and shall be removed within 72 hours of the completion of the event or project.
  7. Temporary political signs are permitted provided that the total sign area does not exceed, in the aggregate, twenty (20) square feet. Such temporary political signs shall not be placed more than 70 days before the election and must be removed within 72 hours following Election Day.

### **Section 1105 Signs Permitted in Districts - Review of all sign proposals are required to be reviewed by the Zoning Inspector before required permit will be issued.**

1. In a commercial or manufacturing district, each business shall be permitted those signs as described in Table 1105-A and B which requires that applicants select either option A or Option B.

**TABLE 1105-A BUSINESS AND MANUFACTURING SIGN REQUIREMENTS**

(Signs requiring a permit from Zoning Inspector)

<b>OPTION A</b>				
	<b>STRUCTURE SIGNS</b>			<b>GROUND SIGN</b>
	Wall	Swinging	Canopy	
Maximum Height	15 ft.	15 ft.	18 ft.	15 ft.
Projection of Sign from Wall	1 ft.	-	-	-
Sign Length	-	-	6 ft.	-
Sign Width	-	4 ft.	-	-
Minimum Setback (from centerline of road)	-	-	-	25 ft.
Quantity	1 of each provided that the total sq. ft. does not exceed the <u>total sign area</u> (see below).			1
Sign Area	-	-	-	32 sq. ft.
Total Sign Area	1 ½ sq. ft. of sign area for each foot of building width (or part of the building occupied by given enterprise). Maximum area shall not exceed 80 sq. ft.			-

**TABLE 1105-B BUSINESS AND MANUFACTURING SIGN REQUIREMENTS**

(Signs requiring a permit from Zoning Inspector)

<b>OPTION B</b>	
<b>Larger Ground Sign</b>	
Maximum Height	15 ft.
Minimum Setback (from centerline of road)	35 ft.
Quantity	1
Sign Area	80 sq. ft.

2. Larger signs or advertising devices for business or industries adjacent to the interstate and primary highways as regulated by the *Ohio Revised Code*, Section 5516.07, as amended shall be permitted in accordance with those state laws. Such signs shall not be subject to the above regulations but shall require a permit from the Liberty Township Zoning Inspector and the owner or agent of such sign and must show proof of having obtained the required State of Ohio approval.

## **Section 1106 Setbacks for Public and Quasi-public Signs**

Real estate signs and bulletin boards for a church, school, or any other public, religious, or educational institution may be erected not less than twelve ( 25) feet from the centerline of any street or highway provided such sign or bulletin board does not obstruct traffic visibility on the street or highway or vehicular ingress or egress for the lot. All public or Quasi-public signs must meet the same requirements as those listed in Table 1105-A.

## **Section 1107 Special Side and Rear Yard Provisions**

On-premises signs, where permitted, shall be erected or placed in conformity with the side and rear yard requirements of the district in which they are proposed to be located, except that in any residential district, on-premises signs shall not be erected or placed within 50 feet of a side or rear lot line.

## **Section 1108 Limitation**

For the purposes of this resolution, outdoor advertising off-premise signs shall be classified as a business use and be permitted in all districts zoned for manufacturing or business or lands used for agricultural purposes. These signs must also meet the requirements of the Transportation Overlay Corridor District, if they are located within it. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of the *Ohio Revised Code*, Chapter 5516 and the regulations adopted pursuant thereto.

## **Section 1109 Abandoned Signs**

A sign shall be considered abandoned:

- a) When the sign is associated with an abandoned use.
- b) When the sign remains after the termination of a business. A business is considered to have ceased operations if it is closed to the public for at least ninety consecutive days. Seasonal businesses are exempt from this determination.
- c) When the sign on its immediate premises is not adequately maintained and the repairs or maintenance as required by the Board of Zoning Appeals are not effected within the specified time.
- d) When the sign does not conform to the provisions of this section.
- e) When the sign does not have a permit, or no exemption is available.

The Liberty Township Zoning Inspector shall determine abandonment. Upon determination that the sign is abandoned, the right to maintain and use such sign shall terminate immediately and the Zoning Inspector or his or her designee shall issue an order for the sign to be removed within thirty days. Any abandoned sign still standing after thirty days following an order for removal may be appealed to Township BZA, and procedures of Article 5 shall be followed. The owner of such sign(s) shall be subject to decision of the BZA. If no appeal is filed within the required time period, the Zoning Inspector shall proceed with the proper violation procedures.

## **Section 1110 Violations**

In case any sign shall be installed, erected, constructed, or maintained in violation of any of these terms of this resolution, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this resolution. Failure to comply with any of the provisions of this article shall be deemed a violation and shall be punishable under Sections 311 and 312 of this resolution. Political signs posted in violation of Section 1104 of this resolution are subject to removal by the Zoning Inspector five days after written notice of violation of Section 1104 has been given.

## **ARTICLE 12 - RURAL PLANNED UNIT DEVELOPMENT**

### **Section 1200 Objectives for Rural Planned Unit Development**

It shall be the policy of the Township of Liberty to promote progressive development of land and construction thereon by encouraging Rural Planned Unit Development to achieve:

1. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements.
2. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services.
3. A development pattern which preserves and utilized natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
4. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
5. A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the comprehensive plan.

The township is also prepared to accept a greater population density in undeveloped areas than reflected by present zoning provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development in accordance with the Liberty Township Comprehensive Plan.

### **Section 1201 Provisions Governing Rural Planned Unit Development**

Because of the unique characteristics of Rural Planned Unit Developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this article and those of the other articles of this resolution, the provisions of this article shall be governed by the respective provisions found elsewhere in this resolution.

### **Section 1202 Conflict and Interpretation**

In accordance with Section 101 of this resolution, Article 12 is declared to be the minimum requirements applicable to Rural Planned Unit Developments in any interpretation and promotion of the public health, safety and general welfare of the community. Whenever the requirements of this resolution are at a variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolution, the most restrictive, or that imposing the higher standard(s) shall govern.

### **Section 1203 Uses Permitted**

Compatible residential, public, and quasi-public uses may be combined in RPUD Districts provided that the proposed location of the development will not adversely affect adjacent property, and/or the public health, safety, and general welfare. RPUD's are strictly residential, public, and/or quasi-public in use.

### **Section 1204 Relationship to Licking County, Ohio Subdivision Regulations**

The provisions of the Liberty Township Zoning Resolution are in addition to any requirements, procedures, and regulations as contained in the Licking County Subdivision Regulations. Nothing in these regulations shall be taken or interpreted as nullifying or superseding the subdivision platting requirements as defined in Section 711.001 of the *Ohio Revised Code*, and as further defined, administered and regulated in the Licking County, Ohio Subdivision Regulations.

## **Section 1205 Minimum Project Area**

The gross area of the tract to be developed under a Rural Planned Unit Development shall conform to the following schedule:

Type of Rural Planned Unit Development	Minimum Area (in acres)
Residential	25 ac.

## **Section 1206 Project Ownership**

The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

## **Section 1207 Development Standards**

The following standards represent broad parameters under which all RPUDs must be designed:

### **A) Common open Space**

#### **1) Area Required**

A minimum of 30 percent of the land developed in any Rural Planned Unit Development project shall be reserved for common open space, recreational facilities, or agricultural uses for the residents or users of the area being developed. The open space shall be disposed of as required in Section 1207-2 of this resolution (below).

#### **2) Disposition of Open Space**

The required amount of common open space must be concentrated in large areas, preferably connected in some manner. The common open space land reserved under a Rural Planned Unit Development shall either be held in corporate ownership by owners of the project area for the use of each other who buys property within the development or be dedicated to the county or township and retained as common open space for parks, recreation, and related uses. All land dedicated to the county or township must meet the Zoning Commission's requirements as to size, shape and location. Public utility and similar easements and right-of-ways for water courses and other similar channels are not acceptable for common open space dedication to the county or township unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Zoning Commission. The developer before approval of the final development plan shall specify the responsibility for the maintenance of all open spaces.

#### **3) Lots to Abut Upon Common Open Space/Clustering Development**

Every property developed under the Rural Planned Unit Development approach shall be designed to abut or have direct access by vehicle or path to the common open space. A clustering of dwellings is encouraged.

### **B) Utility Requirements**

Underground utilities, including telephone and electrical systems, are required within the limits of all Rural Planned Unit Developments. Appurtenances to these systems, which can be effectively screened, may be exempted from this requirement if the Zoning Commission approves. The developer before approval of the final development plan shall specify the responsibility for the maintenance of all open spaces. Further, the developer must meet requirements of the Licking County Health Department and, if central water and sewer systems are available, any responsible agency for that district.

### **C) Minimum Lot Sizes**

1. Lot area per dwelling unit may be reduced by not more than 25 percent of the minimum lot area required in the Official Schedule of District Regulations or no more than the amount of dwelling units allowed if developed in the underlying district. Regardless, however, the lot area per dwelling may not be reduced below 1.6 acres in size as required by the Licking County Health



Department. The applicant must be able to provide sufficient evidence to the Liberty Township Zoning Commission and the Liberty Township Trustees that the overall development demonstrates excellence in design by properly considering significant natural and historic features, topography, natural drainage patterns, roadway access and circulation, surrounding land uses, the enhancement of the general welfare of the public, and aesthetically desirable land development. Attractive landscaped buffers shall be provided between incompatible land use and activities.

2. Lot widths may be varied to allow for a variety of structural designs. It is also recommended that setbacks be varied.

**E) Maximum Impervious Surface**

For all areas proposed for residential uses in the development, the amount of impervious surface proposed must not exceed 35 percent of the total residential area. Impervious surfaces include but are not limited to, parking areas, loading areas, driveways, and roof tops.

**F) Parking**

Where necessary (such as parks), off-street parking shall be provided in accordance with Article 10 of this resolution. However, off-street parking areas shall not be permitted within 15 feet of any residential use.

## **Section 1208 Procedure for Approval of RPUD District**

Rural Planned Unit Development Districts shall be approved in accordance with the procedures in Section 1209 through 1225.

## **Section 1209 Pre-Application Meeting**

A developer shall meet with the Liberty Township Technical Review Committee and the Licking County Planning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this resolution and the criteria and standards contained herein, and to familiarize the developer with the comprehensive development plan, and major thoroughfare plan, the parks and public open space plan, the subdivision regulations, and the drainage, sewer, and water systems of the county, and the township.

## **Section 1210 Contents of Application for Approval of Preliminary Development**

**A) Background Information:**

The following background information shall be submitted in typed written form:

1. Name, address, and phone number of applicant.
2. Name, address, and phone number of registered surveyor, registered civil engineer, and/or landscape architect assisting in the preparation of the preliminary development plan.
3. Legal description of property.
4. Present use(s).
5. A statement, which offers a conceptual overview of the proposed development. This statement shall include a description of the nature of the proposed development, proposed land uses including specific types (e.g. one-family dwellings, golf course, etc.), and the clientele, which it is designed to serve (e.g. public, residents only, retirees, etc.). In addition, the statement must set forth reasons why the proposed RPUD would be in the public interest and would be consistent with the stated intent of the RPUD requirements described in this Resolution.
6. Description of proposed provisions for utilities including water, sewer, power, and telephone service. The applicant shall also indicate all government authorities, which have jurisdiction over any utility systems, and provide a description of the current status of the project with respect to necessary review and approval.
7. The proposed ownership and maintenance of open spaces, parking areas, and any proposed amenities proposed as a part of the development.

8. Evidence that the applicant has sufficient control over the land in question and the financial capability to begin the project within one year of approval and complete the proposed development within 3 years, or within a project phasing schedule if conditions do not justify completion of the development within 3 years may be requested.
9. A list containing the names and mailing address of all owners of property within 500 feet of the property in question.
10. An archaeological survey of the property prepared by an appropriate professional may be required.
11. Certification that all information in the application is true and correct.
12. And, any other information as determined necessary by the Liberty Township Trustees and passed by resolution of the Board of Zoning Appeals.
13. All applications shall be notarized.

**B) Plan Drawing:**

The following information shall be submitted and shown on drawings of the site:

1. A vicinity map or sketch showing the general relationship of the proposed development to the surrounding areas with access roads referenced to the intersection of the nearest State Routes. Reference distances shall be shown in feet if less than 1,000' and in miles or tenths of a mile greater than 1,000'.
2. A table showing the amount of gross acreage to be dedicated to each type of proposed land use, density for each type of proposed use, and the amount of land as a percent of the whole devoted to each land use.
3. Location, type, and density (residential only) of development types.
4. Conceptual drainage plan.
5. Natural features.
6. Location of open spaces (e.g. parks, common space, recreational facilities, golf course layout, etc.).
7. Buffers between incompatible land uses and activities.
8. Proposed street system layout/circulation pattern.
9. Any existing buildings or potential environmental hazards (underground storage tanks, former industrial dump site, etc.).
10. Proposed drive-ways onto existing roads.
11. Any proposed off-site improvements (e.g. deceleration lanes, stop light, road widening, intersection improvements, etc.).
12. Overlay maps showing topography in two (2) foot increments (derived from a field survey or aerial photography), and soil types obtained from the Licking County Soil & Water Conservation District.

**C) Fees and Charges**

The applicant shall be responsible for all reasonable expenses incurred by Liberty Township in reviewing the preliminary and final development plans or any modifications to those plans. Such expenses may include items such as the cost of professional services, including legal fees and the fees for the services of other professionals such as geologists, landscape architects, planners, engineers, environmental scientists, and architects, incurred in connection with reviewing the plans and prepared reports, the publication and mailing of public notices in connection therewith, and any other reasonable expenses attributable to the review of the plans. A base fee, as determined by the Liberty Township Board of Trustees should be established in accordance with a fee schedule. (See Section 313)

**Section 1211 Preliminary Development Plan Review as a Subdivision**

Upon submittal of the Preliminary Development Plan to the Liberty Township Zoning Clerk, the applicant is also required to first submit such plan to the Licking County Planning Commission (LCPC) for review as a subdivision sketch plan pursuant to the Licking County Subdivision Regulations, and any zoning amendment requirements as

outlined in Section 606 of this resolution. Comments generated during this review by the LCPC should be forwarded to Liberty Township for consideration.

### **Section 1212 Public Hearing by Zoning Commission**

Within 30 days after receipt of the preliminary development plan, the Zoning Commission shall hold a public hearing.

### **Section 1213 Notice of Public Hearing by Newspaper**

Before holding a public hearing provided in Section 1212, notice of such hearing shall be given in one or more newspapers of general circulation of the township at least 10 days before the date of said hearing. The notice shall set forth the time and place of the public hearing and a general description of the Rural Planned Unit Development.

### **Section 1214 Notice to Property Owners by Zoning Commission**

Before holding the public hearing required in Section 1212, written notice of such hearing shall be sent by the Chairman of the Zoning Commission by first class mail, at least 20 days before the hearing, to all owners of property within 500 feet from any point of the perimeter of the applicant's property line (See Section 610) from the area proposed to be included within the Rural Planned Unit Development district. The failure to deliver the notice, as provided in this section, shall not invalidate any such approval.

The notice shall contain the same information as required of notices published in newspapers as specified in Section 1213.

### **Section 1215 Criteria for Approval of a Preliminary Development Plan**

Within thirty (30) days following the public hearing referenced in Section 1212 above, the Liberty Township Zoning Commission and the Liberty Township Trustees (in accordance with Section 612) shall act to conditionally approve the preliminary plan and the preliminary plan drawing in accordance with the following criteria:

- 1) That the proposed development is in conformity with the goals and objectives of the Liberty Township Comprehensive Plan.
- 2) That the proposed development advances the general health, safety and morals of Liberty Township.
- 3) That the benefits, improved arrangement, and the design of the proposed development justify the deviation from standard development requirements included in the Liberty Township Zoning Resolution.
- 4) That the uses requested in the proposal are compatible with surrounding land uses.
- 5) That there are adequate public services (e.g. utilities, fire protection, emergency service, etc.) available to serve the proposed development.
- 6) That the proposed development will not create overcrowding and/or traffic hazards on existing roads and/or intersections.
- 7) That the arrangement of land uses on the site properly consider topography, significant natural features, natural drainage patterns, views, and roadway access.
- 8) That the clustering of development sites are shown to preserve any natural or historic features and provide usable common open space.
- 9) The proposed road circulation system is integrated and coordinated to include a hierarchical interconnection of interior roads as well as adequate outer-connection of interior collector streets with off-site road systems.
- 10) That there are adequate buffers between incompatible land uses.
- 11) That the Liberty Township Zoning Commission is satisfied that the developer possesses the requisite financial resources to begin the project within the required one year of the final approval (Section 1225), and complete the project within three years or within the phasing schedule.

## **Section 1216 Effect of Approval of the Preliminary Development Plan**

The Liberty Township Zoning Commission and the Liberty Township Trustees conditional approval of a preliminary plan will be considered an approval of the preliminary development plan in principle only. Approval of the preliminary plan does therefore not approve any development on the site nor shall it be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility. Approval of the Preliminary Development Plan is necessary however, before the applicant may submit a Final Development Plan to the Liberty Township Zoning Commission and Liberty Township Trustees for review.

## **Section 1217 Contents of Application for Approval of Final Development Plan**

The applicant shall submit five (5) copies of the application for approval of the final development plan to the Chairman of the Zoning Commission. The applicant must be an owner, lessee, or representative or agent of property for which the Rural Planned Unit Development is proposed. The owner or lessee, attesting to the truth and exactness of all information supplied on the application for final development plan, shall sign each application. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within one year from the date of issuance of the approval. At a minimum, the application shall contain the following information:

- A) All of the written information required for the preliminary plan application (See Section 1210) revised as necessary along with the following:
  - 1) The specific description of permitted, conditionally permitted and accessory uses to be allowed in each area of the development.
  - 2) A specific description of all other proposed requirements which would differ from the zoning regulations of Liberty Township if residential portions of the RPUD were contained in the AG District (Section 804) and/or R-87 District (Section 805).
  - 3) Any proposed deed restrictions.
- B) In addition to the information provided on the preliminary plan, the final plan shall be drawn to scale (1" to 100') and include:
  - 1) A survey of the proposed development site, showing dimensions and bearings of the property lines; area in acres; topography; and existing features of the development site, including major wooded areas, streets, easements, utility lines, and land uses.
  - 2) The location and dimensions of all lots, setbacks, and building envelopes, as well as those of any primary and secondary leaching field envelopes and well sites.
  - 3) Engineering drawings and plans of sewer and water facilities as well as street and drainage systems.
  - 4) Landscaping plan for all buffers and other common areas.
  - 5) Architectural guidelines to apply throughout the development.
  - 6) The proposed names of all interior streets proposed for the development.
  - 7) Layout and dimensions of all parking and loading areas along with an indication of what they are to be built to serve.

## **Section 1218 Final Development Plan Review as a Subdivision**

Upon submission of the final Development Plan to the Liberty Township Zoning Commission, the applicant is also required to submit such plan to the Licking County Planning Commission (LCPC) for review as a subdivision final plat pursuant to the Licking County Subdivision Regulations. Comments generated during this review by the LCPC shall be forwarded to Liberty Township Zoning Commission for consideration.

## **Section 1219 Preliminary Approval; Expedited Final Plan Approval Procedure and Review Process**

Before any Final Development Plan can be approved pursuant to this section, the land in question must first have received approval of preliminary plan and drawing (see Section 1209 through 1216). The decisions to approve the preliminary plan and to approve the Final Plan are separate decisions, and a favorable rezoning decision is a precondition to approval of the Final Plan. In order to provide for the efficient and timely processing of both the rezoning request and the request to establish the RPUD, all Final Plans submitted pursuant to this section are deemed to be an application for amendment to the Liberty Township Zoning Resolution as provided in Article 6. All procedures (Zoning Commission and Trustee hearing requirements, notifications, etc.) therein shall be followed in considering an application for a rezoning of the land in question to RPUD. Upon approval of such application to rezone the property in question to RPUD, the Official Zoning Map of Liberty Township shall be amended to designate the project area as "RPUD." Thereafter, if the Final Plan is also approved pursuant to Section 1222, all development restrictions described in the Final Plan shall become official requirements of the RPUD.

## **Section 1220 Public Hearing by Zoning Commission**

Within thirty (30) days after submission of the final development plan, the Zoning Commission will hold a public hearing. Notice shall be given as specified in Sections 1213 and 1214.

## **Section 1221 Recommendation by Zoning Commission**

Within sixty (60) days after receipt of the final development plan, the Zoning Commission shall recommend to the Board of Township Trustees in accordance with Section 1222 that the final development plan be approved as presented, approved with supplementary conditions, or disapproved. The Zoning Commission shall then transmit all papers constituting the record and recommendations to the Board of Township Trustees.

## **Section 1222 Criteria of Approval - Final Plan**

The Liberty Township Trustees shall review the proposed Final Plan in accordance with the following criteria:

- 1) That the proposed development is in conformity with the Goals and Objectives of the Liberty Township Comprehensive Plan.
- 2) That the proposed development advances the general health, safety and morals of Liberty Township.
- 3) That the Liberty Township Zoning Commission and Liberty Township Trustees are satisfied that the developer possesses the requisite financial resources to begin the project within the required one year of Final Plan approval and complete the project within three years or within the phasing schedule.
- 4) That the interior road system, proposed parking, and any offsite improvements are suitable and adequate to carry anticipated traffic generated by and within the proposed development.
- 5) That any exception from standard district requirements can be warranted by design and other amenities incorporated in the final development plan, in accordance with these RPUD requirements.
- 6) That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- 7) That the existing and proposed utilities, including water and sewer service, and drainage plan will be adequate for the population densities and non-residential uses proposed in the RPUD.

The Township Trustees and the Zoning Commission may seek assistance in making its recommendation from the Licking County Planning Commission or any other appropriate source.

### **Section 1223 Action by Board of Township Trustees**

Within sixty (60) days after receipt of the final recommendation of the Commission, the Board of Township Trustees shall by resolution either approve, approve with supplementary conditions, or disapprove the application as presented. If the application is either approved or approved with conditions, the Board of Township Trustees shall direct the Zoning Inspector to issue zoning permits only in accordance with the approved final development plan and the supplementary conditions attached thereto.

### **Section 1224 Supplementary Conditions and Safeguards**

In approving any Rural Planned Unit Development district, the Board of Township Trustees may prescribe appropriate conditions and safeguards in conformity with this resolution. Violations of such conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this resolution, and punishable under Sections 311 and 312 of this resolution.

### **Section 1225 Extension of Time**

If a proposed development approved under this Article is not initiated within one year of Final Plan approval, and completed within three years from the effective date of the zoning change, the Liberty Township Zoning Commission or Liberty Township Trustees may (in accordance with Article 6) initiate a zoning amendment for the subject property (or part thereof) back to the original zoning district in place prior to the rezoning to RPUD. The Liberty Township BZA based on the finding that such extension is not in conflict with the general health, safety, and morals of the public may approve an extension of the time limit for the initiation of an approved RPUD. The decision must also be based on evidence that the developer made a reasonable effort toward the accomplishment of the original development plan.

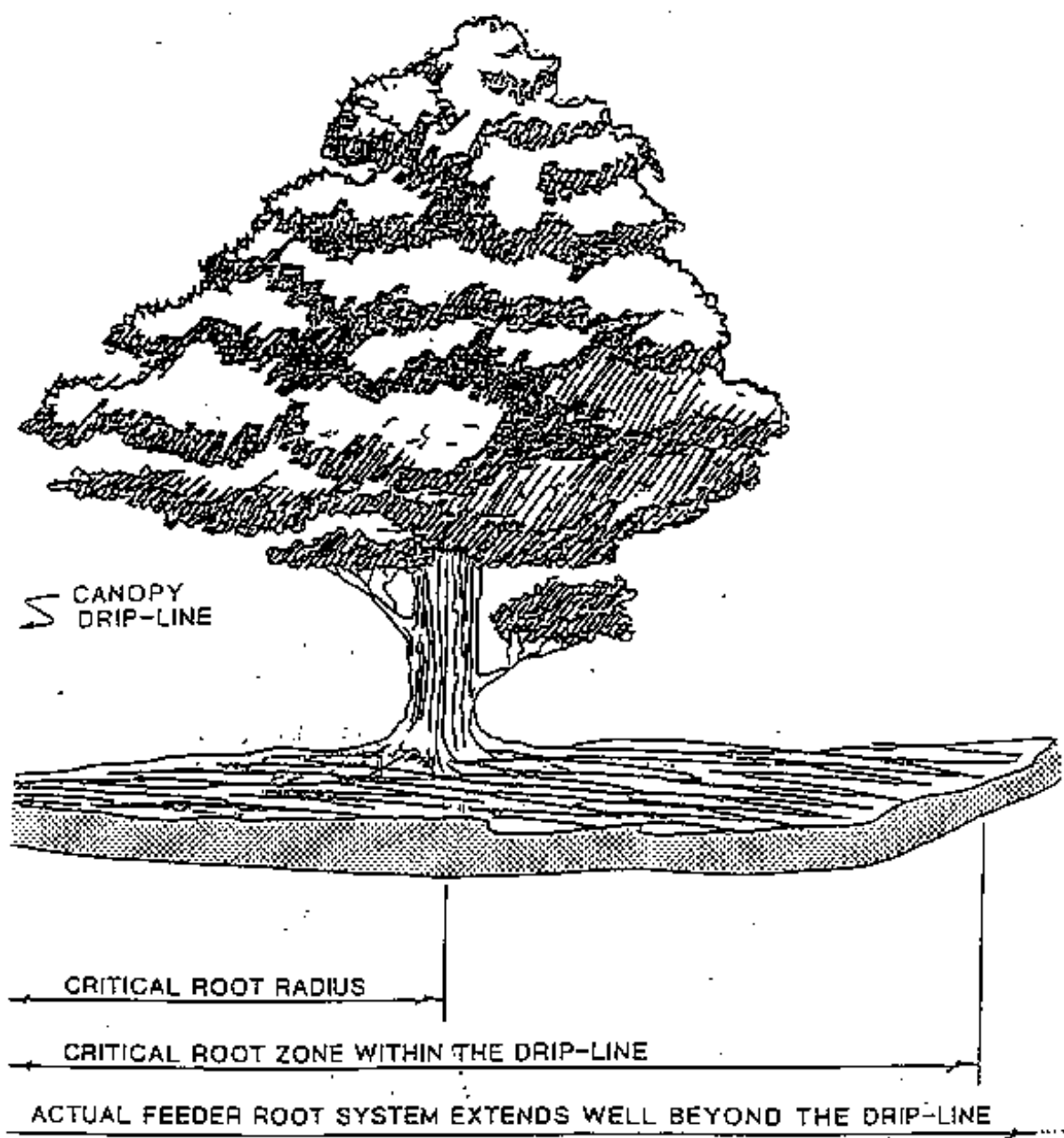
## APPENDIX A

### **GUIDELINES FOR RECOMMENDED METHODS OF TREE PROTECTION**

#### Methods of Tree Protection

1. Planning Considerations. Tree space is the most critical factor in tree protection throughout the development process. The root system of trees can easily extend beyond the drip line of the tree canopy (Figure A-1). The root system within the drip line region is generally considered to be the critical root zone. Disturbance within this zone can directly affect a tree's chances for survival. To protect these critical root zones, the following standards shall apply:

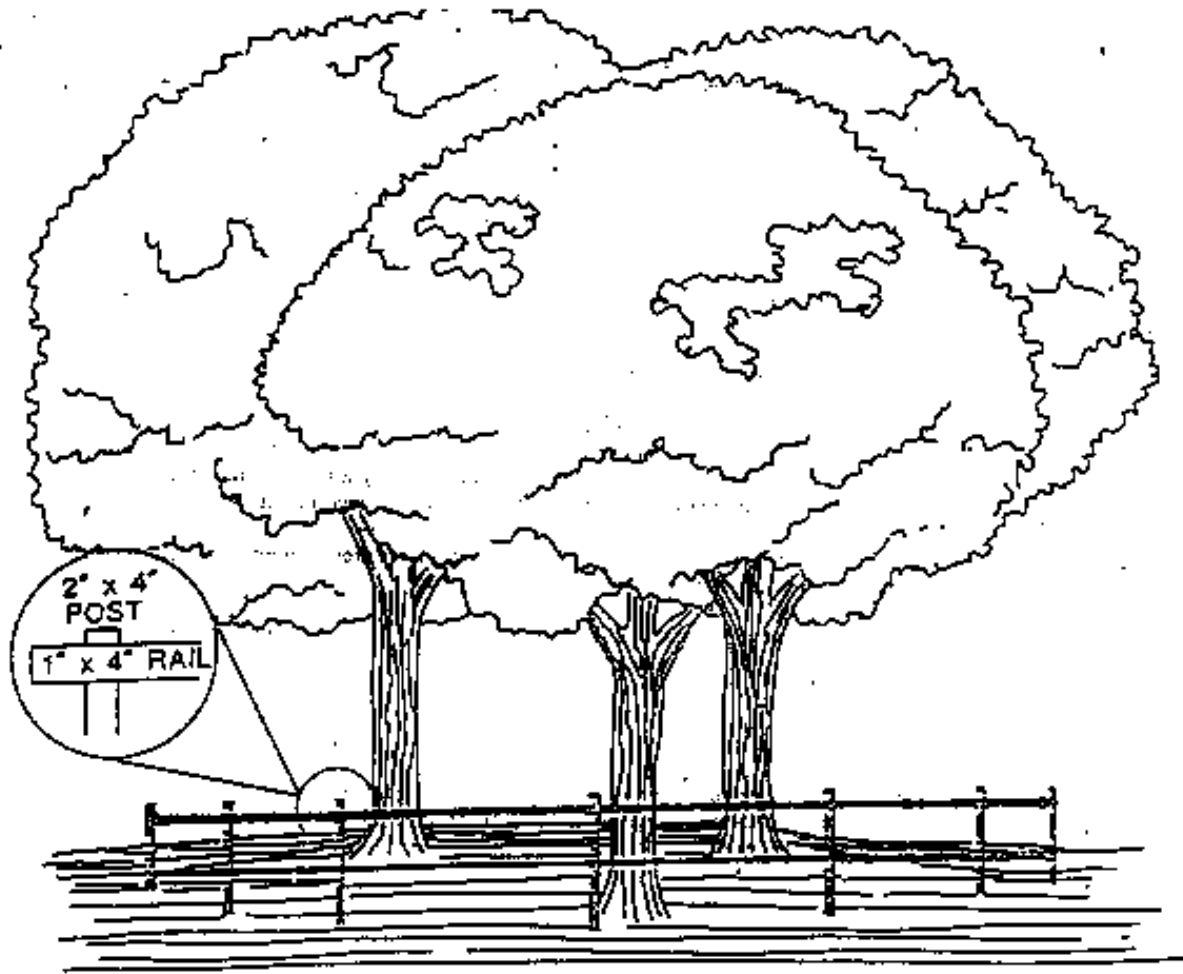
- a) The use of tree-save islands and stands is encouraged rather than the protection of individual (non-specimen) trees scattered throughout a site. This will facilitate ease in overall site organization as related to tree protection.
- b) The protective zone of specimen trees or stands of trees or otherwise designed tree save areas shall include no less than the total area beneath the three(s) canopy as defined by the farthest canopy drip line of tree(s). In some instances, the Zoning Inspector may require a protective zone in excess of the area defined by the tree's drip line.
- c) Layout of the project site utility and grading plans should accommodate the required tree protective zones. Utilities must be placed along corridors between tree protective zones.
- d) Construction site activities such as parking, material storage, concrete washout, burn hole placement, etc., shall be arranged so as to prevent disturbances within tree protective zones.
- e) No disturbance shall occur within the protective zone of specimen trees or stands of trees without prior approval by the ***Zoning Inspector***.





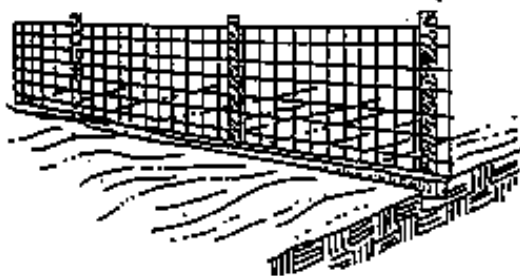
2. Protective Barriers.

- a) Active protective tree fencing shall be installed along the outer edge of and completely surrounding the critical root zones of all specimen trees or stands of trees, or otherwise designated tree protective zones, prior to any land disturbance.
- b) These fences will be a minimum four feet high, constructed in a post and rail configuration. A two-inch by four-inch post and a double one inch by four-inch rail is recommended. Four foot orange polyethylene laminar safety fencing is also acceptable. Figure A-2.
- c) Passive forms of tree protection may be utilized to delineate tree save areas, which are remote from areas of land disturbance. These areas must be completely surrounded with continuous rope or flagging (heavy mill, minimum two inches wide). All passive tree protection must be accompanied by "Keep Out" or "Tree Save" signage. Figure A-3.
- d) All tree protection zones should be designated as such with "Tree Save Area" signs posted visibly on all sides of the fenced-in area. These signs are intended to inform subcontractors of the tree protection process. Signs requesting subcontractor cooperation and compliance with tree protection standards are recommended for site entrances.
- e) All specimen trees or stands of trees, or otherwise designated tree protective zones, must be protected from the sedimentation of erosion material.
  - 1) Silt screening must be placed along the other uphill edge of tree protective zones at the land disturbance interface.
  - 2) Silt screening should be backed by 12 gauge 2 inch x 4 inch wire mesh fencing in areas of steep slope.
- f) All tree fencing and erosion control barriers must be installed prior to and maintained throughout land disturbance process and building construction, and should not be removed until landscaping is installed.



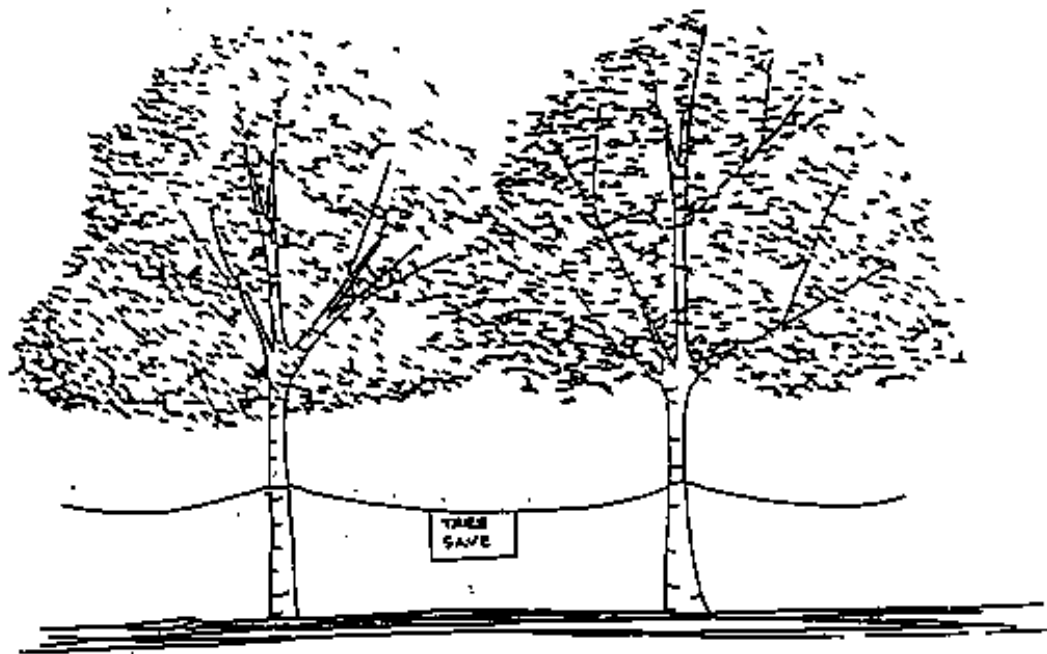
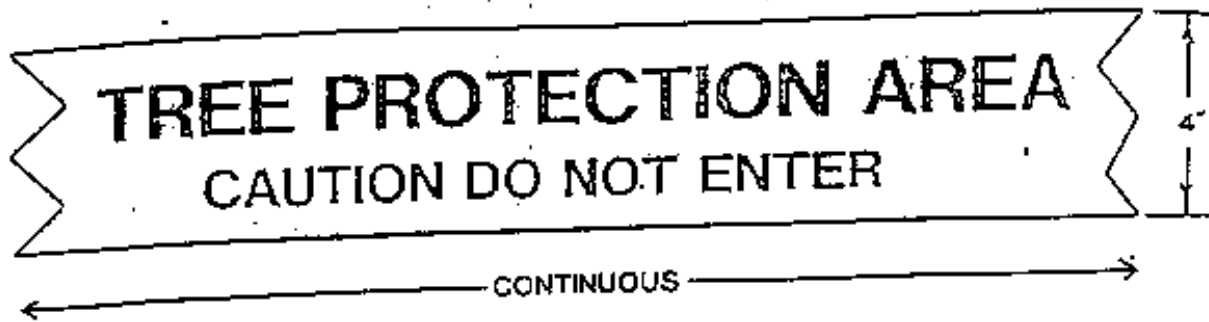
ACTIVE PROTECTIVE TREE FENCING

ALTERNATE TREE FENCING



4' HIGH, ORANGE, POLYETHYLENE  
LAMINAR SAFTEY NETTING.

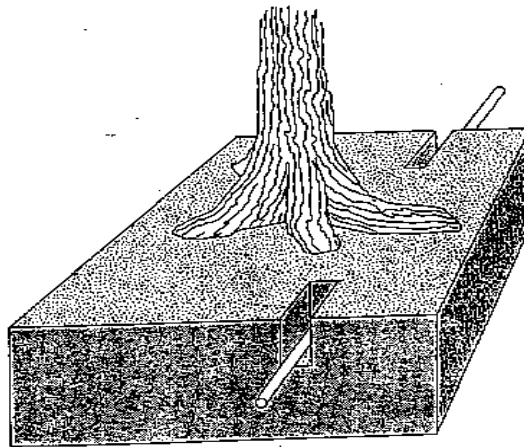
MINIMUM 4", HEAVY MILL, PLASTIC, DARK LETTERING ON BRIGHT BACKGROUND

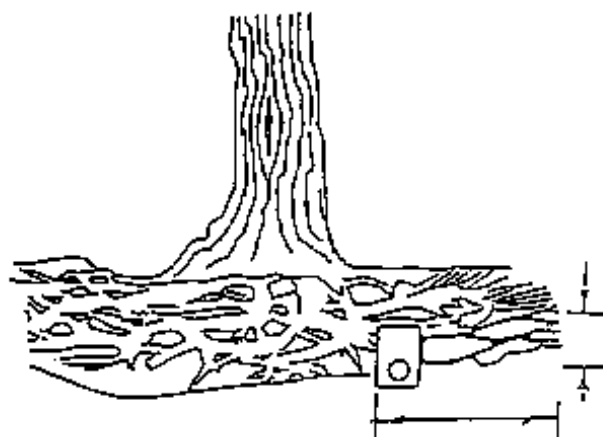
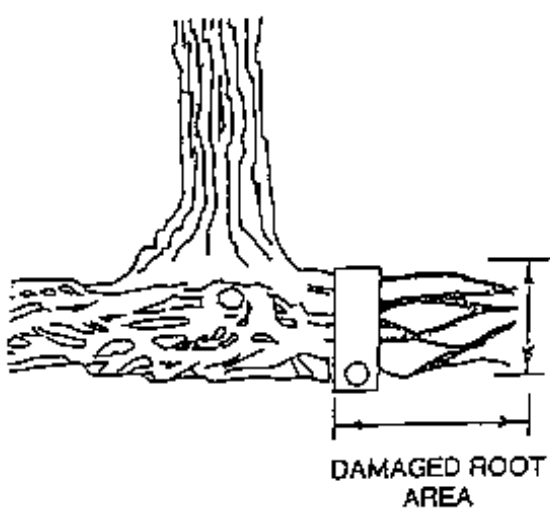


PASSIVE PROTECTION WITH ROPE AND SIGNAGE

3. Encroachment. Most trees can tolerate only a small percentage of critical root zone loss. If encroachment is anticipated within the critical root zones of specimen trees, stands of trees, or otherwise designated tree protective zones, the following preventive measures shall be employed:

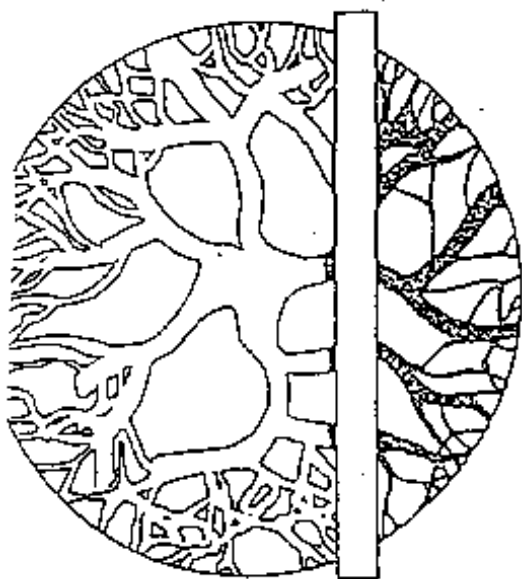
- a) **Clearing Activities:** Roots often fuse and tangle amongst trees. The removal of trees adjacent to tree save areas can cause inadvertent damage to the protected trees. Wherever possible, it is advisable to cut minimum two foot trenches (e.g., with a "ditch-witch)) along the limits of land disturbance, so as to cut, rather than tear, roots. Trenching may be required for the protection of specimen trees.
- b) **Soil Compaction:** Where compaction might occur due to traffic or materials storage, the tree protective zone must first be mulched with a minimum four inch layer of processed pine bark or wood chips.
- c) **Trenching:** The installation of utilities through a protective zone should occur by way of tunneling rather than trenching. (Figures A-4 and A-5). If roots must be cut, proper root pruning procedures must be employed.
- d) **Grade Changes:** Moderate fill can be tolerated within a tree's critical root zone with the prior installation of an aeration system. Aeration system specifications are provided in Figures A-6 and A-7. Commercially available aeration systems are subject to approval by the Planning Department. A decrease in grade is best accomplished with the use of retaining walls or through terracing. (Figure A-8.)
- e) Where the Zoning Inspector has determined that irreparable damage has occurred to trees within tree protective zones, the trees must be removed and replaced.



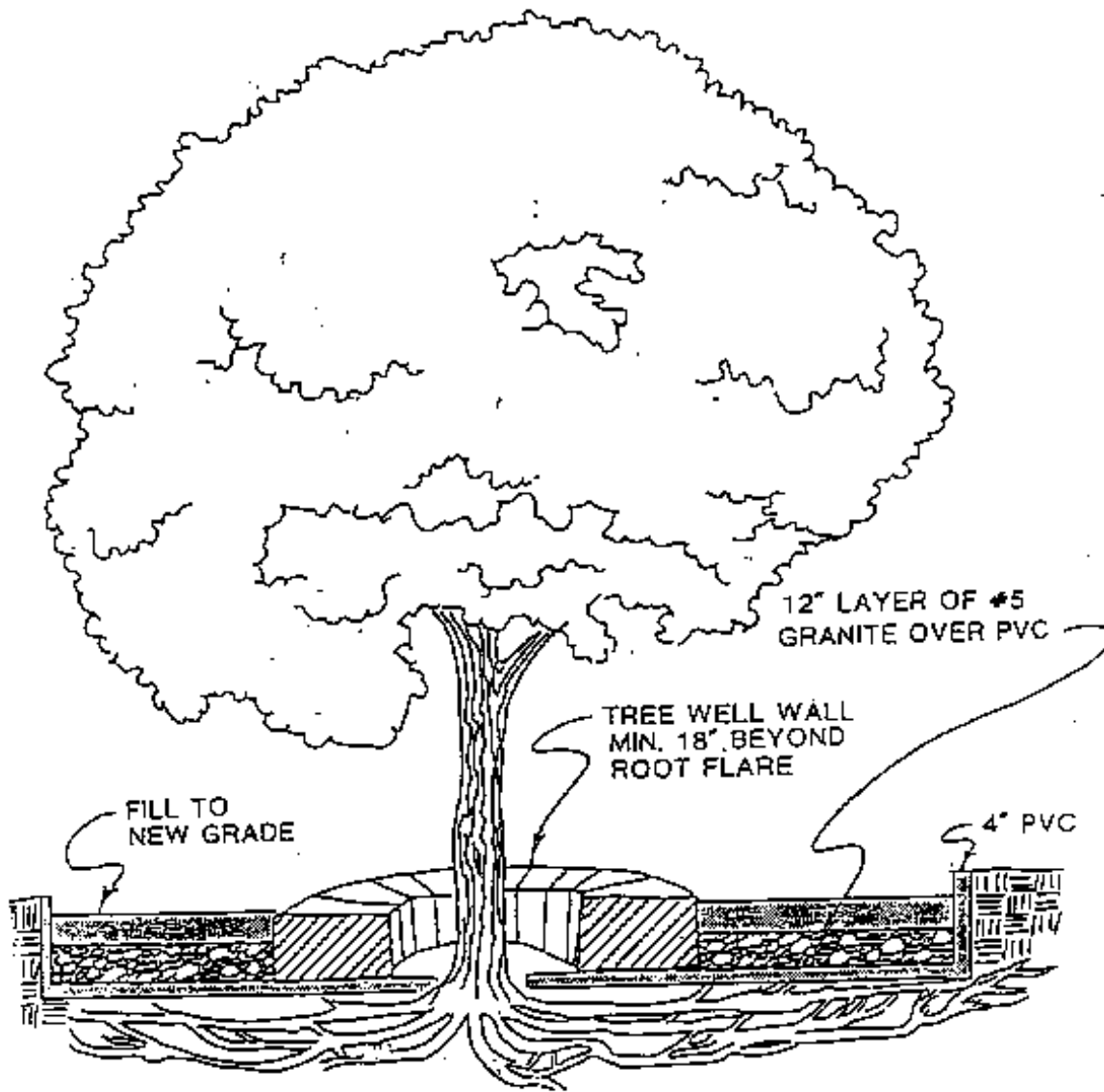


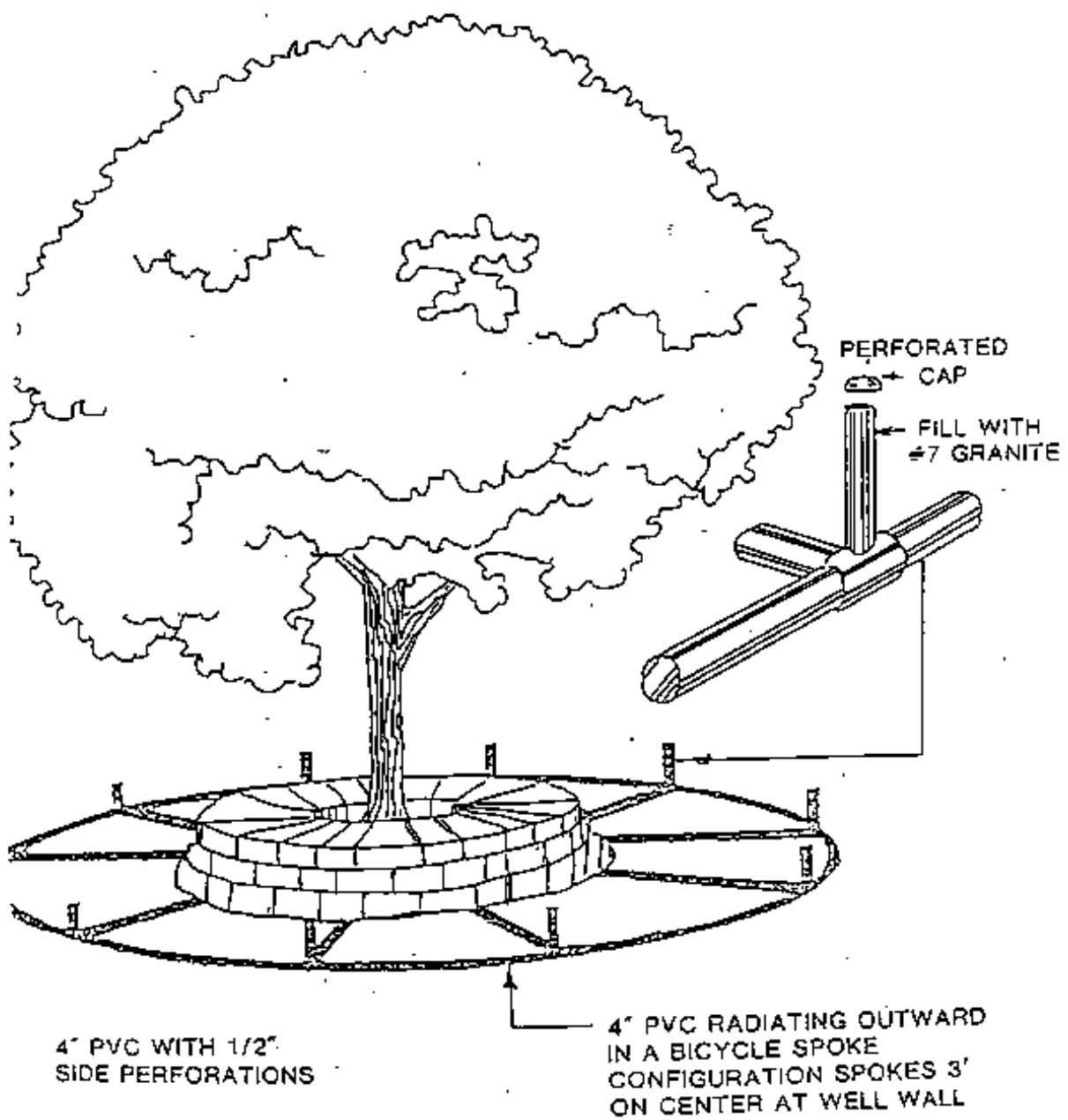
TRENCHING

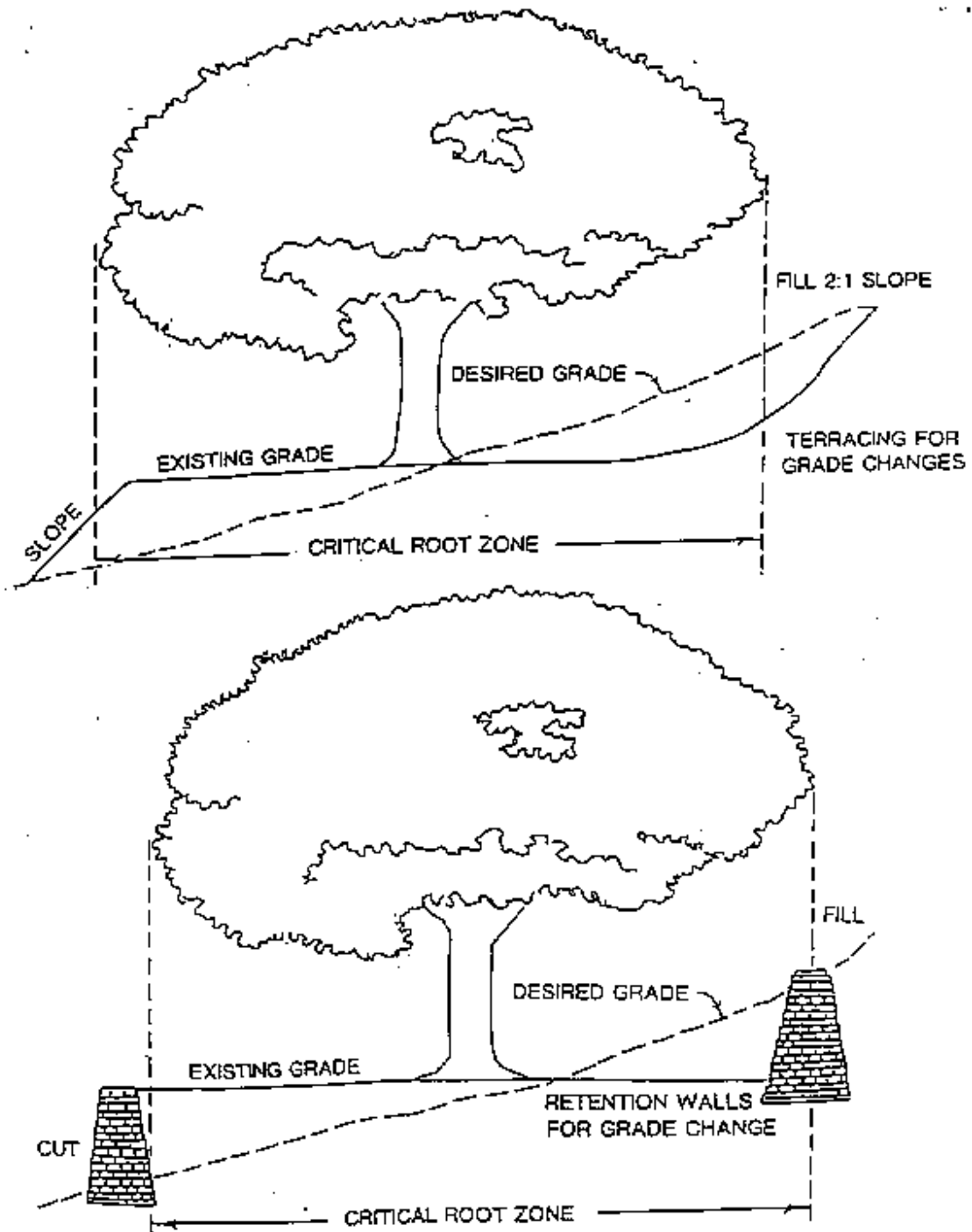
TUNNELING



BLACK SHADING DENOTES AREAS OF DAMAGED ROOTS.









4. Remedial Procedures. Remedial site reclamation and tree care procedures shall be implemented when encroachment within protective zones has caused damage to either the tree or the tree's growing site, and that damage is repairable. The survivability of trees damaged through construction activities can be improved with the implementation of remedial procedures. If encroachment is anticipated, these cultural practices should be employed as preemptive measures to improve survival. The following practices shall be applied where appropriate.

- A) Pruning. The pruning of a tree in anticipation of construction damage may provide compensation for potential root loss and produce an invigorating response. A tree that has suffered root damage becomes stressed, as that root system no longer provides sufficient water and nutrients for the existing crown. This stress becomes evident with the appearance of "staghorns" or deadwood within the tree's crown. Once a tree has become construction damaged, only minor pruning is recommended. Pruning for deadwood removal is then recommended. The removal of live plant tissue from a construction-damaged tree can accelerate the tree's decline. Pruning of root-severed trees may reduce the possibility of wind throw. Trees, which have not been affected by construction activities, can be pruned for maintenance of the tree's health, appearance, and safety.
  - 1) Pruning specifications as provided by the National Arborist Association (N.A.A.) in "Pruning Standards for Shade Trees" shall apply. The pruning of specimen trees may be subject to the Planning Department.
- B) Fertilizer. Fertilizer applications will enhance the vigor of trees stressed by site disturbances, thereby promoting root development. Information regarding appropriate fertilizers and application rates may be obtained from your local Agricultural Extension Office.
- C) Reclamation of site. A tree's ability for adequate root development, and ultimately its chances for survival, are improved with reclamation of the growing site.
  - 1) Wherever possible, the soil should be brought back to its natural grade. Unnecessary fill, erosion sedimentation, concrete washout, and construction debris should be removed. When machinery is required for site improvement, it is recommended that a "bob-cat" or similar light weight rubber tire vehicle be used so as to minimize soil compaction.
  - 2) Compacted soil within the critical root zones of trees should be aerated. This is best accomplished with a two-inch diameter auger. Holes should be drilled to a depth of 10-15 inches, approximately two to three feet apart, and radiating outward from the tree's trunk in a bicycle spoke configuration. This aeration technique is also recommended for areas affected by minor fill or the sedimentation of erosion materials.
  - 3) The air exchange, nutrient, and water holding capacities of soils can be improved with soil amendments. This is best accomplished by backfilling holes from aeration, with mineral amendments such as perlite or vermiculite.
  - 4) A four to six inch layer of mulch material, such as pine bark or wood chips, spread within the critical root zones of trees on construction sites is extremely beneficial. These benefits include:
    - a) Conservation of soil moisture;
    - b) Reduced rainfall runoff and erosion;
    - c) Reduced soil compaction from construction activities;
    - d) Reduced competition from grasses and weeds;
    - e) Increased soil fertility;
    - f) Improved soil structure;
    - g) Moderation of soil temperature, with a subsequent increase in root development activity.
- D) Water availability. The availability of water to trees on construction sites should be monitored. The environment of these sites is altered significantly from trees' natural environment. Extremes in water availability, ranging from drought to flood conditions can occur quite readily as a result of grade changes. If grade changes or excessive rain cause the accumulation of water near trees, steps must be taken to improve drainage. Conversely, grade changes, or prolonged periods without rain, can cause a drought situation, and irrigation may be necessary.

This page intentionally blank

## **APPENDIX B**

### **Liberty Township Schedule of Fees**

The Schedule of Fees, most recently adopted by the Liberty Township Trustees, is always in effect. Current schedule of fees is available from the Liberty Township Fiscal Officer or Zoning Inspector.

This page intentionally blank

## APPENDIX C

### **Zoning Resolution Forms**

## **LIBERTY TOWNSHIP**

### **NONCONFORMING CERTIFICATE**    NUMBER \_\_\_\_\_ CERT.NO. \_\_\_\_\_

This certifies that the property located at \_\_\_\_\_  
\_\_\_\_\_(Address), owned by \_\_\_\_\_(name) is covered  
under Article 4, Nonconformities, of the Liberty Township Zoning Resolution.

The reason for the nonconformity is:

\_\_\_\_\_(state here why the property  
is nonconforming)\_\_\_\_\_The extent of the  
nonconformity is: \_\_\_\_\_(list here the exact extent and  
kind of the nonconformity).

1) If it is a nonconforming lot and/or structure, show what dimensional requirements are nonconforming:

\_\_\_\_\_

2) If it is a nonconforming use of lot and/or structure, show which portion of the property is used for  
the nonconforming use:\_\_\_\_\_

\_\_\_\_\_.

THE ZONING INSPECTOR

\_\_\_\_\_  
(signed by the Zoning Inspector)

DATE \_\_\_\_\_  
(date issued)

ATTESTED TO:\_\_\_\_\_

This page intentionally blank

## **Appendix D**

# **LIBERTY TOWNSHIP ZONING RESOLUTION REVISION AND UPDATE PARTICIPANTS**

**May 25, 2003** Major Revision

## **LIBERTY TOWNSHIP CITIZENS**

### **LIBERTY TOWNSHIP ZONING COMMISSION MEMBERS:**

Bob Muench, Chair

Mel Garrabrant

Mike Esty

Warren Johnson

John Stiers

Alternate 1 Ann Evans

Alternate 2 Al Huet

Roxanne Hetterscheidt, Zoning Clerk

David Cole, Zoning Inspector

## **LIBERTY TOWNSHIP TRUSTEES**

Larry Riffe

Lois Buckenberger

Hubert Gillman

**August 12, 2009** Section 908 Junk Motor Vehicles

**December 21, 2011** Added propane storage, etc. to Section 807

## **Appendix D**

This page intentionally blank