

Liberty Township Zoning Resolution

Wood County, Ohio

Effective date: December 29, 1993

CORRECT
VERSION
AS OF
4-21-15
D.S.

Table of Contents

Page Number

Article I.	Purpose	4
Article II.	Identification	4
Article III.	Interpretation	5
Article IV.	Exemptions	6
Article V.	Definitions	9
Article VI.	Districts	18
Article VII.	Classifications of uses	19
Article VIII	Environmental standards	25
Article IX.	Prohibited uses	26
Article X.	Non-Conforming uses	26
Article XI.	Relocation of a structure	27
Article XII.	Set back building lines	27
Article XIII.	Lot and floor area requirements	29
Article XIV.	Maximum height of buildings	31
Article XV.	Parking facilities	31
Article XVI.	Signs	32
Article XVII.	Single family Dwelling, perm sited manufactured homes	34
Article XVIII.	Fences	36
Article XIX.	Ponds	36
Article XX.	Group homes	37

Article XXI.	Disabled, Abandoned, Junk Vehicles	38
Article XXII.	Transportation for Hire	41
Article XXIII.	Regulation of Adult Entertainment Businesses	42
Article XXIV.	Decks and Porches	44
Article XXV.	Portable sheds	44
Article XXVI.	Wind Turbines	44
Article XXVII.	Site Plan Review	47
Article XXVIII.	Administration	49
Article XXIX.	Enforcement	52
Article XXX.	Procedures & Requirements for Appeals & variances	57
Article XXXI.	Procedures and requirements for Conditional use Permit; Substantially similar uses	64
Article XXXII.	Amendment to Township Zoning Resolution	70
Article XXXIII.	Exceptions & Modifications	75
Article XXXIV.	Violations and Penalties	78
Article XXXV.	Validity	79
Article XXXVI.	Effective date	80

A resolution providing for regulating the location, size, height and use of buildings and structures, the area and dimensions of lots and yards, the use of lands, and for such purposes, dividing the un-incorporated portion of the Township into zones or districts for such number, sizes and shapes as are deemed best suited to carry out said purposes, and providing for a method and proceedings for administration and enforcement of this resolution.

Whereas, the Board of Trustees of Liberty Township, deem it in the interest of the public health, safety, morals, comfort and general welfare of said Township and its residents to adopt a Zoning plan

Now therefore, be it resolved, by the Board of Trustees of Liberty Township, that the Zoning Resolution of Liberty Township read as follows

Zoning Resolution of Liberty Township

Article I. Purpose

For the purpose of promoting public health, safety, morals, and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements, and all in accordance with a comprehensive plan, the Board of Trustees of Liberty Township finds it necessary and advisable to regulate the location, height, bulk, sizes of buildings and uses of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas which may be occupied, set back building lines, sizes of yards and other open spaces, and the use of land for trade, agriculture, industry, residence, recreation or other purposes and for such purposes divides the Township into districts or zones, all as shown on the district map n file in the office of the Board of Township trustees.

Article II. Identification

Whenever the word "Township" appears in this resolution, it shall be deemed to mean Township of Liberty in Wood County, Ohio; and wherever the word "County" appears in this resolution, it shall be deemed to mean the County of Wood, Ohio.

Article III. Interpretation

1. In interpretation, and application, and provisions of this resolution shall be held to the minimum requirement adopted for the promotion of public health, safety, morals, comfort and general welfare.
2. Nothing herein shall repeal, abrogate, annul or in anyway impair or interfere with any provision of law or any rules or regulations, other than Zoning regulations, adopted or issued pursuant to law relating to the construction and use of buildings or premises.
3. Where this resolution imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger yards than are imposed or required by other provisions of law, rules, regulations, covenants agreements, the provisions of this resolution shall control, but nothing herein shall interfere with, abrogate, or annul any easements, covenants, deed restrictions or agreements between parties which impose restrictions greater than those imposed by this resolution.
4. This resolution is continuing and amendatory. Any existing use which is non-conforming with the original **General Zoning Plan** of 1989 shall be deemed to be a non-conforming use.

Article IV. Uses exempted from provisions of resolution (1993)

The use of land for agricultural purpose or the construction of use of buildings or structures incident to the use of agricultural purposes or land on which buildings or structures are located shall be permitted in all districts established by this resolution except as provided below.

- A. A parcel with the following characteristics is subject to the agricultural use restrictions in Division (B) of this section.
 - 1. The parcel is within a platted sub-division approved under O.R.C. 711.05, 711.09 or 711.10, or in any area consisting of fifteen (15) or more lots approved under O.R.C. 711.131 that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road and;
 - 2. The parcel is a lot of one acre or less.

- B. The Following agricultural uses and buildings incident there to on parcels described in (A) above are permitted as a conditional use.
 - 1. Dairying, pasturage and animal husbandry of animals raised for their meats., skins or other by-products are conditional uses subject to approval by the Board of Zoning Appeals.
The Board shall consider:
 - a) Size of the lot or parcel
 - b) Type and number of animals
 - c) Size of area devoted to the above animal uses.
 - d) Feed and waste management plan.
 - e) Uses of adjacent properties.
 - f) Location and type of animal housing.
 - 2. With the exception of fruit tree, agriculture, farming, horticulture and viticulture are allowed so long as it is not extended beyond the foreword most line of any residential, commercial or accessory structure on said parcel and does not exceed 33 1/3 % of such parcel.
 - 3. Building and structures accessory to the agriculture use of the property shall meet side and rear yard setbacks and shall be constructed in a design and of

materials which harmonize to existing residential, commercial, or industrial structures on the property. Such buildings shall not exceed the 35 feet in height, shall not exceed one-eighth of the parcel and shall be placed behind the foreword most point and line of any residential, industrial or commercial structure thereon.

C. On parcels meeting the requirements of Section (A) (1) above and larger than one acre but less than five acres, the following agricultural uses are permitted subject to application for and approval of a conditional use permit therefore by the Board of Zoning Appeals.

1. Building and structures incident to the agricultural use of property are subject to the setback, construction, and design requirements set forth in (B) and (3) above.
2. When at least 35% of the lots of the subdivision are developed with at least one building structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under O.R.C 4503.06:

Dairying, pasturage and animal husbandry of animal raised for their meats, skins or other by-products are conditional uses subject to approval by the Board of Zoning Appeals.

The Board shall consider:

- a) Sizes of the lot or parcel.
- b) Type and number of animals.
- c) Size of area devoted to the above animal uses.
- d) Feed and waste management plan.
- e) Uses of adjacent properties.
- f) Location and type of animal housing.

After 35% of the lots are so developed, the pre-existing dairying, animal and poultry husbandry shall be considered a non-conforming use of land and building or structures pursuant to O.R.C.

D. The regulations in subsection (B) and (C) above do not apply to agriculture, buildings or structure and dairying and animal and poultry husbandry on lots greater than 5 acres.

E. The location, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business or the use of land for essential services herein defined shall be permitted in all districts established by this Resolution and no Zoning certificate shall be required for any building or structure or for the use of any land essential to the operations of a public utility or railroad.

F. The sale or use of alcoholic beverages shall not be prohibited in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.

G. The use of any land owned or leased by an industrial firm shall not be prohibited for the conduct of oil or natural gas well drilling or production activities or the location of associated facilities or equipment when such oil or natural gas obtained by the industrial firm's used for the production of its plant.

H. It is the intent of Liberty Township to regulate public utilities engaged in transporting persons or property, subject to the limitations of O.R.C. 519.21 and 519.211 or any subsequent amendment thereto.

Article V. Definitions

1. **Accessory Structure**: Structures such as hunting sheds, storage sheds, pool houses, unattached garages and barns.
2. **Accessory uses**: An “accessory use” is either a subordinate use of a building, or other structure, or lot, or a subordinate building or other structure
 - a) Whose use is clearly incidental to the use of the principle building, other structure or use of land, and,
 - b) Which is customary in connection with the principle building, other structure or use of land, and,
 - c) Which is located on the same lot with the principle building, other structure or use of land.
 - d) :: An accessory use or structure is only permitted in conjunction with a primary structure or use. **(2014)**
3. **Adult entertainment business**: An adult bookstore, adult motion picture theater, adult drive-in, or an adult only entertainment establishment. **(2004)**
4. **Agricultural**: Farming, ranching, aquaculture, apiculture, horticulture, viticulture, animal husbandry, including but not limited to, the care and raising of livestock, equine, and fur bearing animals, poultry and poultry products, dairy production, the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms, timber, pasturage, any combination of the foregoing, the processing, drying, storage, and marketing of agricultural products when those activities are in conjunction with , but are secondary to, such husbandry or production. **(2001)**
5. **Agricultural zone**: Areas of land may be classified as agricultural provided that the general area is not built up with urban use and the general area is open space.
6. **Anemometer**: An instrument that measures the force and direction of the wind. **(2010)**
7. **Alteration**: Any change to a structure, which does not involve a structural change.

8. **Area of building**: The number of square feet included within the outside walls excluding porches, breezeways, terraces and attached garages.
9. **Assisted Living Facility**: A multiple residential facility, which may be licensed by the Ohio Department of Health, that provides or arranges for skilled nursing care or two or more unrelated individuals who reside in the facility. (2004)
10. **Building**: Any structure designed or intended for the support, shelter, or protection of persons, animals, chattels or property. A mobile home or manufactured home is a building for the purpose of this resolution, if the home is affixed to a permanent foundation and is located on land owned by the owner of the home and the certificate of title has been surrendered and inactivated by the clerk of common pleas court that issued it so that the home may be taxed as real property. (2001)
11. **Clean Hard Fill**: Per the Ohio Revised Code, clean hard fill shall consist of only, concrete (either reinforced or non-reinforced), brick or mortar. (2004)
12. **Clear Fall Zone**: An area surrounding the wind turbine unit into which the turbine and or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods or any other conditions causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located at, the purpose being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not fall onto dwellings, any inhabited buildings, and will not intrude onto a neighboring property. (2010)
13. **Corner lot**: A lot, two sides of which are bounded by margins of intersecting dedicated public highways.
14. **Cottage**: Building designed and or constructed for seasonal occupancy only.
15. **Cowling**: A streamlined removable metal sheeting that covers the turbine nacelle. (2010)
16. **Decibel**: A unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the decibel scale runs from zero for the least perceptible sound to 130 for sound that causes pain. (2010)
17. **Disaster**: An occurrence causing destruction or distress, for example; fire, flood, high winds, earthquake, collapse or accident. (2004)
18. **Districts**: Areas designated on the Zoning map for development of a particular use.

19. **Dwelling**: A building designed, constructed, or reconstructed for permanent occupancy by a family.
20. **Entertainment Facility**, (Public and Non Public): A place of entertainment either public or non public where patrons do not actively participate in the activity. For example; play-houses, movie theaters, concert halls etc. (2004)
21. **Essential services**: The erection, construction, alteration, or maintenance, by public utilities or municipal or governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith; reasonably 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 other than structures for mainly enclosing essential services described herein.
22. **Exotic/ Wild Animals**: Mammals, reptiles or fowl which are not ordinary household or domesticated pets or animals native to the farm and which are ordinarily and customarily confined to zoos or similar farms or which are found in a natural and wild habitat. (2010)
23. **Fence**: An enclosing barrier or boundary made of wood, metal, stone or other conventional building materials that are intended for residential fencing. (2010)
24. **Frontage, lot**: All the property on one side of a dedicated public street right-of-way between two intersecting streets, measured along the line of the street right-of-way. The width of the lot, which is the distance from one side lot line to the other side lot line measured parallel to the front line, shall be at a minimum maintained for the entire depth of the lot. (2001)
25. **Front lot line**: That property line or lines which coincide with the road right of way boundary or boundaries.
26. **Front yard**: Minimum distance between structure and front lot line.
27. **Family**: Any number of individuals, immediately related by blood marriage or adoption living and cooking together as a single housekeeping unit and shall include domestic employees.

28. **Gas station, service station:** any building, structure, or land used only for the sale of motor vehicle fuels, oils, lubricants, and automobile accessories directly to the consumer, and may include minor repairs incidental to such use. Storage tanks shall be located completely within lot lines and underground.
29. **Gross leasable area:** The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces. It is all that area on which the tenants pay rent: it is the area producing income, abbreviated GLA.
30. **Group Home:** A private residence which provides resident services to a maximum of eight (8) unrelated persons, exclusive of the residents care provider (s). Persons who are developmentally disabled, mentally retarded, mentally ill, aged, and handicapped may be occupants of the home.
31. **Industrialized unit:** A building unit or assembly of closed construction fabricated at an off-site facility that is substantially self-sufficient as a unit or as a part of a greater structure, and that requires transportation to the site intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction needs to form a completed structural entity. "Industrialized unit" does NOT a manufactured or mobile home as defined herein. (2001)
32. **In the home business:** Business activities being conducted in or from the residential premises by the occupant of the residences providing the activities do not involve; hired employees, private phone or mail advertising status, nor involve any extension or modification which alters its outwards appearance as a dwelling unit. Nor will any material from activity be it usable or discarded be stored in the open.
32. **Junk yards:** Two or more unlicensed vehicles, or places for the collection of scrap metal, paper, rags, glass, or junk for salvage or storage purposes, or sale of used parts shall constitute a junkyard.
33. **Landfill:** A method of solid waste disposal in which refuse is buried between layers of dirt so as to fill or re-claim low lying ground. (2004)
34. **Lot:** A parcel of land occupied by or legally capable of being occupied by, a building and accessory building and to include such open areas as are required by this resolution.

35. **Lot area**: The number of square feet included by the metes and bounds description of the property lines and is computed exclusive of any road right of way.
36. **Lot Frontage**: All the property on one side of a dedicated public street right of way between two intersecting streets, measured along the line of the street right of way. The width of the lot, which is the distance from one side lot line to the other lot line measured parallel to the front line shall be at a minimum maintained for the entire depth of the lot. Measurement of the frontage along the street right of way, as established shall be continuous and un-interrupted. (2004)
37. **Manufactured home**: A building unit or assembly of closed construction fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Act of 1974" and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.
38. **Manufactured home park**: One (1) or more contiguous parcels of land under a single management which have been designed and developed in such a manner as to provide individual manufactured home sites for one (1) or more manufactured homes. The term "Manufactured home park" shall mean the same as a Trailer park, trailer court, or trailer camp; however, only mobile homes or trailers with the HUD certification shall be located therein.
39. **Manufactured home site**: and area of land within a manufactured home park that is designed and developed in such a manner as to provide a location for one (1) manufactured home.
40. **Mobile home**: A building unit or assembly of closed construction that is fabricated in an off-site facility, is ore that 35 body feet in length, or when erected on site, is more than 320 or more square feet, that is built on a permanent chassis and is transportable in one or more sections and does not qualify under this resolution's definition of a manufactured home or industrialized unit.
41. **Multiple family dwelling**: A building arranged and designed to be occupied by two or more families living independently of each other and having independent and separate living areas.
42. **Nacelle**: A separate streamlined metal enclosure that covers the essential mechanical components of the turbine. (2010)

43. **Non-conforming use**: is one that does not comply with the regulations established for the particular use, district or zone in which it is situated.
44. **Non-traditional accessory buildings**: The use of but not limited to, semi-truck trailers, box trucks, cargo containers used by rail, air, shipping and land transportation industries. (2004)
45. **Off-site fill**: Fill of any kind such as but not limited to, clean hard fill, dirt, rock, grindings or wood that is brought from another location and placed on a property to raise elevation of that property as a whole or any part of said property. (2004)
46. **Parcel**: An area of land shown as a unit or contiguous units on the County Auditor's map.
47. **Permanent Foundation**: A permanent masonry, concrete or locally approved footer or foundation, to which a manufactured or mobile home may be affixed. (2001)
48. **Permanently sited manufactured home**: Is a home that meets ALL of the following criteria. (2001)
- a) The structure is affixed to a permanent foundation and is connected to appropriate facilities.
 - b) The structure, excluding and addition, has a width of at least 22ft. at one point, a length of at least 22ft. at one point, and a total living area of at least 900 square feet, excluding garages, porches or attachments.
 - c) The structure has a minimum of 3:12 residential roof pitch, conventional siding, and a 6in. minimum eave overhang including appropriate guttering.
 - d) The structure was manufactured after January 1, 1995.
 - e) The structure is not located in a a manufactured home park.
49. **Personal services**: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repairing, barber shop, beauty parlors and similar activities.
50. **Planning Commission**: Wherever "Planning Commission" or "County Planning Commission" is referred to, it shall be the "Wood County Planning Commission".
51. **Plat required**: When more than five (5) parcels are created from one (1) parcel or a new road is dedicated.

52. **Platting**: Platting shall mean the platting for residential development in accordance with Wood County Land Sub-division Regulations.
53. **Pond**: A still body of water covering at least one fourth (1/4) acre and being at least ten (10) feet deep at its deepest point. Water bodies with less than the dimensional characteristics above are prohibited.
54. **Porch/Deck**: A roofed or unroofed open structure projecting from the front, side or rear wall of a building, and having no enclosed features of glass, wood or other material more than 36 inches above the floor thereof, except wire screening and the necessary columns to support the roof. (2004)
55. **Primary Structure**: For each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages and barns. (2010)
56. **Privacy Panel or Screening**: Panels made of wood, metal, stone or other conventional building materials that are intended to be used to screen pools, hot tubs, decks and other similar uses. (2010)
57. **Professional Activities**: The use of offices and related spaces for such professional services as are provided by Doctors, Dentists, lawyers, Architects and Engineers.
58. **Professional Engineer**: A qualified individual who is licensed as a Professional Engineer in the State of Ohio.(2010)
59. **Public uses**: Public parks, schools and administrative, cultural and service buildings, Police and Fire stations, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials.
60. **Public service facilities**: the erection, construction, alteration, operation or maintenance of a utility or service 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 devices.
61. **Rear lot line**: That property line opposite the designated front line.

62. **Recreational facilities non-commercial:** private and semi-private recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, golf courses, and other private non-commercial recreation areas and facilities or recreation centers including private community swimming pools.
63. **Recreational facility (public and private):** Any facility, either public or private, whether indoors or outdoors where a person or persons participate in a recreational activity. For example, but not limited to, a campground, dance hall, golf course, basketball court, and baseball or softball fields. (2004)
64. **Residential garage:** A structure or portion thereof designed and used primarily for the housing of motor vehicles.
65. **Right-of-ways:** land which is set aside between property lines for street, alley, easement, utility, or other physical improvement.
66. **Roadside stand:** A temporary structure designed for use for the display or sale of agricultural and related products.
67. **Semi-public uses:** Churches, Sunday schools, parochial schools, colleges, hospitals and other institutions of and educational, religious, charitable or philanthropic nature.
68. **Set back building lines:** A line perpendicular to the setback distance at the specified distance.
69. **Set back distance:** The minimum horizontal distance between the road right-of-way and the building line.
70. **Side lot line:** Any lot line, which is neither a front property line nor a rear property line.
71. **Side yard:** minimum distance between a structure and the side lot line.
72. **Sign:** Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located.

73. **Single family dwelling**: A permanent structure detached, independent from any other principal structure placed on a permanent foundation, having one or more rooms, with provisions for living, sanitary and sleeping facilities specifically designed and arranged exclusively for the use of one or more individuals of the same family.
74. **Social activities**: The use of land and buildings for clubs, fraternal organizations, veterans organizations and similar social purposes.
75. **Structural change**: Wherever mentioned in this resolution means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, excepting such structural change as may be required for the safety of the building or occupants thereof. This does not include re-painting, re-roofing, or re-siding.
76. **Structure**: A structure or building is anything erected, constructed, or re-constructed on a foundation, posts, piles, blocks, skids, sill or other support, whether such foundation is or is not permanently located in or attached to the soil.
77. **Transportation for hire**: Any business or public utility engaged in the transportation of persons, property or both, or furnishing such transportation service over any public street, road or highway. (2001)
78. **Travel Trailer**: Any non-self propelled recreational vehicle that does not exceed an overall length of 35ft., exclusive of bumper and tongue or coupling, and contains less than 320sq. feet when erected on site. "Travel Trailer" includes tent type and fold out camping trailers. (2001)
79. **Two-family dwelling**: A residential building consisting of two dwelling units each of which adjoins the other either horizontally or vertically, and is arranged, intended or designed for one family. Each dwelling shall have its separate, private means on ingress and egress. The term "two-family dwelling" shall not include a manufactured home or a mobile home.
80. **Variance**: A change in the requirements within a district, not to include a change in basic land use.
81. **Vehicle**: Every device, including a motorized bicycle, in-upon, or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, any device that is moved by

power collected by overhead electric trolley wires or that is used exclusively upon stationary rails or tracks or any device that is moved by human power. (2010)

82. **Wind Power Turbine Height:** The distance from the rotor blade at its highest point to the top surface of the Wind Power Generating Facility (WPGF) foundation. (2010)
83. **Wind Power Turbine Owner:** The person or persons who own the Wind Turbine structure. (2010)
84. **Wind Power Turbine Tower:** The support structure to which the turbine and rotor is attached. (2010)

Article VI. Districts

For the purpose of carrying out the provisions of this resolution the Unincorporated area of the township is hereby divided into the following districts.

- “A” Agricultural
- “R-1” Residential
- “R-2” residential
- “C” Commercial
- “I” Industrial
- “S” Special

These zones are designated on a Zoning map and are hereby established and said map is made part of the resolution. No buildings or premises shall be prescribed herein for the district in which it is located.

Regardless of the existence of purported copies of the Official District map which may from time to time be made or published the official District Map, which shall be located in the office of the township clerk, shall be the final authority as to the current zoning status of the township land and water areas, buildings and other structures.

In the event the Official District Map becomes damaged, destroyed or lost, the Township Trustees may by resolution adopt a new Official District Map which shall supersede the prior Official District Map. The new Official District Map may correct drafting or other errors or omissions in the prior Official District Map, but no such corrections shall have the effect of amending the original resolution or subsequent amendments thereof.

Article VII Classifications

The permitted and conditional uses for each district are indicated below. Uses not specifically listed or interpreted by the Board of Zoning Appeals to be included categorically under this article shall not be permitted except by amendment to the Resolution.

Section 1. Agricultural District

The agricultural district is to provide for agricultural and agriculturally related uses, essential public facilities and services such as public buildings, schools, railroads, and public utilities. This may include; some commercial activities, which are an integral part of agricultural produce or products and/or nursery and greenhouse sales areas; churches and their related nonprofit public service facilities. Intense residential development is discouraged. However, the district allows low density residential development on large lots, in a neighborhood setting, with minimal intrusion of nonresidential uses.

Agricultural district "A"

A. Permitted uses

1. Any agricultural use
2. Semi-public uses
3. Single family dwelling
4. Accessory uses
5. Public service facilities
6. Essential services
7. Roadside stands
8. In the home business
9. Non-commercial recreational
10. Plant cultivation

B. Conditional uses requiring Board approval

1. Manufactured Homes as permitted in Article XVI
2. Professional activities
3. Cottages
4. Clubs
5. Kennels
6. Veterinary clinic / hospital
7. Personal services
8. Two-family dwellings

Section 2. Residential District R-1

The Residential Zone is intended as an area chiefly designed for single family homes with related community facilities such as religious and public recreation facilities which go into making up a balanced residential neighborhood.

Residential District "R-1"

A. Permitted Uses

1. Any agricultural use
2. Single family dwellings
3. Public and semi public facilities
4. Public service facilities
5. Essential services
6. In the home business
7. Private garage which may include living quarters, not to be rented for profit.
8. Summer houses and other customary incidental structures.
9. One bulletin board or sign not to exceed twelve (12) square feet in area for any permitted church, school or other public or semi- public institution.

B. Conditional Uses

1. Two family dwellings
2. Recreational facilities (public or private) **(2004)**
3. Professional activities, offices

Section 3. Residential District R-2

A. Permitted uses

1. Any use as permitted in the R-1 District.

2. Two Family dwellings.
3. Multiple family dwellings.

B. Conditional Uses

1. Manufactured home parks as described in Article XVI.
2. Specialized animal raising and care.
3. Manufactured homes as described in Article XVI.

Site plan review;

All proposed zoning amendments to these zoning districts shall require a site plan review.

In instances where an established permitted use or a conditional use is converted or expanded to another permitted use or conditional use, all information required of this section shall be submitted for review and approval of the Zoning Inspector.

- A. General Requirements (see Article XXVII)
- B. Specific Requirements (see Article XXVII)
- C. Application procedure (see Article XXVII)

Section 4. Commercial District “C”

The Commercial Zone is intended as an area wherein commercial uses are concentrated for the benefits of the residents of the township and others doing business with the commercial area. By concentrating the commercial areas the following might be better accomplished. For the safety and welfare of the commercial uses through better sharing of water, sewer, fire protection, trash collection, off-street parking, and other community services, and for the economy and efficiency of the public agencies which provide these services.

Commercial District “C”

A. Permitted Uses

1. Retail business
2. Personal services
3. Professional activities
4. Offices and banks
5. Restaurants
6. Gas stations
7. Automotive sales and service
8. Tourist homes
9. Mortuaries

10. Public and semi-public uses
11. Social activities
12. Essential services
13. Accessory uses
14. Public service facilities
15. Agricultural uses

B. Conditional Uses

1. Wholesale business
2. Animal hospital / clinic
3. Single family
4. Two-family
5. Motels and hotels
6. Outdoor advertising as specified in Article XVI
7. Recreational facilities (public or private) **(2004)**
8. Truck fuel stops
9. Multiple family dwelling **(2006)**
10. Commercial uses, other than those categorically listed under conditional uses, will be reviewed by the Board of Appeals as specified in Article XXIV. Proposed commercial uses shall be accompanied with plans, (i.e.: site plan, building elevations) of similar quality as would be submitted for Ohio Basic Building Code (O.B.B.C.) review and permit issuance.
11. Entertainment facilities (public or private) **(2010: changed from permitted to conditional)**

C. Site plan review;

All proposed zoning amendments to these zoning districts shall require a site plan review.

In instances where an established permitted use or a conditional use is converted or expanded to another permitted use or conditional use, all information required of this section shall be submitted for review and approval of the Zoning Inspector.

- A. General Requirements (see Article XXVII)
- B. Specific Requirements (see Article XXVII)
- C. Application procedure (see Article XXVII)

Section 5. Industrial District “I”

Any industrial use provided that no noxious or offensive activity shall be carried on within this district, nor shall anything be done which is injurious, dangerous or offensive to the neighborhood by reason of excessive emission of odor, dust, smoke, gas, noise, fumes, flame, or vibration. No residential construction shall be permitted.

Industrial District “I”

A. Permitted uses

1. General manufacturing
2. Transport and trucking terminals
3. Food processing
4. Research and testing facilities
5. Offices
6. Public service facilities
7. Accessory uses
8. Essential uses
9. Agricultural uses

B. Conditional uses

1. Wholesale business
2. Restaurants
3. Slaughter houses
4. Asphalt manufacturing or mixing
5. Blast furnaces
6. Cement and cinder block manufacturing
7. Fertilizer mixing and manufacturing
8. Gas storage and manufacturing
9. Saw mills
10. Stone quarries
11. Racing facilities
12. Entertainment facilities (public or private) (2004)
13. Retail housing
14. Warehousing
15. Sand and gravel extraction
16. Stock yards
17. Brick and tile manufacturing
18. Smelting
19. Municipal sewage disposal or storage facilities
20. Outdoor advertising as specified in Article XV

21. Industrial uses other than those categorically listed in conditional uses will be reviewed by the Board of Appeals as specified in Article XXIV.

Proposed Industrial uses shall be accompanied with plans (i.e.: site plan, building elevations), or similar quality as would be submitted for Ohio Basic Building Code (O.B.B.C.) Review and permit issuance.

22. Adult Entertainment Facility (2004)

C. Industrial requirements

1. Lot size shall be in accordance with Article XII
2. Off street parking shall be provided in accordance with Article XIV and shall be on the same side of the public road as the establishment.

D. Site plan review;

All proposed zoning amendments to these zoning districts shall require a site plan review.

In instances where an established permitted use or a conditional use is converted or expanded to another permitted use or conditional use, all information required of this section shall be submitted for review and approval of the Zoning Inspector.

- A. General Requirements (see Article XXVII)
- B. Specific Requirements (see Article XXVII)
- C. Application procedure (see Article XXVII)

Section 6. Special District "S"

A. Permitted uses

1. Any agricultural land
2. Parks
3. Public and semi-public facilities
4. Essential services

B. Conditional uses

1. Recreational facilities, non-commercial (public or private) (2004)
2. Private airplane landing strips

C. Site plan review;

All proposed zoning amendments to these zoning districts shall require a site plan review.

In instances where an established permitted use or a conditional use is converted or expanded to another permitted use or conditional use, all information required of this section shall be submitted for review and approval of the Zoning Inspector.

- A. General Requirements (see Article XXVII)
- B. Specific Requirements (see Article XXVII)
- C. Application procedure (see Article XXVII)

Article VIII Environmental Standards (2004)

In reference to the Zoning Districts of, "R2", "C", "T", "S", the following standards shall be followed.

No land or building shall be used or occupied for commercial, industrial, special or non-residential purposes which produce any dangerous, injurious, noxious or otherwise objectionable element or condition which could adversely affect the adjacent land or pose a threat to the public health, welfare and safety of persons at the site or external to it. Such uses permitted by this resolution may be undertaken and maintained if acceptable measures and safeguards are employed to limit the dangerous, objectionable elements to acceptable limits as established by the following standards.

- 1) **Environmental Standards**, environmental standards will be maintained for air quality and solid waste disposal as required by the Ohio Environmental Protection Agency (EPA) and the Ohio Department of Public Health (ODPH).
- 2) **Glare and Heat**, no direct glare or reflected lights which are visible from other properties outside the Zoning District shall be permitted.
- 3) **Vibration and Noise**, noises and vibrations shall not be permitted if determined by and outside independent testing organization that the levels exceed those standards established by the State or Federal Government.
- 4) **Smoke, Dust particulates and odors**, the emission of smoke, dust, particulates or odors which are objectionable or pose a threat to the health and safety of the surrounding area shall not be permitted. Compliance shall be in accordance to air quality standards of the State of Ohio as administered by the Ohio EPA or other cognizant organization.
- 5) **Internal roadways**, all roadways internal to the site will be paved or maintained so as to minimize dust.

- 6) **Radiation or magnetic disturbance**, no evidence of material, which generates hazardous radiation or causes electromagnetic disturbances to nearby areas shall be permitted.
- 7) **Outdoor lighting**, all permanent outdoor light such as that used for area lighting or building floodlighting shall be steady, stationary, shielded sources directed so as to avoid glare for motorists, pedestrians or neighboring premises. The marginal increase of light measured at any property line other than street line shall not exceed one (1) foot-candle.
- 8) **Electrical and telecommunication facilities**, all electrical and telecommunication facilities should be hidden from adjoining properties and roadways and where feasible will be placed underground.

Article IX Prohibited Uses

The following uses shall not be permitted in any District.

1. Breweries
2. Metallic powder works
3. Chemical plants
4. Crematory and for profit cemeteries and mausoleums
5. Distilling of bones, fat or glue, glue or gelatin manufacturing
6. Manufacturing or storage of explosives, gun powder or fireworks
7. Dumping, storing, burying, reducing, disposing of garbage, refuse, scrap metal, rubbish, offal or dead animals except as a result from normal use of residential or agricultural premises, unless such dumping is done at a place provided by the Township Trustees for such specific purposes.
8. Junk yards, automobile grave yards, or places for the collection of scrap metal, paper, rags, glass or junk for salvage purposes or for dismantling used vehicles or machinery, except as provided in Article XXI.
9. Hazardous waste dumps
10. Sanitariums
11. Penal institutions and halfway houses
12. Non-traditional accessory buildings
13. Exotic/and wild animals

Article X. Non-Conforming Uses

1. A non-conforming use existing at the time of this resolution or any amendment thereto takes effect may be continued except that if voluntarily discontinued for two or more years, it shall be deemed abandoned and any future use must be in conformity with the uses permitted in such district.
2. Any building arranged, intended or designed for non-conforming use, the construction of which has been started at the time of the passage of this

resolution or any amendment thereto, but has not yet been completed, may be completed and put to such non-conforming use, provided it is done within one year after this resolution or any amendment thereto takes affect.

3. Any structure or building existing as non-conforming use at the time of this resolution or any amendment thereto takes affect, which is destroyed by fire, accident, public enemy, or the elements, may be reconstructed and restored provided the same is done within two years from the date of said destruction and is rebuilt as nearly as possible to conform with the Zoning requirements within the district in which it is located.
4. Any building or structure or land area devoted to a non-conforming use at the time of this zoning resolution or any amendment thereto takes affect may not be altered or enlarged so as to extend said non-conforming use more that 25% of the original area, providing the alterations or enlargement is toward conformity with the Zoning resolution within the district in which it is located.
5. When a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted or non-conforming use.
6. Replacement mobile homes that are a non conforming use require a permit the same as a new single family dwelling. A copy of an inspection report from an agency licensed by the state that verifies that utilities are properly attached to the mobile home must be supplied to the Zoning inspector within thirty (30) days after mobile home has been put into place. **(2014)**

Article XI. Relocation of a structure

When any structure is relocated, it shall conform to all zoning requirements for the district in which it is to be placed, and a permit is required.

Article XII. Setback Building Lines

1. Setback lines shall pertain to all structures but not including fences.
2. Minimum setback distances shall be measured from the eaves and shall be as follows.

Distance in feet from road right-of-way

<u>District</u>	<u>Township or county</u>	<u>State or federal</u>
All	50*	75

3. Setback lines on corner lots shall be the same distance from each road according to its classification
4. new plantings or transplanting of trees and shrubbery, which will have more than a 36" height at maturity, shall have a minimum setback of thirty (30) feet from the edge of the road pavement. No permit shall be required. **(2004)**

*Setback distances shall be on the basis of fifty (50) feet from the edge of a sixty (60) foot right-of-way. If the road has less than sixty (60) foot of right-of-way, then the setback will be greater correspondingly.

Article XIII Lot and floor area requirements

District	<i>Min. Front yard depth in ft. (see Article XXXIII for exceptions)</i>	<i>Min. Side yard in ft.</i>	<i>Min. Rear yard in ft.</i>	<i>Min. Lot area per family in sq. ft.</i>	<i>Min. Lot frontage in ft.</i>	<i>Min. Building floor area per family in sq. ft.</i>
Agriculture "A" Individual sewage disposal and water supply 1 Family or manufactured home (see Art. XVII)	50	15	15	1 acre	150	1 story- 980 1 ½ or 2 story (first floor- 720)
2 family	50	15	15	25,000	150	740
Residential "R-1" 1 family	50	15	15	1 acre	150	1 story-980 1 ½ or 2 story (first floor- 720)
2 family	50	15	15	25,000	150	740
Either public sanitary sewer or public water supply 1 family	50	10	10	20,000	100	1 story-980 1 ½ or 2 story (first floor- 720)
2 family	50	10	10	10,000	100	740
Both public sanitary sewer and public water supply 1 family	50	10	10	10,000	75	1 story-980 1 ½ or 2 story (first floor-720)

2 family	50	10	10	7,500	85	740
Residential "R-2" 1 family	Same as Residential "R-1"	-	-	-	-	-
2 family	Same as Residential "R-1"	-	-	-	-	-
Manufactured home (see article XVII)	-	-	-	-	-	-
Manufactured home park (see Article XVII)	-	-	-	-	-	-
Multiple family with individual sewage disposal and water supply system	NOT PERMITTED	-	-	-	-	-
Multiple family with public sanitary sewer and private water supply	50	10	10	7,500	85	740
With public sanitary sewer and public water supply	50	10	10	7,500	60	740
Commercial "C"	50	10	10	-	-	-
Industrial "I"	50	10	10	-	-	-
Special "S"	Same as Agriculture "A"	-	-	-	-	-

Article XIV Maximum height of building

This resolution does not establish a definite maximum height of buildings or structures. The height of buildings and structures shall be as to conserve the value of adjacent property, and so to secure adequate light and air for the adjacent property. To this end the use of “offsite” fill to change or raise the property or portion thereof more than three (3) feet in elevation shall be prohibited.

Article XV Parking facilities

Off street parking

In computing the number of parking spaces required by these regulations, a “parking space” is herein defined as an enclosed or un-enclosed area of not less than 200sq feet permanently reserved for off-street parking, serviced by adequate access drives and connected with a street by a driveway which affords satisfactory ingress and egress. (Same side of road)

The following general requirements shall prevail.

1. **Uses not specified:** The parking area required for a use not specifically mentioned herein shall be the same as for a use of similar nature.
2. **Mixed uses:** (non-shopping plaza) In the case of mixed uses, the number of parking spaces shall be the sum of the various uses computed separately.
3. **Location of parking spaces:** All parking spaces shall be located within a distance of 350 feet of the facility it serves.
4. **Shopping plaza:** Neighborhood – 8 spaces per 1,000 sq. ft. or gross lease able area

Community – 6.5 spaces per 1,000 sq. ft. or gross lease able area

Regional – 5 spaces per 1,000 sq. ft. or gross lease able area

5. **Specific Requirements:** There shall be provided at the time of change of land use, off street parking and loading spaces in accordance with the following requirements:

<u>Use</u>	<i>Spaces</i>	<u>Per Dwelling</u>
Private dwelling	2	Dwelling
Apartments	1 ¾	Apartment
Residential hotel	1 ½	Sleeping unit
Motel-hotel (restaurants-assembly rooms additional)	1	Sleeping room
Hospitals, rest homes, sanitariums)	1/3	Bed

Church, funeral homes	½	Seat
Schools (auditoriums, assembly halls additional)	1	Room
Theater or auditorium	½	Seat
Assembly hall, dance hall, roller rink	1 ½	100 sq. ft.
Restaurant	2/3	Seat
Retail outlet	1	100 sq. ft.
Manufacturing and/or warehousing	2/3	Per employee maximum shift plus vehicles used in connection
Personal service or office	½	100 sq. ft.

Article XVI Signs

Signs- see definition

1. the following shall not be included in the application of the regulations herein:

- a. Signs not exceeding three (3) square feet in area and bearing only property numbers, post box numbers, or names of occupants of premises.
- b. Flags and insignias of any government except when displayed in connection with commercial promotion.
- c. Legal notices, identification, information or directional signs erected by government bodies.
- d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
- e. Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

2. For purposes of determining the number of signs, a sign that has identical display material on both sides shall be considered one (1) sign. A sign that has different display material on different sides will be considered two (2) signs.(2014)

3. The surface area of a sign shall be computed as including the entire area within a square, parallelogram, triangle, circle or semi-circle comprising all of the display area of the sign and including all elements of the matter displayed, but not forming part of the display itself, or frames surrounding display areas.

4. The following provisions SHALL apply.

- a. All signs shall be setback 25' on U.S. 25, 20' on other state routes and 15' on all other roads, from the edge of the road right of way as a minimum.
- b. A sign relating in its subject matter to the premises on which it is located, shall be permitted in all districts provided they do not exceed 9 sq. ft. and only one sign per premises; twice a year for 30 consecutive days. No permit shall be required. **(2014)**
- c. Commercial on site signs shall be permitted in all districts except residential districts and shall be limited to 2 signs per parcel not exceeding 100 sq. ft. each if not affixed to a building and a permit shall be required.
- d. Off site signs for the purpose of outdoor advertising shall be deemed as structures and shall conform to all regulations in the district in which it is located. They will be permitted in all districts except residential districts. There shall not be more than one (1) sign per parcel of land and a zoning permit is required.
- e. All freestanding yard signs in excess of ten (10) feet in height shall have supporting structures firmly attached to concrete foundations. **(2014)**
- f. All signs will be plainly marked with the name of the party responsible for maintenance. All signs will be kept in good working and cosmetic condition. Damaged and worn signs shall be restored or removed. All expenses related to removal or restoration of a sign is the responsibility of the owner of the property where the sign is erected. **(2014)**

5. Illumination:

a. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights.

b. An illuminated sign or lighting device may not be placed or directed so as to permit the beams and illumination to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance. **(2014)**

6. No signs shall:

a. Imitate or resemble official traffic or government signs or signals. **(2014)**

- b. Be attached to trees, telephone or electric poles, street lights or street sign poles.(2014)
- c. Obstruct any windows or doors of any building or attach to or obstruct a fire escape.(2014)
- d. Be suspended by non-rigid attachments that will allow the sign to swing in the wind. (20154
- e. Have guide wires attached to secure a freestanding sign. (2014)

7. Motor vehicles, trucks, and trailers parked or located for the purpose of displaying a sign are prohibited. (2014)

Article XVII. Single-Family Dwellings and Permanently Sited Manufactured Homes

Section 1.

Intent- Liberty Township hereby establishes the following standards for the placement of all single-family dwellings and permanently sited manufactured homes in areas of Liberty Township which single-family dwellings are permitted.

- a. All permanently sited single-family dwellings and permanently sited manufactured homes shall meet the minimum lot area, minimum setbacks and maximum height limitations for the particular district in which it will be located.
- b. Off street parking shall be provided according to Article XV.
- c. The dwellings shall have all towing apparatus, wheels and exposed chassis, if any, removed before occupancy of any kind is permitted.
- d. The dwelling must be approved for and permanently connected to all required utilities.
- e. All dwellings shall be installed with properly engineered foundation systems that meet the manufacturer's installation requirements and/or applicable state and local building codes for residential dwellings. A properly engineered foundation system is one that provides adequate support of the dwellings vertical and horizontal loads and transfers these and other imposed forces, without failure, from the dwelling to the undisturbed ground below frostline

- f. All single-family dwellings and permanently sited manufactured homes shall be taxed as real property. Within thirty (30) days the owner of the permanently sited manufactured home shall provide evidence to the Zoning Inspector that the title has been surrendered.

Section 2.

Manufactured housing not meeting the criteria established for permanently sited manufactured homes (in section 1 above) shall be permitted in either a manufactured home park or a manufactured home subdivision.

- a. Manufactured home parks and manufactured home subdivisions may be a conditional use in an “R-2” district.

Section 3.

A manufactured home or travel trailer used for temporary living quarters or storage of materials or equipment used in conjunction with construction work may be permitted in any district during the period that the construction is in progress. Such permitted use shall be conditional and requires approval of the Zoning Board of Appeals and shall expire upon completion of construction work. Permits for such use shall be for one year and will require renewal for continued use. **(1993)**

Section 4.

One (1) mobile home may be permitted as a conditional use by the Zoning Board of Appeals and per the Wood County Health Department regulations upon each owner / operator farm of forty (40) or acres or more. The location of such mobile home shall be in accordance with the yard, setback and lot area requirements for residential structures as provided for in “A” agricultural district. The Zoning Board of Appeals may prescribe additional requirements as per the conditional use and said use is renewable on a year to year basis.

Section 5.

All single family dwellings and permanently sited manufactured homes shall be sited on a lot with the long axis of the structure parallel to the road right of way.

Section 6

Only one main structure is allowed per parcel or a group of parcels being used as a single address.**(2014)**

Article XVIII. Fences, Privacy Panels or Screening

1. Fences measuring less than four (4) feet in height do not require a permit for installation. Conversely fences measuring four (4) feet in height or greater require a permit.
2. For purposes of this resolution, fences shall be placed at the property line except for fences that are constructed around swimming pools, ponds, gardens; children's play areas, pet exercise areas and any other area of similar use.
3. No fencing shall exceed 4 feet in height in front and side yards of property located on a corner lot. **(2010)**
4. No fencing shall disrupt the vision of operators of vehicles on or entering public roadways. **(2010)**
5. No fencing shall exceed 6 feet in height, except privacy panels and or screening which shall not exceed 8 feet in height and 16 feet in length. **(2010)**
6. All privacy panels and screening shall meet the setbacks for the district and a permit shall be required. **(2010)**
7. All fencing, privacy panels/and screening shall be kept in good repair. **(2010)**
8. Temporary snow fencing may be installed between Oct. 1st thru May 1st and no permit is needed. **(2014)**

Article XIX. Ponds

A private pond is permitted in all districts with the following conditions.

1. A site plan to scale must be prepared, showing the location of the proposed pond, final grades, location of any existing or proposed buildings, septic tanks, leach fields, wells, underground fuel or gasoline storage tanks, easements, ditches and utility lines within five hundred (500) feet of the perimeter of the area.
2. Any manmade or naturally occurring pond used or recreation, storm water retention or detention shall be located at least fifty (50) feet from any public road right of way or drainage ditch. The natural grade of the land shall remain undisturbed within fifteen (15) feet of any property line.

3. If ponds are to be utilized for potable water supplies, approval of the Wood County Health Department shall be required.
4. Pond (s) shall not be permitted to locate in a one hundred (100) year flood plain.
5. Pond (s) shall provide at least one overflow. Adequate provisions for drainage shall be made subject to approval of the Wood County Engineer.
6. Pond(s) shall be at least one-fourth (1/4) acre in surface area and shall be at least ten (10) feet in depth at its deepest point.
7. Fill dirt may be hauled off site. Any fill dirt retained on site shall not be mounded so as to obstruct a view from adjoining neighbor's property.
8. After completion, a pond shall be properly maintained and supervised so that it will not become a danger or nuisance to area residents.

Article XX. Group Homes.

It is proposed that group homes be permitted in all residential and agricultural districts under a conditional use designation. Any other criteria for conditional use permits would also apply. In addition, specific criteria are proposed for group home special uses.

1. Group home facilities are defined as a private residence, which provides resident services to a maximum of eight (8) unrelated persons. Residence should be restricted to a maximum of two (2) persons per bedroom exclusive of the bedroom needed for the resident care provider.
2. Group homes which contain one to eight (1-8) residents exclusive of the care provider(s) shall be operated by a resident/owner of the home. The lot shall be the same size or may be larger than the lot size required in an "A" and "R" district within which it is located.
3. All group homes must be licensed by the appropriate state or county licensing agency (examples are, Ohio State Department of Mental Health, Ohio State Department of Human Services, Wood County Health Department, etc.)

4. Public utilities of sewer and water should be provided where possible. In un-sewered areas, appropriate approval shall be obtained from the Wood County Board of Health or Ohio Environmental Protection Agency.
5. The proximity and nature of the group home to the surrounding area shall be considered in determining the feasibility of the location or the conditions of approval. To minimize the concentration of group homes within a township, a distance separation between group homes shall be one (1) mile in un-sewered areas of the township. In the developed sewer area, group homes may be located no closer than one-fourth (1/4) mile of each other.
6. The owner should maintain a planned continuing contact with the adjacent residents and as necessary with the neighborhood with the respect to operation of the facility. An awareness and acceptance of the group home and its residents shall be a goal. A report of activities and any incidents may be required as a condition of approval or subsequent thereto, by the township.
7. Residential care facilities which contain greater than eight (8) persons is defined as an institution.

Article XXI Disabled, Abandoned, Junk Vehicles

In order to prevent conditions conducive to the infestation of breeding of vermin, insects, or rodents, the establishment of an unattractive nuisance, the unsightly accumulation of discarded or salvaged items and materials and the devaluation of adjacent property, the accumulation or storage of the following items in any district for more than thirty (30) days is prohibited.

1. Junk, disabled, or inoperative vehicles, machinery or equipment.
2. Unused or discarded vehicles, boats, equipment or machinery parts.
3. Rags and other used textile items used paper products and used or discarded tires.
4. Discarded building and construction materials.
5. Scrap metal, glass, plastic and lumber.

6. Discarded home furnishings and appliances.
7. Other junk items and those now or hereafter defined as “junk” in the Ohio Revised Code.
 - a. Such items shall not be prohibited where located in a district zoned for junkyards or auto salvage and approved as junkyard licensed under chapter 4737 of the Ohio Revised Code or a motor vehicle salvage facility licensed under chapter 4738 of the Revised Code.
 - b. The above provision shall also not apply to such vehicles, parts, or other items so described above where they are kept entirely within and enclosed structure..

The establishment of junk, motor vehicle salvage yards or recycling center shall be in accordance with Section “c” Article XXI below.

- c. Motor vehicle salvage yards, junkyards and recycling centers: The following conditions and safeguards shall apply to the operation of Motor Vehicle Salvage Yards, Junkyards, and Recycling Centers. The Township recognizes the importance of recycling of certain commodities, and therefore shall address the need of the community and business operations by classifying recycling centers and regulate them as having the same classifications as junkyards or motor vehicle salvage yards. Motor vehicle salvage yards, junkyards, and recycling centers shall be a conditional use in the “I” industrial district. The Zoning Board of Appeals may impose additional safeguards or limitations as deemed appropriate.

General:

1. The applicant shall provide a complete and accurate legal description of the entire site.
2. The site plan shall be submitted which at a minimum includes dimensions of the site, size of buildings, building locations, setbacks, storage areas, driveways and fencing.

Storage:

1. When adding storage facilities, the applicant shall reduce the number of vehicles or junk of the storage yard.
2. Motor vehicle wrecking yards shall maintain a list of vehicles in stock and submit this list to the township upon request.

Licensing:

1. Applicants for junkyards shall be licensed as required under Chapter 4737 O.R.C. and file with the Township proof of licensing by the Wood County Auditor.
2. Applicants for motor vehicle wrecking yards shall be licensed as required under Chapter 4738 O.R.C. and file with the Township proof of licensing by the Ohio Motor Vehicles Salvage Dealers Licensing Board.

Fencing and Screening:

Any area used as a motor vehicle salvage yard, junkyard or recycling center shall be effectively screened on all sides by means of walls, fences and plantings. Walls and fences shall be a minimum of six (6) feet in height with no advertising thereon. Wall and fence building material and design are subject to review and approval by the Board of Zoning Appeals. Storage of materials shall not exceed this height. A strip of land fifteen (15) feet in width shall be planted and maintained on the exterior with evergreen hedge or shrubs and shall be equal to or greater than the height of the fence or wall. Said fencing and screening shall be in accordance with the setback yard requirements for this section.

Yard Requirements:

1. Front yard – there shall be a front yard setback not less than fifty (50) feet, but where such yard is opposite an “A” agricultural or “R” residential district, it shall be a minimum of one hundred (100) feet and the first twenty-five (25) feet thereof shall be used only for landscaping purposes.
2. Side yard – There shall be a side yard setback of not less than twenty-five (25) feet, but where abutting an “A” agricultural or “R” residential district it shall be a minimum of fifty (50) feet. Storage of materials and parking of vehicles is prohibited in a side yard.
3. Rear yard – There shall be a rear yard setback of not less than fifty (50) feet, but where such yard is abutting an “A” agricultural or and “R” residential district, it shall be a minimum of one-hundred (100) feet.

Pavement: All roadways internal to the site shall be paved to maintain minimum dust.

Article XXII. Transportation for Hire

- A. Transportation for hire business with not more than one commercial vehicle or trailer may be located in an “A” or “R” district so long as the business is operated from a parcel with an owner / operator single family dwelling.

Any transportation for hire business with three or fewer vehicles and or trailers may be permitted as a conditional use in an “A” district, the site, lot or parcel is located along a major roadway as designated in the Wood County Major Street and Highway Plan, access to the site does not require travel on a designated township road, and the business is operated from a minimum 2 ½ acre parcel with an owner / operator single family dwelling.

- B. Any transportation for hire business with four (4) or more vehicles and / or trailers must be located in a commercial district.
- C. Any transportation for hire business wherever located in the township must meet the following requirements:
1. Parts, tires and other vehicle supplies and freight shall be stored in an enclosed building.
 2. The drive and parking surface area shall be graveled or paved and shall be within the established setbacks. The parking area shall have 10’x25’ for each vehicle and 10’x60’ for each trailer.
- D. In an “R” district no more than one building or structure associated with the transportation for hire business shall be located on the property. The maximum floor area of such building or structure shall not exceed one thousand (1000) sq. ft. or one third of the living area of the single family dwelling on the premises whichever is less.
- E. This provision does not apply to the following:
- (1) Vehicles and trailers licensed as agricultural vehicles or trailers which are an integral part of an on site agricultural business.
 - (2) Buildings or structures of or the use of the land by a person engaged in the transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants.
 - (3) Infrequent short term parking of a commercial vehicle or trailer for the delivery of goods to a premises for use on the premises and.

- (4) The delivery of goods to or from a dwelling unit.

Article XXIII. Regulation of Adult entertainment Businesses (2004)

The following regulations shall apply to adult entertainment business as herein defined

Purpose

The purpose of sections A thru D inclusive of this resolution is to promote the public health, safety and welfare through the regulation of adult entertainment businesses as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing adult entertainment businesses, residentially zoned areas, schools, churches, parks and playgrounds within Liberty Township.

Definition

The following definition shall apply in the interpretation of this resolution.

- 1) **Adult Entertainment Business.** Means an adult bookstore, adult motion picture theater, adult drive-in motion picture theater, or an adult only entertainment establishment as further defined in this section.
- 2) **Adult bookstore,** means an establishment which utilizes 15% or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image producing devices or both books or magazines, other periodicals, films, tapes and cassettes which are distinguished by the emphasis on adult materials as defined in this section.
- 3) **Adult motion picture theater,** Means an enclosed motion picture theater which is regularly used or utilizes 15% or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this section.
- 4) **Adult motion picture drive in theater,** means an open air drive in theater which is regularly used or utilizes 15% or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related
- 5) **Adult only entertainment establishment,** means an establishment where the patron directly or indirectly is charged a fee where the establishment features entertainment or services which constitute adult material as defined by this section, or which feature exhibits, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material.

- a. **Adult material**, means any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound or touch and,
 - b. which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality or human bodily functions of elimination, or which service is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality or human bodily functions of elimination
- 6) **Bottomless**, means less than full opaque covering of male or female genitals, pubic area or buttocks
 - 7) **Nude or nudity**, means the showing , representation, or depiction of human male or female genitals, pubic area or buttocks with less than full opaque covering or any portion thereof, or female breasts with less than a full opaque covering or any portion thereof below the top of the nipple, or of covered male genitals in a discernible turgid state.
 - 8) **Topless**, means showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple.
 - 9) **Sexual activity**, means sexual conduct or sexual contact or both.
 - 10) **Sexual excitement**, means the condition of the human male or female genitals, when in a state of sexual stimulation or arousal.

Conditional uses requiring board approval

No building shall be erected, constructed, or developed and no building or premises shall be reconstructed, remodeled, arranged for use or used for any adult entertainment business unless authorized by the issuance of a conditional use permit in accordance with the provisions of this resolution. In addition to said provisions, an adult business shall comply with the following conditional criteria.

- 1) Adult entertainment businesses shall comply with the district regulations applicable to all properties in any district in which they are located.
- 2) No adult entertainment business shall be permitted in a location which is within 1500 feet of another adult entertainment business.
- 3) No adult entertainment business shall be permitted in a location, which is within 1500 feet of any church, any public or private school, any park, any playground, or any social service facility or neighborhood center.
- 4) No adult entertainment business shall be [permitted in a location which is within 1500 feet of any residence or boundary of any residential district.
- 5) All measurements are from lot line to lot line.

Zoning of adult entertainment businesses.

Adult entertainment businesses shall be conditionally permitted in accordance with the following schedule.

<u>Conditionally permitted uses</u>	<u>districts where permitted</u>
-------------------------------------	----------------------------------

Adult bookstore	
Adult motion picture theater	
Adult motion picture drive in theater	industrial
Adults only entertainment establishment	

Article XXIV: Decks and Porches (2010)

1. A permit shall be required if a deck or porch is attached to main structure or if it is the main egress to structure.

Article XXV: Portable Sheds (2010)

1. All structures less than 200 square feet do not require a permit, limited to two per dwelling.
2. All portable sheds will follow setback guidelines for structures for that district.

Article XXVI: Wind Turbines (2010)

Section 1. Purpose:

Liberty Township recognizes the importance of clean, sustainable and renewable energy sources. Liberty Township has established the following regulations for wind turbines for agricultural, residential, commercial and industrial on-site electric generation and use for small wind farms of less than five (5) megawatts (MW) to ensure the health, safety, comfort and welfare of all township residents. These regulations should be interpreted to minimize noise radiation, light strobing, ice throw and other negative health, safety, aesthetic, property value and general welfare impacts on adjoining and neighboring uses.

Section 2. Procedure:

An applicant shall provide the Township Zoning Inspector with the following items and/or information for wind turbines for on-site agricultural, residential, commercial and industrial generation and use wind turbines and for small wind farms of less than 5 MW.

1. Location of all public and private airports in relation to the location of the turbine based on information obtained from the Wood County Planning Commission within 30 days of application.
2. An engineering report signed and sealed by a professional engineer that shows:
 - a. The total size and height of unit.
 - b. The total size and depth on the unit's concrete mounting pad, as well as soil and bedrock data.
 - c. A list and/or depiction of all safety features including but not limited to anti-climb devices, grounding devices and lightning protection.
 - d. Data specifying the kilowatt size and generating capacity of the particular unit.
 - e. The maximum decibel level of the particular unit as confirmed by the turbine manufacturer.
 - f. A site drawing showing the location of the unit in relation to existing structures on the property, roads, other public right of ways and neighboring properties.
 - g. A "clear fall zone" as recommended by the manufacturer.
 - h. A maintenance schedule and dismantling plan.
 - i. Maximum decibel level according to manufacturer's specifications.

Section 3. Agricultural, Residential, Commercial and Industrial On-Site generation and Use Wind Turbines:

1. Wind Turbines for generation and use on-site on agricultural, residential, commercial and industrial zoned property shall be allowed as a Conditional Use and shall meet the following requirements and a permit shall be required.
 - a. Height: 100 feet maximum as measured by the length of the turbine propeller at maximum vertical rotation to the ground level of the tower.
 - b. Setback: Height of the turbine plus 25% from property lines of adjacent property owner and any road right of ways to prevent damage or injury from ice throws and structural collapse.
 - c. Decibel: Within 50 to 70 decibels when in operation as confirmed by manufacturer specifications or decibel measurements from adjacent property lines as measured by a certified decibel technician.
 - d. Wiring: Underground wiring in compliance with federal, state or local regulations and building codes and with manufacturer's specifications. All wiring shall be located underground.

- e. Maintenance: Maintained in good working condition at all times.
- f. High Voltage Warning: Clearly legible sign on tower “warning: high voltage area.”

Section 4 Small Wind Farms (less than 5MW):

- 1. Small wind farms shall be allowed as a **Conditional Use** and a permit shall be required.
- 2. Turbines on small wind farms collectively must generate less than five (5) MW in order to be regulated through township zoning.
- 3. Turbines on small wind farms shall meet all the requirements of turbines on agricultural, residential, commercial and industrial on-site use except:
 - a. Small wind farms have no limit on height other than as limited by setback requirements.
 - b. Collectively all units shall not emit greater than five(5) decibels above the ambient decibel levels at property lines as confirmed by a certified decibel technician.
 - c. Warning signs, anti climb apparatuses and other measures aimed at eliminating trespassing and protecting public safety are required.

Section 5. Abandonment/Cessation of Operation:

- 1. Any wind turbine and related appurtenances and structures are deemed abandoned if the turbine ceases generation of electricity for more than thirty (30) days except for good cause as demonstrated by written notice to the Board of Township Trustees.
- 2. Upon cessation of operation or abandonment, the property owner shall:
 - a. Send notice to the Board of Township Trustees within 30 days after cessation or abandonment.
 - b. Remove all apparatus, support and other hardware from the property at the owner’s expense within 24 months of cessation of operation or abandonment.

ArticleXXVII Site Plan Review

General requirements:

- 1) A formal letter of submittal shall accompany the site plan. The letter shall provide the name, address and phone number of any parties who are informed of progress on the request, e.g. landowner, attorney, architect, engineer, etc.
- 2) All site plans shall have a title indicating the type of request being made, e.g. request for more than one main building on a parcel, zoning amendment, change of use, etc.
- 3) The site plan shall be accompanied by a complete legal description of the subject property and a location sketch referenced from section lines and or major streets.
- 4) The site plan shall indicate the scale of the drawing and shall use an engineer's scale.
- 5) The site plan shall have the north arrow pointing either toward the top or the right side of the page and be located with the scale.
- 6) Nine (9) prints of the site plan shall be submitted to the Township Zoning Inspector.

Specific Requirements

- 1) The site plan shall show the zoning classification of the subject property and all abutting property uses (residential, commercial, etc.) and approximate location of abutting property, buildings, and or structures.
- 2) The site plan shall indicate the distance of existing and proposed structure(s) from the right-of-way line of all adjacent thoroughfares and show front, side and rear yard distances to structure(s).
- 3) The site plan shall indicate the exact dimensions of the property in question, and show existing structure(s) with dimensions and proposed structure(s) with dimension. The site plan shall include building removals and other alterations, if any, of existing property.
- 4) The site plan shall indicate, by name, all adjacent thoroughfares. The site plan shall show both right-of-way and pavement widths measured from centerline.

- 5) The site plan shall indicate the location, size (height), and material of all existing and proposed fencing on the property.
- 6) The site plan shall show the location of all existing and proposed lighting on subject property.
- 7) The site plan shall show the location and dimension of existing or proposed signs on the property.
- 8) The site plan shall indicate the widths of existing or proposed landscaping, screening and sidewalks.
- 9) The site plan shall show any ditches, creeks, or other natural features that may affect development of the property in question. Where appropriate, the 100-year high water elevation should be shown on the site plan. Information on this requirement may be obtained from the Wood County Planning Commission.
- 10) The site plan shall show existing and proposed drainage with dimensions.
- 11) The site plan shall show existing and proposed sanitary storm sewer, water mains, and location of hydrants and valves.
- 12) The site plan shall show existing and proposed pavements and roadways with dimensions.
- 13) The site plan shall indicate existing or proposed off-street parking, driveways, and recreational areas with complete dimensions. Curb cuts shall be measured at the curb and throat widths shall be indicated. The drawing shall include the number and size of proposed parking stalls along with internal circulation pattern of the off-street parking. If the off-street parking is physically joined with the abutting property, then circulation between the properties shall be shown.
- 14) The site plan for a proposed drive-up establishment shall indicate where vehicles can stack and how many vehicles can stack at one time.

Application procedures

- 1) Site plans shall be filed with the Zoning Inspector.
- 2) The Zoning Inspector shall transmit the site plan to the Zoning Commission for review and recommendations.

- 3) The date of the Zoning Commission/ Zoning Inspector accepts the site plan shall constitute the official filing date.
- 4) No permit shall be issued for any use or change in use prior to review and recommendation of the site development plan by the Zoning Commission/Zoning Inspector. Conditions or modifications may be attached to these plans.
- 5) The review time for site plans generally shall be in keeping with the time requirements established for zoning changes.
- 6) Any change in the site plan once approved, shall require a review by the Zoning Commission/Zoning Inspector.
- 7) All subsequent owners, heirs, or beneficiaries of a property must resubmit site plans to the Zoning Commission/Zoning Inspector for review and approval unless the proposed use of the property remains unchanged from a previously approved site plan.
- 8) The Zoning Commission may seek information and recommendations from the Wood County Planning Commission or other appropriate agencies to aid in their review of the site plan.

Article XXVIII Administration

Section 1 Purpose

This article sets forth the powers and duties of the Zoning Commission, the Board of Zoning Appeals, the Board of Trustees, and the Zoning Inspector with respect to the administration of the provisions of this resolution.

Section 2 Zoning Inspector

A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this resolution. He may be provided with the assistance of such persons as the Board of Trustees may direct.

Section 3 Responsibilities of Zoning Inspector

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

1. Enforce the provisions of this resolution and interpret the meaning and application of its provisions.
2. Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Zoning District Map.
3. Issue zoning permits and certificates of occupancy as provided by this resolution, and keep a record of same with a notation of any special conditions involved.
4. Act on all applications upon which he is authorized to act by the provisions of this resolution within the specified time or notify the applicant in writing of his refusal or disapproval of such application and the reasons therefore. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his request to the Board of Zoning Board of Appeals.
5. Conduct inspections of buildings and uses of land to determine compliance with this resolution, and in the case of any violation, to notify in writing the person(s) responsible specifying the nature of the violation and ordering corrective action.
6. Maintain in current status the Official Zoning District Map, which shall be kept on permanent display in the Township offices.
7. Maintain permanent and current records required by this resolution, including but not limited to zoning permits, zoning certificates, inspection documents and records of all variances, amendments and special uses.
8. Make such records available for the use of the Township Trustees, the Zoning Commission and the Board of Zoning Appeals and the public.
9. Review and approve site plans pursuant to this resolution.
10. Determine the existence of any violation of this resolution, and cause such notifications, revocation notices, stop orders or tickets to be issued or initiate such other administrative or legal action as needed, to address such violation.
11. Prepare and submit an annual report to the Township Trustees and Zoning Commission on the administration of this resolution, setting forth such information as may be of interest and value in advancing and furthering the purpose of this resolution. Such report shall include recommendations concerning the schedule of fees.

Section 4 Board of Zoning Appeals

1. Membership

There is hereby established a Township Board of Zoning Appeals which shall consist of five (5) members, who are residents of the un-incorporated area of the Township included in the area zoned. Members shall be appointed, and vacancies on the Board shall be filled by a majority vote of the Board of Trustees. The five (5) members first appointed shall serve for terms of one (1), two (2), three (3), four (4), and five (5) years respectively; thereafter appointment shall be made for five (5) year terms. Vacancies shall be filled by the Board of Trustees and shall be for the respective unexpired term. The members of the Board of Zoning Appeals may receive such compensation as the Board of Trustees provides.

2. Hearings, Rules, Etc.

The hearings of the Board of Zoning Appeals shall be public. The Board shall organize annually and elect a Chairman, Vice-Chairman and a Secretary. The Board shall act by resolution in which three (3) members must concur. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this resolution. The Board shall hear any owner of property adjacent to the lot for which the granting of any zoning permit is pending, and shall also hear any other parties having substantial interest as determined by the Board. However, the board may go into executive session for discussion but not for vote on any case before it.

3. Minutes and Records

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees and shall be a public record.

4. Witnesses, Oaths, Etc.

The Board shall have the power to subpoena witnesses, administer oaths and punish for contempt and may require the production of documents, under such regulations as it may establish.

5. Assistance

The Board may call upon the various officials and employees of the Township for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

Section 5. Zoning Commission.

1. Organization and Duties of Township Zoning Commission

The Township Zoning Commission shall hold an annual election for the purpose of selecting its officers which shall include a Chairman, Vice-Chairman and Secretary. The election of such officers shall be held in January of each year at a regularly scheduled meeting. The commission shall adopt its own by-laws for the transaction of its business. An official record of the Commissions meetings, actions and determinations shall be kept. A copy of the agenda and minutes of each meeting and public hearing shall be supplied to the Board of Trustees for its own file.

2. General

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Trustees may by resolution, after receipt of recommendation thereon from the Zoning Commission, and subject to the procedure provided by law, amend, supplement or change the regulations, district boundaries or classifications of property, now or hereafter established by this resolution or amendments thereof. It shall be the duty of the Commission to submit its recommendations regarding all applications or proposals for amendments or supplements to the Trustees.

Section 6 Schedule of fees.

The Board of Township Trustees shall by resolution establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals and other procedures and services pertaining to the administration and enforcement of this resolution, after considering the recommendations of the Zoning Inspector with respect to the actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Inspector and may be altered or amended only by the Board of Trustees. Until all such appropriate fees, charges and expenses have been paid in full, no action shall be taken on any application, appeal or administrative procedure.

Article XXIX Enforcement

Section 1 General

This article stipulates the procedures to be followed in obtaining permits, certificates and other legal or administrative approvals under this resolution.

Section 2 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. Even in those cases where the end result would qualify for an exemption under Article IV Uses Exempted from Provisions of Zoning Resolution, it shall be required that

an application be made for a zoning permit for the purpose of allowing the Zoning Inspector an opportunity to make a determination. There will be no fee for any application that qualifies as an exemption under this resolution or any subsequent amendment thereto in the Ohio Revised Code or this Resolution. All fees are non-refundable.

Section 3 Contents of Application for Zoning Permit

The application for zoning permit shall be made in writing and 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 one (1) year or substantially completed within two and one-half (2 ½) years. At a minimum, the application shall contain the following information and be accompanied by all required fees.

1. Name, address and phone number of applicant.
2. Legal description of property.
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, and their layout.
9. Location of access drives
10. Number of dwelling units
11. If applicable, application for a sign permit or a conditional, special or temporary use permit, unless previously submitted.
12. Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of this resolution.
13. Prior to issuance of any Zoning Certificate for all commercial or industrial uses, including new uses and changes of uses encompassing a lot of area

greater than one (1) acre the applicant shall prepare and the Wood County Engineer shall preview and approve storm water management plans. Said plans shall be prepared by a licensed professional engineer and be designed using commonly accepted principles and practices. The Wood County Engineer shall promulgate rules and regulations governing storm water retention / detention based upon agricultural runoff rates and other measures as appropriate.

14. In the event of a natural disaster, fire or other extreme acts of nature, the Inspector shall issue a temporary permit for non-traditional living accommodations for a period not to exceed 30 days. The Zoning Board of Appeals shall then hear the matter and make additional conditions as part of the temporary living arrangements.

Section 4. Approval of Zoning Permits

Within thirty (30) days after the receipt of and application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this resolution. All Zoning Permits shall however, be conditional upon the commencement of work within one year. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. 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 activity is in conformance with the provisions of this resolution.

Section 5. Expiration of Zoning Permit

If the work described in any Zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire, it shall be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected. If the work described in any Zoning Permit has not been substantially completed within two and one-half (2 ½) years 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 affected, 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 an extension granted.

Section 6. Certificate of Occupancy

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

Section 7. Temporary Certificate of Occupancy

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

Section 8. Record of Zoning Permits and Certificate of Occupancy

The Zoning Inspector shall maintain a record of all Zoning permits and certificates of occupancy, and Copies shall be furnished, upon request and upon payment of the established fee, to any person.

Section 9. Failure to Obtain a Zoning Permit or Certificate of Occupancy

Failure to obtain a zoning permit or certificate of occupancy shall be a punishable violation of this resolution.

Section 10. Construction and Use to Be as Provided in Applications, Plans, Permits, and Certificates.

Zoning permits and certificates of occupancy 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 a punishable violation of this resolution.

Section 11. 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 causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall properly record such complaint, immediately investigate it, and take action thereon as provided by this resolution.

Section 12. Entry and Inspection of Property

The Zoning Inspector is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this resolution. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Inspector shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the County Prosecutor in securing a valid search warrant prior to entry.

Section 13. Stop Work Order

Subsequent to his determination that work is being done contrary to this resolution, the Zoning Inspector shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Inspector, shall constitute a punishable violation of this resolution.

Section 14. Zoning Permit Revocation

The Zoning Inspector may issue a revocation notice to revoke a permit or administrative approval, which was issued contrary to this resolution or based upon false information or misrepresentation in the application.

Section 15. Notice of Violation

Whenever the Zoning Inspector or his agent determines that is a violation of any provision of this resolution, a warning tag shall be issued and shall serve as a notice of violation.

Such order shall:

- A. Be in writing.

- B. Identify the violation.
- C. Include a statement of the reason or reasons why it is being issued and refer to the sections of this resolution. Being violated; and
- D. State the time by which the violation shall be corrected.

Service of notice of violation shall be as follows:

- A. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or
- B. By certified mail deposited in the United States Post Office addressed to the person or persons responsible at the last known address. If a certified mail envelope is returned with the endorsement showing that the envelope is unclaimed, the service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
- C. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

Article XXX Procedures and Requirements for Appeals and Variances

Section 1 General

Appeals and variances shall conform to the procedures and requirements of Sections 2 to 12 inclusive, of this resolution. As specified in Section 3, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

Section 2. 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

or bureau of the legislative authority of the Township affected by the decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) 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 3. 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 Zoning Board Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life or 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 4. Variances

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, a literal enforcement of the provisions of this resolution would result in unnecessary hardship. No non-conforming use of neighboring lands, structures or buildings in the same district and no permitted or non-conforming use

of lands, structures, or buildings or 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.

Section 5. Application and Standards for Variance.

Except as otherwise permitted in this resolution, no variance in the strict application of the provisions of this resolution shall be granted by the Board of Zoning Appeals unless the board finds that the written application for the requested variance contains all of the following requirements.

1. Name, address and phone number of applicant (s).
2. Legal description of the property.

3. Description or nature of variance requested.

4. A fee as established by resolution.

5. Narrative statements establishing and substantiating that the variance conforms to the following standards.
 - a) The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this resolution on the district in which it is located and shall not be injurious to the area or detrimental to the public welfare.

b) The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.

c) There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of this resolution would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.

d) There must be proof of hardship created by the strict application of this resolution. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self created, not can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.

e) The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish purpose.

f) The proposed variance will not impair an adequate supply of light and air to the adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish, or impair property values of the adjacent area.

g) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

Section 6. Additional Conditions and Safeguards.

The Board may further prescribe any conditions and safeguards that it deems necessary to insure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this resolution.

Section 7. 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 or an applicant.

Section 8. Notice of Public Hearing in Newspaper

Before conducting the public hearing required in section 7, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

Section 9. Notice to Parties in Interest

Before conducting the public hearing required in section 7, written notice of such hearing shall be mailed by the chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in section "8"

Section 10 Action by the Board of Zoning Appeals

Within thirty (30) days after the public hearing required in section 7, the board shall either approve, approve with supplementary conditions as specified in section 6, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of land, building or structure. Appeals of the board decision shall be made to the Court of Common Pleas.

Section 11 Terms of Variance

No order of the Zoning Board of Appeals granting a variance shall be valid for a period no longer than twelve (12) months from the date of such order unless the building permit or zoning approval is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period.

XXXI Procedures and Requirements for Conditional Use Permits; Substantially Similar Uses.

Section 1 Regulations of Conditional Uses

The provisions of section 1 to 12 inclusive of this resolution apply to the location and maintenance of any and all conditional uses.

Section 2. Purpose

In recent years, the characteristics and impacts of an ever increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that this resolution should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic generation. Accordingly, conditional use permits shall conform to the procedures and requirements of sections 1 to 12 of this resolution.

Section 3. Contents of Conditional Use Permit Application

Any owner, or agent thereof, which property for which a conditional use is proposed shall make an application for a conditional use permit by filing it with the Zoning Inspector, who shall within seven (7) days transmit it to the Board of Zoning Appeals. Such application at a minimum shall contain the following information;

1. Name, address and telephone number of the applicant.
2. Legal description of the property.
3. Zoning district.
4. Description of existing use
5. Description of proposed conditional use.
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features and such other information as the Board may require.
7. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the comprehensive plan, to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration.

8. A list containing the names and mailing addresses of all owners of property within five hundred (500) feet of the property in question.
9. A fee as established by this resolution.
10. A narrative addressing each applicable criteria contained in section 4.

Section 4. General Standards for All Conditional Uses

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

1. Is in fact a conditional use as established under the provisions of Article VII and appears on the schedule of district regulations adopted for the zoning district involved.
2. Will be in accordance with the general objectives or with any specific objective, of the Township's Zoning Resolution
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate 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, streets, 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 operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

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 the destruction, loss, or damage of a natural, scenic, or historic feature or major importance.

Section 5. Public Hearing

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after it receives an application for a conditional use permit submitted by an applicant through the Zoning Inspector.

Section 6. Notice of Public Hearing

Before conducting the public hearing required in Section 5, notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the hearing, and shall provide a summary explanation of the conditional use proposed.

Section 7. Notice to Parties of Interest

Prior to conducting the public hearing required in section 5, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the date of the hearing to all parties of interest, to include all property owners listed in the application. The notice shall contain the same information as required in section 5 for notices published in newspapers.

Section 8. Action by the Board of Zoning Appeals

Within thirty (30) days after the date of the public hearing required in section 5, the Board shall take one of the following actions.

1. Approve issuance of the conditional use permit by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met, and that such use will neither result in significant negative impacts upon or conflict with surrounding uses. Such written finding may also prescribe supplementary conditions and safeguards as specified in Section 9. Upon making an affirmative finding, the Board shall direct the Zoning Inspector to issue a conditional use permit for such use which shall list all conditions and safeguards specified by the Board for approval.
2. Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary.
3. Make a written finding that the application is denied, such finding specifying the reason (s) for disapproval.

If an application is disapproved by the Board, the applicant may seek relief through the court of common pleas.

Section 9. Supplementary Conditions and Safeguards.

In granting approval for any conditional use, the Board may prescribe appropriate conditions and safeguards in conformance with this resolution. Any violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of this resolution.

Section 10. Expiration of Conditional Use Permit

A conditional use permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically if such conditionally permitted use has not been instituted or utilized within one (1) year of the date on which the permit was issued, or if for any reason such use shall cease for more than two (2) years.

Section 11. Procedure and Requirements to Determine that a Use is Substantially Similar

Where a specific use is proposed that is not listed or provided for in this resolution, the Board of Zoning Appeals may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in this resolution. If the Board finds that a use is substantially similar to a specific use that is listed in this resolution, the substantially similar use is deemed to be a substantially similar permitted use in those districts where the specific use is a permitted use, and a substantially similar conditional use in those districts where the specific use is a conditionally permitted use. In formulating a determination that a proposed use is a substantially similar use, the Board shall follow the procedures relating to appeals and variances as specified in Article XXVIII of this resolution. Upon making a determination that a proposed use is substantially similar, the Board shall notify the Township Trustees of its decision and shall include in its written findings the reasoning upon which the decision is based. Unless the decision is rejected within thirty (30) days of its receipt by the Township Trustees, such substantially similar use determination by the Board shall become effective.

Section 12. remedy by Application for Amendment.

If the Board determines that a proposed use is not substantially similar, such determination shall not be appealed to the Township Trustees, but remedy may be sought by the appellant as prescribed in Article XXX.

Article XXXII Amendment to Township Zoning Resolution

Section 1. Procedure for Amendments or District Changes

This resolution may be amended by utilizing the procedures specified in this resolution.

Section 2. 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 3. Initiation of Zoning Amendments

Amendments to this Zoning Resolution may be initiated in one of the following ways;

1. By the 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 (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

Section 4. Contents of Application for Zoning Map Amendment

Applications for amendments to the Official Zoning Map adopted as part of this resolution by Article I shall contain at least the following information.

1. The name, address, and phone number of applicant
2. A statement of reasons for the proposed amendment
3. Present use
4. Proposed use
5. Present Zoning District
6. Proposed Zoning District
7. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require.
8. A list of all property owners 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 addressed need not be included where more than ten (10) parcels are to be rezoned.
9. A statement on the ways in which the proposed amendment relates to the comprehensive plan.
10. A fee as established by resolution of the Liberty Township Trustees

Section 4. Contents of Application for Zoning Text Amendment.

Application for amendments proposing to change, supplement, amend or repeal any portion(s) of this resolution, other than the Official Zoning Map, shall contain at least the following information.

- A. The name, address, and phone number of the applicant.
- B. The proposed amending resolution, approved as to form by County Prosecutor.
- C. A statement of reason(s) for the proposed amendment.
- D. A statement explaining the ways in which the amendment relates to the comprehensive plan.
- E. A fee as established by resolution of the Township Trustees.

1. 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 (1) owner or lessee of property, said resolution or application shall be transmitted to the Commission.

2. Submission to Wood County Planning Commission.

Within five (5) days after the adoption of a motion by the commission, transmittal of a resolution by the Township Trustees of the filling of an application by at least one (1) 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 Wood County Planning Commission. The Wood 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 as the public hearing held by the Zoning Commission.

3. Submission to Director of Transportation

Before any Zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by 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 one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Township Trustees that he shall proceed to acquire the land needed, then the Township Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the township Trustees that acquisition at this time is not in the public interest or upon the expiration of one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Township Trustees shall proceed as required by law.

4. Public Hearing by Zoning Commission

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

5. Notice of Public Hearing in Newspaper

Before holding the public hearing as required in Section 4, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before that date of said public hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Township Trustees for further determination.

6. Notice of 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, 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 from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditors current tax list or lists that may be specified by the Township Trustees. The notice shall contain the same information as required of notices published in newspaper as specified in section 5.

7. Recommendation by Zoning Commission

Within thirty (30) days after the public hearing required in section 4, the Zoning Commission shall recommend to the 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 not be granted. The written decision of the Zoning Commission shall indicate the specific reason(s) upon which the recommendation is based, to include the basis for their determination that the proposed amendment is or is not consistent with the comprehensive plan.

8. 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. Notice of such public hearing in a newspaper of general circulation shall be given by the Board of Township Trustees as specified in section 5.

9. Action by Board of Township Trustees

Within twenty (20) days after the public hearing required in section 8, 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.

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

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

Article XXXIII Exceptions and Modifications

Section 1. General

Requirements and regulations specified in this resolution shall be subject to the exceptions, modifications and interpretations set forth in this Article.

Section 2. Existing Lots of Record

In any district where dwellings are permitted, a one family detached dwelling may be erected on any lot of official record as of the effective date of this resolution as stated in Article XXXVI, irrespective of its area or width, provided that the owner of such lot does not own any adjoining property, except that no lot shall be deemed less than forty (40) feet wide for the calculation of yard requirements, and provided further;

1. The sum of the side yard widths on any such lot need not exceed thirty percent (30%) of width of the lot, but in no case shall the width of any side yard be less than ten percent (10%) of the width of the lot, provided however that on a corner lot the width of the side yard adjoining the side street lot line shall not be less than eight (8) feet or twenty percent (20%) of the frontage, whichever is the greater.
2. The depth of the rear yard of any such lot need not exceed twenty percent (20%) of the depth of the lot but in no case shall it be less than twenty (20) feet.

Section 3 Combination of Existing lots of Record

In any district where dwellings are permitted, existing lots of record, facing on the same street, as of the effective date of this resolution as stated in Article XXXIII, which do not meet the present area, width, depth and floor area requirements, either before or after combination may be combined to provide for reasonable location of a single family detached dwelling. The location of the dwelling on the lot shall be governed by provisions of Article XII.

Section 4 Front Yards

1. When forty percent (40%) or more of the frontage on one side of a street between two intersecting streets is improved with buildings that have a front yard which is greater or less than the required front yard in the district. No building shall project beyond the average front yard so established, provided however that a front yard depth shall not be required to exceed fifty percent (50%) in excess of the front yard otherwise required in the district in which the lot is located.
2. On lots having double frontage, the required front yard shall be provided on both streets.
3. In a residential district, no fence, structure, or planting higher than three (3) feet above the established street grades shall be maintained within twenty (20) feet of any right-of-way line at the street intersection.
4. An open, uncovered porch or paved terrace may project into a required front yard for a distance of not more than ten (10) feet, but this shall be interpreted to include or permit fixed canopies.
5. Filling station pumps or pump islands may be located within a required yard, provided they are not less than twenty-five (25) feet from any street right-of-way line and not less than fifty (50) feet from the boundary of any residential district.
6. Off-street parking facilities may be located within the required front yard of any "C" district or any "I" district but shall not be nearer than fifty (50) feet from any "A" or "R" district.
7. Outdoor advertising signs hereinafter erected shall conform to the front yard requirements of the district in which they are located.

Section 5 Side Yards

1. On a corner lot, the width of the yard along the side street shall not be less than any required front yard on such street, provided, however the buildable width of a lot of record shall not be reduced to less than thirty-two (32) feet.
2. No accessory building shall project beyond any required yard line along any street.
3. Where dwelling units are erected above commercial establishments, no side yard is required excepts when required for the commercial building on the site of a lot adjoining a residential district.
4. A porte-cochere or canopy may project into a required side yard, provided every part of such porte-cochere or canopy is unenclosed and not less than seven (7) feet from any side lot line.
5. For the purpose of side yard regulation, a two family dwelling or multiple dwelling shall be considered as one building occupying one lot.
6. An owner of a dwelling erected prior to the effective date of this resolution shall be permitted to enlarge or structurally alter such dwelling to provide

additional enclosed space for living or garage purposes, provided however that no side yard shall be reduced to less than five (5) feet.

7. Where a lot of record at the time of the effective date of this resolution is of less than the minimum lot width requirement in the district in which the lot is located the minimum side yard may be reduced to ten percent (10%) of the width of the lot, provided however that no side yard shall be less than five (5) feet.

Section 6 Rear Yards

1. Where a lot abuts upon an alley, one-half (1/2) the alley width may be considered as part of the required rear yard.
2. An accessory building not exceeding twenty (20) feet in height may occupy not exceed thirty percent (30%) and unenclosed parking spaces may occupy not to exceed ninety percent (90%) of the area of a required rear yard, but no accessory building shall be closer than ten (10) feet to the main building nor closer than three (3) feet to any rear lot line.
3. The ordinary projection of sills, belt courses, cornices, and ornamental features may extend to a distance not top exceed eighteen (18) inches into a required yard.
4. Open or lattice-enclosed fire escapes, outside airways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard may be permitted by the Township Zoning Inspector for a distance not to exceed five (5) feet when these are so placed as not to obstruct light and ventilation.

Section 7. Setback from Publicly Established Drainage Ditches

In all districts a setback of thirty (30) feet measured from the top of the bank of a publicly established drainage ditch shall be provided for all building or structures erected along such ditch.

Section 8. – Culverts, Swales and Driveways:

All culverts, sways, driveways or any project that can affect the grade of the land will be finished in a manner that does not cause a water runoff issue onto any roadway or another's property. Any issues that arise due to this type of work will be the responsibility of the owner of the property that created the problem. No driveway will exceed the height of the road edge that it abuts. This grade will extend up the driveway at least 4 (four) feet from edge of road. **(2014)**

Article XXXIV Violation and Penalties

Section 1 Violation and Penalties

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation in any regulation in or provisions of this resolution or any amendment or supplement thereto adopted by the Trustees of the Township. Any person, firm, or corporation violating any regulation in or any provision of this resolution or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than five-hundred (\$500.00) dollars. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or uses continued, may be deemed as a separate offense.

Section 2. Violations – Remedies

1. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of this resolution or any amendment or supplement thereto, the Zoning Inspector, the County Prosecutor, or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.
2. Any certificate issued upon false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Board of Township Trustees, the certificate shall be revoked by notice in writing to be delivered to the holder of the void certificate upon the premises concerned, or if such holder be not found there, by posting the said notice of revocation in some conspicuous place upon said premises. Any person who shall proceed thereafter with such work or use without having obtained a new certificate in accordance with this resolution shall be deemed guilty of violation thereof.

Article XXXV. Validity

Section 1. Separability

It is hereby declared to be the legislative intent that the several provisions of this resolution shall be separable, in accordance with the provisions set forth below.

Section 2. Invalid Section

If any provision of this resolution is declared to be invalid by a decision of any court of competent jurisdiction, the effect of such decision shall be limited to that provision or provisions which are expressly stated in this decision to be invalid. Such decision shall not affect, impair or nullify this resolution as a whole or any part thereof, but the rest of this resolution shall continue in full force and effect.

Section 3. Invalid Application or Resolution

If the application of any provision of this resolution to any lot, building or other structure is declared to be invalid by a decision of any court of competent jurisdiction, the effect of such decision shall be limited to that lot, building or other structure immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity was rendered. Such decision shall not affect, impair or nullify this resolution as a whole or the application of any provision thereof, to any other lot, building or other structure.

Article XXXVI. Effective Date

This resolution shall be in full force and shall become effective from and after the date of its approval and adoption, as provided by law

Certified to Board of Trustees, 1, November 1993

Passed: 29 November 1993

Adopted: 29 December 1993

Revised: 6 December 2000

Revised: 5 April 2003

Revised: 9 July 2010

Revised: 29 December 2014