

**LIBERTY TOWNSHIP ZONING RESOLUTION**

**HANCOCK COUNTY, OHIO**

**PREAMBLE**

Pursuant to the authority conferred by Section 519 of the Ohio Revised Code, and for the purpose of promoting and protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of Liberty Township, by protecting and conserving the character and social and economic stability of the agricultural, residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding of the land and undue congestion of population; providing adequate light, air and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation and other public requirements, and by other means, all in accordance with a Township Comprehensive Plan, now therefore:

**ENACTING CLAUSE**

Liberty Township Resolves:

**ARTICLE I - SHORT TITLE**

This Resolution shall be known and may be cited as the Liberty Township Zoning Resolution.

**ARTICLE II - CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

**Section 200. CONSTRUCTION OF LANGUAGE**

The following rules of construction apply to the text of this Resolution:

1. In case of any difference of meaning or implication between the text of this Resolution and any caption or illustration, the text shall control.
2. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
3. A "building" or "structure" includes any part thereof.
4. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
5. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either...or", the conjunction shall be interpreted as follows:
  - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - c. "Either..or" indicates that the connected items, conditions, provisions or events shall apply single but not in combination.
6. Terms not herein defined shall have the meaning customarily assigned to them.

## **Section 201. DEFINITIONS**

**ACCESSORY USE, OR ACCESSORY:** A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as, the principal use to which it is related.

When "accessory" is used in this text, it shall have the same meaning as accessory use.

1. Residential accommodations for servants and/or caretakers.
2. Swimming pools for the use of the occupants of a residence, or their guests.
3. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
4. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
5. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
6. Accessory off-street parking spaces, open or enclosed.
7. Uses clearly incidental to a main use such as but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
8. Accessory off-street loading.
9. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

**ADULT ENTERTAINMENT ESTABLISHMENT/ADULT ENTERTAINMENT USE:** means any adult arcade, adult theater, adult bookstore/video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical areas for viewing by patrons, including but not limited to: massage establishments, tanning salons, sexually oriented escort services, modeling studios, or lingerie studios, whether or not licensed pursuant to Chapters 503, 715, or 4713 of the Ohio Revised Code. Excluded from this definition are any educational institutions where the exposure of the specified anatomical area is associated with a curriculum or program.

**ALTERATIONS:** As applied to a building or structure, a change or rearrangement in the structural parts, whether by enlargement or by increasing height, or the moving of a building or structure from one location to another.

**AUTOMOBILE REPAIR:** The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

**AUTOMOBILE SERVICE STATION:** A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

**BUILDING:** Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind. For the purposes of this Resolution, a mobile home shall be considered a building.

**BUILDING HEIGHT:** The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; to the average height between eaves and ridge for gable, hip and gambrel roofs; and two-thirds of the vertical distance between eaves and the ridge for A-frame roofs.

**BUILDING LINE:** A line formed by the face of the building, and for the purposes of this Resolution, a minimum building line is the same as a front setback line.

**COMPREHENSIVE PLAN:** The Comprehensive Plan of Liberty Township, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the County, and including any unit or part of such Plan, and any amendment to such Plan or parts thereof.

**CONVALESCENT OR NURSING HOMES:** A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and medical care.

**COUNTY:** Hancock County, Ohio

**DISTRICT:** A portion of the unincorporated area of Liberty Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Resolution.

**DWELLING UNIT:** A building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

**DWELLING, ONE-FAMILY:** A building designed exclusively for and occupied exclusively by one (1) family.

**DWELLING, TWO-FAMILY:** A building, or a portion thereof, designed exclusively for occupancy by two (2) families living independently of each other.

**DWELLING, MULTIPLE-FAMILY:** A building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

**ERECTED:** Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction excavation, fill, drainage, and the like, shall be considered a part of erection.

**ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

**EXCEPTION:** A use permitted only after review of an application by the Board of Zoning Appeals or Township Trustees or a modification in the standards this Resolution specifically permitted after review by the Board of Zoning Appeals, Zoning Commission or Township Trustees; such review being necessary because the provisions of this Resolution covering conditions precedent or subsequent are not precise enough to all applications without interpretation, and such review and exception is provided for by this Resolution. An exception is not a variance.

**FAMILY:** One (1) or two (2) persons or parents, with their direct lineal descendants and adopted or foster children (and including the domestic employees thereof) together with not more than three (3) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit.

**FARM:** The carrying on of any agricultural activity or the raising of livestock or small animals as a source of income.

**FLOOR AREA, RESIDENTIAL:** For the purpose of computing the minimum allowable floor area in a residential dwelling unit the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the center-line of walls separating two (2) dwellings. The floor area

measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

**GRADE:** The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

**HOME BUSINESS:** Any occupational activity carried on exclusively by a member of an immediate family residing on the premises and conducted entirely on the premises. No commodity shall be sold on the premises nor mechanical equipment used, the external effects of which may adversely affect adjacent property. Home Businesses shall be clearly incidental and secondary to the use of the premises for dwelling purposes, and shall not change the structural character thereof.

**HOME OCCUPATION:** Any occupational activity carried on exclusively by a member of an immediate family residing in the dwelling and conducted entirely within the dwelling. No commodity shall be sold on the premises nor mechanical equipment used, the external effects of which may adversely affect adjacent property. Home occupations shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and shall not change the structural character thereof.

**JUNK YARD:** An area where waste, used or secondhand materials are bought and sold, exchanged, sorted, baled, packed, disassembled, stored, or handled including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "Junk Yard" includes automobile wrecking yards and includes any open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk.

**LOADING SPACE:** An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

**LOT:** A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Resolution. A lot may or may not be specifically designated as such on public records.

**LOT, CORNER:** A lot where the interior angle of two (2) adjacent sides of the intersection of two (2) streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Resolution if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight

street line extended, for an interior angle of less than one hundred and thirty-five (135) degrees.

**LOT, INTERIOR:** Any lot other than a corner lot.

**LOT AREA:** The total horizontal area within the lot lines of the lot.

**LOT COVERAGE:** The part or percent of the lot occupied by buildings including accessory buildings.

**LOT DEPTH:** The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

**LOT LINES:** The lines bounding a lot as defined herein:

1. **Front Lot Line:** In the case of an interior lot, is that line separating said lot from the street. In the case of a through lot, is that line separating said lot from either street.
2. **Rear Lot Line:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
3. **Side Lot Line:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**LOT OF RECORD:** A parcel of land, the dimensions of which are shown on a document or map on file with the County Recorder or in common use by County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

**LOT WIDTH:** The horizontal straight line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines.

**MAIN BUILDING:** A building in which is conducted the principal use of the lot upon which it is situated.

**MAJOR THOROFARE:** An arterial street which is intended to serve as a large volume traffic way for both the immediate area and/or the region beyond, and is designated as a Major Thorofare on the Liberty Township Comprehensive Land Use Plan.

**MOBILE HOME:** A structure of vehicular, portable design, built on a chassis and designed to be moved from one location to another, and to be used with or without a permanent foundation. A mobile home is considered to be a building.

**MOBILE HOME PARK:** Any plot of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located.

**NONCONFORMING BUILDING:** A building or portion thereof, lawfully existing at the effective date of this Resolution or amendments thereto, and that does not conform to the provisions of the Resolution in the district in which it is located.

**OFF-STREET PARKING LOT:** A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

**PARKING SPACE:** An area of definite length and width, fully accessible for the parking of permitted vehicles; said area shall be exclusive of drives, aisles or entrances giving access thereto.

**PLANNING COMMISSION:** The Hancock Regional Planning Commission

**PRINCIPAL USE:** The main use to which the premises are devoted and the principal purpose for which the premises exist.

**PROSECUTOR:** The Hancock County Prosecutor

**PUBLIC UTILITY:** A person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public: gas, electricity, sewage disposal, communication, telegraph, transportation or water.

**ROOM:** For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing 1, 2, or 3 bedroom units and including a "den", "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.

**SETBACK:** The distance required to obtain minimum front, side or rear yard open space provisions of this Resolution.

**SIGN:** The use of any words, numerals, figures, devices, designs or trademarks by which anything is made known such as are used to show an individual, firm, profession, or business, and are visible to the general public.

**SIGN, ACCESSORY:** A sign which is related to the principal use of the premises.



**SIGN, NONACCESSORY:** A sign which is not related to the principal use of the premises; outdoor advertising such as billboards and the like.

**STREET:** A public dedicated right-of-way, other than an alley which affords the principal means of access to abutting property.

**STRUCTURE:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

**TEMPORARY USE OF BUILDING:** A use or building permitted by the Board of Appeals to exist during a specified period of time.

**TOWNSHIP TRUSTEES:** The Township Trustees of Liberty Township, Hancock County, Ohio

**USE:** The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

**VARIANCE:** A modification of the literal provisions of the Zoning Resolution granted when strict enforcement of the Zoning Resolution would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of a variance are: (a) undue hardship, and (b) unique circumstances applying to the property. A variance is not justified unless both elements are present in the case. A variance is not an exception.

**WALL, OBSCURING:** A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Resolution.

**YARDS:** The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Resolution, and as defined herein:

1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. Front yard requirements shall be based upon the road right-of-way, either existing or as proposed in the Liberty Township Comprehensive Land Use Plan.
2. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
3. **Side Yard:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the

width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

**ZONING COMMISSION:** The Zoning Commission of Liberty Township, Hancock County, Ohio

**ZONING INSPECTOR:** The Zoning Inspector of Liberty Township or his authorized representative.

### **ARTICLE III - ZONING DISTRICTS AND MAP**

#### **Section 300. DISTRICTS ESTABLISHED**

For the purpose of this Resolution, Liberty Township is hereby divided into the following districts:

A-1 Agricultural District  
R-1 One-Family Residential District  
R-2 One-Family Residential District  
RM-1 Multiple-Family Residential District  
RT Two-Family Residential District  
LB Local Business District  
B-1 Community Business District  
B-2 General Business District  
I-1 Light Industrial District  
I-2 General Industrial District

#### **Section 301. DISTRICT BOUNDARIES**

The boundaries of these Districts are hereby established as shown on the Zoning Districts Map which accompanies this Resolution, and which map with all notations, references, and other information shown thereon shall be as much a part of this Resolution as if fully described herein.

#### **Section 302. DISTRICT BOUNDARIES INTERPRETED**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Districts Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following Township limits shall be construed as following such Township limits.
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official Zoning Districts Map shall be determined by the scale of the Map.
7. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Districts Map, or in other circumstances not covered by Subsections 1 through 6 above, the Board of Zoning Appeals shall interpret the District boundaries.
8. Insofar as some or all of the various Districts may be indicated on the Zoning Districts Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such District boundaries do extend to the center of any public right-of-way.

### **Section 303. ZONING OF VACATED AREAS**

Whenever any street, alley or other public way, within the unincorporated area of Liberty Township shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same zoning District as the property to which it attaches.

### **Section 304. DISTRICT REQUIREMENTS**

All buildings and uses in any District shall be subject to the provisions of ARTICLE XIV - GENERAL PROVISIONS and ARTICLE XV - GENERAL EXCEPTIONS.

## **ARTICLE IV - A-1 AGRICULTURAL DISTRICTS**

### **Section 400. INTENT**

The A-1 Agricultural Districts are intended to provide for agricultural use of those areas best suited to farming activity, and, recognizing that prime farm land is an unrennewable resource,

to protect and preserve such land for agricultural usage. The intent is to provide for an environment of predominantly agricultural activity, wherein residential development is clearly accessory and ancillary to a farming operation.

**Section 401. PRINCIPAL USES PERMITTED**

In an A-1 Agricultural District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Resolution:

1. Farms and farming operations.
2. Publicly owned and operated libraries, parks, parkways and recreational facilities.
3. Public, parochial and other private elementary and secondary schools offering courses in general education, and not operated for profit.
4. Churches and other facilities normally incident thereto.
5. Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of such building within the District in order to serve the immediate vicinity.
6. Home occupations.
7. Accessory buildings, structures, and uses customarily incident to any of the above permitted uses.

**Section 402. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS**

The following uses shall be permitted subject to the conditions hereinafter imposed for each use, and subject further to the review and approval of the Zoning Commission:

1. Single-family dwellings, provided that from original tracts existing on February 22, 1999, not more than one (1) dwelling shall be permitted for each twenty (20) acres contained in the original tract. Original tracts shall be construed to mean contiguous areas of acreage or parcels as reflected on the Hancock County Auditor's records under single ownership not divided by a public road or railroad. For the purpose of this standard, property being purchased under land contract shall be construed as being actually owned by the purchaser. Dwellings existing on such tract and occupied by the owner (principal residence) shall not count against

the maximum number to be permitted, although as existing dwelling may be removed and replaced without a density penalty.

2. Nursery schools, day nurseries and child care centers (not including dormitories) provided that for each child so cared for, there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area. Such play space shall have a total minimum area of not less than five thousand (5,000) square feet and shall be fenced and screened from any adjoining lot in any Residential District.
3. Private noncommercial recreational areas, institutional or community recreation centers; nonprofit swimming pool clubs, all subject to the following conditions:
  - a. Front, side and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting Residential Districts.
  - b. Off-street parking shall be provided so as to accommodate not less than one-half (1/2) of the member families and/or individual members. The Zoning Commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediate adjacent areas, and will therefore be pedestrian.
  - c. Whenever a swimming pool is constructed under this Resolution, said pool area shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate.
4. Golf courses, which may or may not be operated for profit, subject to the following conditions:
  - a. The site plan shall be laid out to achieve a relationship between public thoroughfares and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrian and vehicular traffic safety.
  - b. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall not be less than two hundred (200) feet from any property line abutting Residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Zoning Commission may modify this requirement.

- c. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6) feet in height, and entry shall be by means of a controlled gate.
5. Home businesses shall be permitted subject to conditions the Zoning Commission deems necessary for the protection of the agricultural character of the surrounding area.
6. Single-family residences may be constructed on lots of record existing prior to the effective date of this Resolution.
7. Cemeteries, provided such are located adjacent to a Major or Secondary Thorofare.
8. Accessory buildings, structures, and uses customarily incident to any of the above permitted uses.

#### **Section 403. AREA AND BULK REQUIREMENTS**

See ARTICLE XIII - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lots by permitted land use, the maximum density permitted, and providing minimum yard setback requirements.

### ***ARTICLE V - R-1 AND R-2 ONE-FAMILY RESIDENTIAL DISTRICTS***

#### **Section 500. INTENT**

The R-1 and R-2 One-Family Residential Districts are designed to be the most restrictive of the Residential Districts. The intent is to provide for an environment of predominately low-density detached dwellings along with other residentially related facilities which serve the residents in the District.

#### **Section 501. PRINCIPAL USES PERMITTED**

In a One-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Resolution:

1. One-family detached dwellings.
2. Farms and farming operations.
3. Publicly owned and operated libraries, parks, parkways and recreational facilities.

4. Public, parochial and other private elementary schools offering courses in general education, and not operated for profit.
5. Accessory buildings, structures and uses customarily incident to any of the above permitted uses.

**Section 502. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS**

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Zoning Commission:

1. Uses permitted in A-1 Agricultural Districts as USES PERMITTED SUBJECT TO SPECIAL CONDITIONS, except Home Businesses, and subject to the conditions stated therein.
2. Churches and other facilities normally incidental thereto subject to the following conditions:
  - a. Buildings of greater than the maximum height allowed in ARTICLE XIII - SCHEDULE OF REGULATIONS may be allowed provided front, side and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
3. Public, parochial and private intermediate and/or secondary schools offering courses in general education, not operated for profit.
4. Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity. An intense greenbelt planting shall be provided along side and rear lot lines to screen the facility from adjacent residential uses.
5. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, all subject to the following conditions:
  - a. No building shall be closer than thirty (30) feet to any property line.
  - b. Buildings of greater than the maximum height allowed in ARTICLE XIII - SCHEDULE OF REGULATIONS may be permitted provided that front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.

6. Private pools shall be permitted as an accessory use within the rear yard only, provided they meet the following requirements:
  - a. Private pools shall not require Zoning Commission review and approval.
  - b. There shall be a minimum distance of not less than ten (10) feet, between the adjoining property line, or alley right-of-way and the outside of the pool wall. Side yard setbacks shall apply to side yards if the side yard setback is greater than ten (10) feet.
  - c. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
  - d. No swimming pool shall be located less than thirty-five (35) feet from any front lot line.
  - e. No swimming pool shall be located in an easement.
  - f. For the protection of the general public, all swimming pools shall be completely enclosed by a fence not less than four (4) feet in height. The gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the Zoning Inspector upon inspection and approval.
7. Cemeteries which lawfully occupied land at the time of adoption of this Resolution.
8. Home Occupations, subject to such conditions as the Zoning Commission deems necessary to protect the value of adjoining properties.
9. Accessory buildings, structures and uses customarily incident to the above permitted uses.

**Section 503. AREA AND BULK REQUIREMENTS**

See ARTICLE XIII - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted, and providing minimum yard setback requirements.

**ARTICLE VI - RT TWO-FAMILY RESIDENTIAL DISTRICTS**



**Section 600. INTENT**

The RT Two-Family Residential Districts are designed to afford a transition of use in existing housing areas by permitting new construction or conversion of existing structures between adjacent residential and commercial, office, thorofares or other uses which would affect residential character. This District allows the construction of new two-family residences where slightly greater densities are permitted.

**Section 601. PRINCIPAL USES PERMITTED**

In a Two-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Resolution:

1. All uses permitted and as regulated in the One-Family Residential Districts. The standards of the SCHEDULE OF REGULATIONS applicable to the R-2 One-Family Residential District, shall apply as minimum standards.
2. Two-family dwellings.
3. Accessory buildings and uses customarily incident to any of the above permitted uses.

**Section 602. REQUIRED CONDITIONS**

In the case of two-family dwelling developments, all Site Plans shall be submitted to the Zoning Commission for its review and approval prior to issuance of a Building Permit.

**Section 603. AREA AND BULK REQUIREMENTS**

See ARTICLE XIII - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted, and providing minimum yard setback requirements.

***ARTICLE VII - RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS***

**Section 700. INTENT**

The RM-1 Multiple-Family Residential Districts are designed to provide sites for multiple-family dwelling structures, and related

uses, which will generally serve as zones of transition between the nonresidential districts and lower density Single-Family Districts.

The Multiple-Family District is further provided to serve the limited needs for the apartment type of unit in an otherwise medium density, single-family community.

**Section 701. PRINCIPAL USES PERMITTED**

In a Multiple-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Resolution.

1. All uses permitted and as regulated in the R-2 One-Family Residential District.
2. Two-family dwellings, subject to development standards of the R-2 One-Family Residential District.
3. Multiple-family dwellings.
4. Accessory buildings and uses customarily incident to any of the above permitted uses.

**Section 702. REQUIRED CONDITIONS**

In the case of multiple dwelling developments, all site plans shall be submitted to the Zoning Commission for its review and approval prior to issuance of a building permit.

Approval shall be subject to the following conditions:

1. The site plan shall be so planned as to provide ingress and egress directly onto a Major or Secondary Thorofare (a thorofare of at least eighty (80) feet of right-of-way, existing or proposed), except when the Zoning Commission finds, upon review of the site plan, that ingress and egress directly onto an adjacent minor street will not be detrimental to the harmonious development of adjacent properties.
2. Drives, maneuvering lanes and open parking spaces shall be a distance of at least fifteen (15) feet from any residential building wall or portion thereof with a window and/or door penetration at the ground floor level.

**Section 703. PRINCIPAL USES PERMITTED, SUBJECT TO SPECIAL CONDITIONS**

1. Housing for the elderly when the following conditions are met:

- a. All dwellings shall consist of at least three hundred and fifty (350) square feet per unit (not including kitchen and sanitary facilities).
  - b. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty-five (25) percent of the total site exclusive of any dedicated public right-of-way.
2. Convalescent homes and orphanages when the following conditions are met:
    - a. There shall be provided on the site, not less than fifteen hundred (1,500) square feet of open space for each bed in the home. The fifteen hundred (1,500) square feet of land area shall provide for landscape setting, off-street parking, service drives, loading space, yard requirement and accessory uses, but shall not include the area covered by main or accessory buildings.
    - b. No building shall be closer than forty (40) feet to any property line.
  3. Publicly owned buildings, telephone exchange buildings, and public utility offices, including transformer stations, substations, or gas regulator stations, all without storage yards.
  4. Accessory buildings, structures, and uses customarily incident to any of the above permitted uses.

**Section 704. AREA AND BULK REQUIREMENTS**

See ARTICLE XIII - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, maximum density permitted and providing minimum yard setback requirements.

**ARTICLE VIII - LB LOCAL BUSINESS DISTRICT**

**Section 800. INTENT**

The LB Local Business District is intended to permit those uses as are necessary to satisfy the basic convenience shopping or service needs of persons residing in nearby residential areas. The District is intended to accommodate neighborhood oriented businesses which can serve as transitional areas between residential and higher intensity districts. LB Districts should

typically be located at intersections of Major and/or Secondary Thorofares, as opposed to being applied in a lineal fashion along major highways.

**Section 801. PRINCIPAL USES PERMITTED**

In an LB Local Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Resolution:

1. Retail businesses which supply commodities on the premises, such as but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions, or hardware.
2. Personal service establishments which perform services, on the premises, such as but not limited to: repair shops (watches, radio, television, shoe and etc.) tailor shops, beauty parlors or barber shops, photographic studios, and self-service laundries.

- 3. Business establishments which perform services on the premises, such as a but not limited to: banks, loan companies, insurance offices, and real estate offices.
- 4. Business and professional offices and services.
- 5. Other uses similar to the above uses.
- 6. Accessory structures and uses customarily incident to the above permitted uses.

**Section 802. REQUIRED CONDITIONS**

- 1. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on premises where produced.
- 2. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

**Section 803. AREA AND BULK REQUIREMENTS**

See ARTICLE XIII - SCHEDULE OF REGULATIONS, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

***ARTICLE IX - B-1 COMMUNITY BUSINESS DISTRICTS***

**Section 900. INTENT**

The B-1 Community Business Districts are designed to cater to the needs of a large consumer population, and are generally characterized by an integrated or planned cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic.

**Section 901. PRINCIPAL USES PERMITTED**

In a Community Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Resolution:

- 1. Office of service establishments such as but not limited to the following:
  - a. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales.

- b. Medical office, including clinics.
  - c. Facilities for human care such as hospitals, sanitariums, rest and convalescent homes.
  - d. Banks, credit unions, savings and loan associations, and similar uses.
  - e. Personal service establishments including barber shops, beauty shops and health salons.
2. All retail business, service establishments or processing uses as follows:
    - a. Any retail business whose principal activity is the sale of merchandise in an enclosed building.
    - b. Any service establishment of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct.
    - c. Private clubs, fraternal organizations and lodge halls.
    - d. Restaurants or other places serving food or beverage, except those having the character of a drive-in.
    - e. Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.
    - f. Business schools and colleges or private schools operated for profit.
  3. Other uses similar to the above uses.
  4. Accessory structures and uses customarily incident to the above permitted uses.

**Section 902. REQUIRED CONDITIONS**

1. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on the premises where produced.
2. All business, servicing or processing, except for off-street parking, loading and those open air uses indicated as being

subject to special conditions in **Section 803**, below, shall be conducted within completely enclosed buildings.

**Section 903. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS**

1. Open air business uses when developed in planned relationship with the B-1 District as follows:
  - a. Retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies; provided further that such uses shall be located at the exterior end of the building mass located in the B-1 District.
  - b. Recreational space providing children's amusement park and other similar recreation when part of a planned development, provided further that such use be located at the exterior end of the building mass located in a B-1 District, but not at the intersection of two Major Thorofares. Such recreation space shall be fenced on all sides with a four (4) foot chain link type fence.
2. Bowling alley, billiard hall, indoor archery range, indoor tennis courts, indoor skating rink, or similar forms of indoor commercial recreation when located at least one hundred (100) feet from any front, rear or side yard of any Residential District.
3. Automobile service centers, when developed as part of a larger planned shopping center designed so as to integrate the automobile service center within the site plan and architecture of the total shopping center, and provided further that a building permit shall not be issued separately for the construction of any automobile service center within the B-1 District.

**Section 904. AREA AND BULK REQUIREMENTS**

See ARTICLE XIII - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

**ARTICLE X - B-2 GENERAL BUSINESS DISTRICTS**

**Section 1000. INTENT**

The B-2 General Business Districts are designed to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the Community Business

District. B-2 General Business Districts are typically provided adjacent to Major highways and are designed to accommodate uses requiring the high traffic volumes normally experienced at such locations.

**Section 1001. PRINCIPAL USES PERMITTED**

In a General Business District, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this Resolution:

1. Any retail business or service establishment permitted in B-1 Districts as Principal Uses Permitted and Use Permitted Subject to Special Conditions.
2. Auto wash.
3. Bus passenger stations.
4. New and used car salesroom, showroom or office.
5. Motels.
6. Other uses similar to the above uses.
7. Accessory structures and uses customarily incident to the above uses.

**Section 1002. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS**

The following uses shall be permitted subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Zoning Commission:

1. Automobile service station for the sale of gasoline, oil and minor accessories only, and where no repair work is done, other than incidental service. Steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstering, auto glass work,

and such other activities whose external effects could adversely extend beyond the property line shall not be permitted.

- a. The curb cuts for access to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from adjacent Residential Districts.
- b. The minimum lot area shall be fifteen thousand (15,000) square feet, and so arranged that ample space is available



for motor vehicles which are required to wait. Automobile service stations which are intended solely for the sale of gasoline, oil and minor accessories and having no facilities for repair or servicing of automobiles (including lubricating facilities) may be permitted on lots of ten thousand (10,000) square feet, subject to all other provisions herein required. The minimum width of any service station site shall be one hundred (100) feet.

2. Outdoor sales space for exclusive sales of new or secondhand automobiles, mobile homes, camper trailers, or rental of trailers and/or automobiles, or similar property, all subject to the following:
  - a. The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.
  - b. Access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.
  - c. No major repair or major refinishing shall be done on the lot.
  - d. All lighting shall be shielded from adjacent Residential Districts.
3. Business in the character of a drive-in or drive-through establishment, subject to the following conditions:
  - a. A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.
  - b. Access points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
  - c. All lighting shall be shielded from adjacent Residential Districts
  - d. A six (6) foot high completely obscuring wall shall be provided when abutting or adjacent districts are zoned for Residential Districts. The height of the wall shall be measured from the surface of the ground. Said wall shall further meet the requirements of ARTICLE XIX - GENERAL PROVISIONS.
4. Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed main building and provided further that all buildings are set back at least two hundred (200) feet from abutting Residential Districts on the same side of the street.
5. Plant materials nursery for the retail sale of plant materials not grown on the site, and sales of lawn furniture, playground

equipment and garden supplies subject to the following conditions:

- a. The storage or display of any materials or products shall meet all setback requirements of a structure.
  - b. All loading and parking shall be provided off-street.
  - c. The storage of any soil, fertilizer or other loose, unpackaged materials shall be contained so as to prevent any affects on adjacent uses.
6. Mortuary establishments, when adequate assembly area is provided off-street for vehicles to be used in funeral processions, provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of mortuary establishments.
7. Publicly owned buildings, telephone exchange buildings, and public utility offices, including transformer stations, substations, or gas regulator stations, all without storage yards.

### **Section 1003. AREA AND BULK REQUIREMENTS**

See ARTICLE XIII - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

## ***ARTICLE XI - I-1 LIGHT INDUSTRIAL DISTRICTS***

### **Section 1100. INTENT**

The I-1 Light Industrial Districts are designed so as to accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the District and in no manner affect in a detrimental way any of the surrounding Districts. The I-1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, or treatment of finished or semi-finished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted.

The general goals of this use District include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the Township's expected future economy for all types of manufacturing and related uses.
2. To protect abutting Residential Districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
3. To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.
4. To protect the most desirable use of land in accordance with a well considered plan. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the Township's tax revenue.

#### **Section 1101. PRINCIPAL USES PERMITTED**

In a Light Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Resolution:

1. Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building.
2. Any of the following uses when the manufacturing, compounding or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding or processing shall be totally obscured by a wall on those sides abutting R-1 and R-2, RT, RM-1, LB, B-1, and B-2 Districts, and on any front yard abutting a public thorofare except as otherwise provided in Section 1313. WALLS. In I-1 Districts, the extent of such a wall shall not be less than four feet six inches (4' - 6") in height and may, depending upon land usage, be required to be eight (8) feet in height, and shall be subject further to the requirements of ARTICLE XIV - GENERAL PROVISIONS. A chain link fence, with intense evergreen shrub planting, shall be considered an obscuring wall. The height shall be determined in the same manner as the wall height is above set forth.
  - a. Warehousing and wholesale establishments, and trucking facilities.

- b. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware, and cutlery, tool, die, gauge and machine shops.
  - c. The manufacture, compounding, assembling or treatment of articles of merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns.
  - d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
  - e. Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other molded rubber products.
  - f. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
  - g. Laboratories - experimental, film or testing.
  - h. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
  - i. Central dry cleaning plants or laundries, provided that such plants shall not deal directly with consumer at retail.
  - j. All public utilities, including buildings, necessary structures, storage yards and other related uses.
3. Warehouse, storage and transfer, and electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations. Water supply and sewage disposal plants, water and gas tank holders, railroad transfer and storage tracks, railroad rights-of-way, and freight terminals.
4. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting all Residential or Business Districts, and on any yard abutting a public thoroughfare. In any I-1 District, the extent of such fence or wall may be determined by the Zoning Commission on the basis of usage.

5. Trade or industrial schools.
6. Freestanding nonaccessory signs.
7. Other uses of a similar character to the above uses.
8. Accessory buildings and uses customarily incident to any of the above permitted uses.

**Section 1102. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS**

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Zoning Commission:

1. Auto engine and body repair, and undercoating shops when completely enclosed.
2. Lumber and planing mills when completely enclosed and when located in the interior of the District so that no property line shall form the exterior boundary of the I-1 District.
3. Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
4. Commercial kennels.
5. Greenhouses.
6. Other uses of a similar character to the above uses.
7. Adult Entertainment Establishments/Adult Entertainment Uses, subject to all other conditions imposed by this Zoning Resolution."

**Section 1103. AREA AND BULK REQUIREMENTS**

See ARTICLE XIII - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

**ARTICLE XII - I-2 GENERAL INDUSTRIAL DISTRICTS**

**Section 1200. INTENT**

The I-2 General Industrial Districts are designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding Districts. The I-2 District is so structured as to permit the manufacturing, processing and compounding of semifinished or finished products from raw materials as well as from previously prepared material.

**Section 1201. PRINCIPAL USES PERMITTED**

In a General Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Resolution:

1. Any principal use first permitted in an I-1 District.
2. Heating and electric power generating plants.
3. Any of the following production or manufacturing uses:
  - a. Junk yard, provided such are entirely enclosed within a building or within an eight (8) foot obscuring wall.
  - b. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.
  - c. Blast furnace, steel furnace, blooming or rolling mill.
  - d. Manufacture of corrosive acid or alkali, cement, concrete, lime gypsum or plaster of paris.
  - e. Petroleum or other inflammable liquids, production, refining or storage.
  - f. Smelting of copper, iron or zinc ore.
  - g. Limestone quarry operations.
4. Any other use which shall be determined by the Township Trustees after recommendation from the Zoning Commission, to be of the same general character as the above permitted uses in Section 1201. The Trustees may impose any required setback and/or performance standards so as to insure public health, safety and general welfare.
5. Accessory buildings and uses customarily incident to any of the above permitted uses.

**Section 1201. AREA AND BULK REQUIREMENTS**

See ARTICLE XIII - SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

**Section 1300. NOTES TO SCHEDULE OF REGULATIONS**

- (a) See Section 1502 regarding exceptions to height limitations for farm buildings.
- (b) In the instance where public sanitary sewers and water systems are not available, lots will be two (2) acres in size with a minimum frontage of two hundred (200) feet.
- (c) See Section 1301. PLANNED UNIT DEVELOPMENT.
- (d) For all uses permitted other than single-family residential, the setback shall equal the height of the main building or the setback required in Section 402 or 1300, whichever is greater.
- (e) In the case of a rear yard abutting a side yard, the side yard setback abutting a street shall not be less than the minimum front yard setback of the District in which located and all regulations applicable to a front yard shall apply.
- (f) In an RM-1 Multiple-Family District, the total number of rooms of eighty (80) square feet or more (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by twelve hundred (1,200). All units shall have at least one (1) living room and one (1) bedroom, except that not more than ten percent (10%) of the units may be an efficiency apartment type.

In the RM-1 Districts, for the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:

Efficiency =	1 room	Plans presented showing 1, 2, 3 or 4 bedroom units and including a "den", "library" or other extra room as a bedroom for the purpose of computing density.
One Bedroom =	2 rooms	
Two Bedroom =	3 rooms	
Three Bedroom =	5 rooms	
Four Bedroom =	7 rooms	

In the RM-1 District, the area used for computing density shall be the total site area exclusive of any dedicated public right-of-way either interior or bounding roads.

- (g) In an RM-1 District, front, side or rear yards shall be maintained, and in no instance shall the distance between

buildings be less than thirty (30) feet. Off-street parking is permitted in required side or rear yards.

h) Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line as indicated on the City or County Thorofare Plan.

(i) No side yards are required along the interior side lot lines of the District, except as otherwise specified in the Building Code, provided that if wall of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.

On a corner lot which has a common lot line with a Residential District, there shall be provided a setback of twenty (20) feet on the side or residential street. Where a lot borders on a Residential District or a street, there shall be provided a setback of not less than ten (10) feet on the side bordering the Residential District or street.

(j) Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.

(k) No building shall be closer than seventy-five (75) feet to any adjacent Residential District or to any Major Thorofare.

(l) Off-street parking shall be permitted in a required side yard setback.

(m) Planned developments involving acreage under one (1) ownership shall be subject to the approval of the Zoning Commission regarding modifications with respect to the height regulations. In approving an increase in structure height, the Zoning Commission shall require that all yards at least be equal in their depth to the height of the structure.

(n) Off-street parking for visitors, over and above the number of spaces required under Section 1404, may be permitted within the required front yard provided that such off-street parking is not located within twenty (20) feet of the front lot line.

(o) Along interior side lot lines of the District, side yards shall be equal to at least the height of the average of the various heights of the industrial masses (excluding towers, chimneys, stacks and the like) immediately abutting upon and adjacent to such side yard.



- (p) No building shall be located closer than fifty (50) feet or the height of the building, whichever is the greater to the outer perimeter (property line) of such District when said property line abuts any Residential District.
- (q) All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than six feet (6') high, or with a chain link type fence and a greenbelt planting so as to obscure all view from any adjacent Residential, Office or Business District or from a public street.
- (r) For nonconforming lots of record existing prior to the effective date of this Resolution, lots having a frontage of one hundred (100) feet or greater shall comply with yard setback requirements of the R-1 One-Family Residential District; and lots having a frontage of less than one hundred (100) feet shall comply with yard setback requirements of the R-2 One-Family Residential District.

## **Section 1301. PLANNED UNIT DEVELOPMENT**

### **1. Intent**

The Planned Unit Development (PUD) option is intended to permit large scale developments executed in a manner consistent with sound land use planning principles, and in harmony with existing development in the surrounding area. The land use patterns created shall provide a desirable environment within the project area, while assuring that the value, utility, convenience, and general welfare of neighboring uses is not diminished.

### **2. Procedure For Application**

Application shall be made to the Zoning Commission for consideration under this option. The Applicant applying shall be required to make a submittal of the following material for review and recommendation by the Commission:

- a. A property area survey of the exact area being requested.
- b. A disclosure of the Applicant's ownership interest in the land being requested for the PUD option.
- c. A topography map of the entire area at a contour interval appropriate to the site. For relatively level terrain, the interval shall not be more than two (2) feet. This map shall indicate all natural and man-made features within the site.

- d. A plan of the entire area carried out in such detail as to show the land uses being requested, the densities being proposed where applicable, the system of collector streets, and off-street parking system.
- e. A written statement explaining in detail the full intent of the Applicant, indicating the specifics of the development plan as it relates to the type of dwelling units contemplated and resultant population; the extent of non-residential development and the resultant traffic generated and parking demands created.

### **3. PUD Approval**

The following procedure shall be used in review of the plan by the Zoning Commission and approval of the general plan by the Township Trustees:

- a. The PUD plan shall be reviewed and a recommendation shall be made by the Zoning Commission relative to the plan's meeting the general goals and objectives of the Township's Comprehensive Land Use Plan.
- b. Approval shall be given only after Public Hearing, and shall be granted by adoption of a Resolution designating the area to the PUD. Approval under this Section of the Resolution is based on the plan submitted, and therefore the plan and supporting documentation are basic to the PUD designation.
- c. Once an area has been included within a PUD, no development shall take place therein nor use made of any part thereof except in accordance with the general plan as originally approved, or in accordance with any approved amendments thereto.
- d. Upon approval by the Township Trustees of a PUD, the general plan shall become an integral part of the zoning for the PUD area, and for purposes of recordation shall be referred to as "Planned Unit Development # \_\_\_\_\_", which number shall correspond to the number of the Resolution designating the PUD. All approved plans shall be filed with the Township Clerk and the Zoning Inspector.
- e. Approval of a PUD general plan shall be effective for a period of two (2) years, with additional two (2) year extensions being automatic as long as development of the area continues to be carried out. Amendments to a PUD general plan must be approved by the Township Trustees through the steps outlined in 1. and 2. above.

### **4. Final Plan Approvals**

Following approval of a PUD area by the Township Trustees, subdivision plats and site plans for each specific phase of the development shall be reviewed by the Zoning Commission. These plans shall be in such form and shall contain such information as the Zoning Commission requires in its rules. The Zoning Commission, in reviewing the preliminary and final plans submitted under the PUD, shall use as a guide the standards set forth in the individual Zoning District regulations. Where strict application of specific use district standards would serve no significant purpose, the Zoning Commission shall have the authority to waive or modify such standards so long as the convenience, and general welfare of neighboring uses is not diminished. Before approving final plats or site plans, the Commission shall determine that:

- a. All dedications of public rights-of-way or planned public open spaces shall be made prior to any construction taking place on the site.
- b. In residential areas any prorated open space shall be irrevocably committed by dedication to an association of residents and retained as open space for park, recreation and related uses.
- c. Provisions, satisfactory to the Township, have been made to provide for the financing of any improvements shown on the plan for open spaces and common use areas which are to be provided by the Applicant, and that maintenance of such improvements is assured by a means satisfactory to the Township.
- d. The cost of installing all streets and necessary utilities has been assured by a means satisfactory to, Hancock County and the City of Findlay.
- e. The final plans of each project area of the approved plan are in conformity with the overall approved plan. Any changes or amendments requested shall terminate approval on the overall plan until such changes or amendments have been reviewed and approved as in the instance of the first submittal. Site plan approvals granted within a PUD area shall be effective for one (1) year. If construction commences within the initial approval period, such construction may continue until that phase of the project is complete. If construction fails to commence during that period, approval of that site plan shall lapse and permits issued in connection therewith shall cease to be in effect. Resubmittal of the site plan shall be necessary in order to secure new permits.

**ARTICLE XIV - GENERAL PROVISIONS**

## **Section 1400. CONFLICTING REGULATIONS**

Whenever any provision of this Resolution imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or resolution, then the provisions of this Resolution shall govern. Whenever the provisions of any other law or resolution impose more stringent requirements than are imposed or required by this Resolution, then the provisions of such resolution shall govern.

## **Section 1401. SCOPE**

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained for any building, structure or land, or part thereof, except in conformity with the provisions of this Resolution.

## **Section 1402. NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES AND NONCONFORMING USES OF STRUCTURES AND PREMISES**

### **1. Intent**

It is the intent of this Resolution to permit legal nonconforming lots, structures, or uses to continue until they are removed.

It is recognized that there exists within the Districts established by this Resolution and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Resolution was passed or amended which would be prohibited, regulated, or restricted under the terms of this Resolution or future amendments.

Such uses are declared by this Resolution to be incompatible with permitted uses in the Districts involved. It is further the intent of this Resolution that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same District.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the District involved.

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction or

designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

## **2. Nonconforming Structures**

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

- a. No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase its nonconformity.
- b. Should such structure be destroyed by any means to an extent of more than sixty percent (60%) of its replacement cost, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Resolution.
- c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the District in which it is located after it is moved.

## **3. Nonconforming Uses of Structures and Land**

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

- a. No existing structure devoted to a use not permitted by this Resolution in the District in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the District in which it is located.

- b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building.
- c. If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the District than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require conditions and safeguards in accord with the purpose and intent of this Resolution. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
- d. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the District in which such structure is located, and the nonconforming use may not thereafter be resumed.
- e. When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for two (2) years, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the District in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
- f. Mobile homes occupied on the effective date of this Resolution may be replaced by a mobile home of not less floor area than the original mobile home, provided yard setbacks appropriate to the District are maintained.

#### **4. Change of Tenancy or Ownership**

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures or of structures and land in combination.

#### **Section 1403. ACCESSORY BUILDINGS AND USES**

Accessory buildings, except as otherwise permitted in this Resolution, shall be subject to the following regulations:

- 1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Resolution applicable to the main building.

2. Accessory buildings and uses shall not be erected in any minimum side yard setback nor in any front yard unless otherwise provided in this Resolution.
3. An accessory building shall not occupy more than twenty-five percent (25%) of a required rear yard, provided that in a Residential District the accessory building shall not exceed the ground floor area of the main building, nor shall accessory buildings be located closer than five (5) feet to both the rear lot line and side lot lines.
4. No detached accessory building shall be located closer than ten (10) feet to any main building.
5. No detached accessory building in an R-1, R-2 or RM-1 District shall exceed one (1) story of fourteen (14) feet in height nor exceed the height of the main building on the premises.

Accessory buildings in all other Districts may be constructed to equal the permitted maximum height of structures in said Districts, subject to Zoning Commission review and approval if the building exceeds one (1) story or fourteen (14) feet in height.

6. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot to the rear of such corner lot. In no instance shall an accessory building be located nearer than ten (10) feet to a street right-of-way line.
7. The parking of a mobile home for periods exceeding twenty-four (24) hours on lands not approved for mobile home parks shall be expressly prohibited except that the Zoning Inspector may issue temporary permits allowing parking of a mobile home in a rear yard on private property, not to exceed a period of two (2) weeks. All trailer vehicles, including but not limited to utility trailers, boat trailers, camping trailers, and motor homes, stored on individual lots shall respect the requirements of this Section applicable to accessory buildings, insofar as location and setbacks are concerned, except that they may be located closer than ten (10) feet to a main building. All vehicles parked or stored, shall not be connected to sanitary facilities and shall not be occupied.

#### **Section 1404. OFF-STREET PARKING REQUIREMENTS**

There shall be provided in all Districts, at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land

or building uses shall be provided, prior to the issuance of a Certificate of Occupancy, as hereinafter prescribed:

1. Off-street parking spaces may be located within a rear yard or within a side yard which is in excess of the minimum side yard setback unless otherwise provided in this Resolution. Off-street parking shall not be permitted within a front yard or a side yard setback unless otherwise provided in this Resolution.
2. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
3. Required residential off-street parking spaces shall consist of a parking stripe, parking bay, driveway, garage or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of Section 1403. ACCESSORY BUILDINGS of this Resolution.
4. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
5. Off-street parking existing at the effective date of this Resolution in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
6. Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
7. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Zoning Appeals may grant an exception.
8. The storage of merchandise, motor vehicles for sale, trucks or the repair of vehicles is prohibited.
9. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Zoning Commission considers is similar in type.
10. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

**a. RESIDENTIAL**



- (1) **Residential, One-Family, Two Family and Multiple-Family:** Two (2) for each dwelling unit.
- (2) **Housing for the Elderly:** One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided.
- (3) **Mobile Home Park:** Two (2) for each mobile home site and one (1) for each employee of the mobile home park.

**b. INSTITUTIONAL**

- (1) **Churches:** One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship.
- (2) **Hospitals:** Two and one-half (2-1/2) for each one (1) bed.
- (3) **Homes for the Aged and Convalescent Homes:** One (1) for each four (4) beds.
- (4) **Private Clubs or Lodge Halls:** One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes.
- (5) **Private Swimming Pool Clubs, Tennis Clubs or Other Similar Uses:** One (1) for each seventy-five (75) square feet of water area, and three (3) spaces per tennis court.
- (6) **Golf Courses, Except Miniature or "Par-3" Courses:** Six (6) for each one (1) golf hole and one (1) for each one (1) employee, plus spaces required for each accessory use, such as a restaurant or bar.
- (7) **Stadium, Sports Arena, or Similar Place of Outdoor Assembly:** One (1) for each three (3) seats or six (6) feet of benches.
- (8) **Theaters and Auditoriums:** One (1) for each three (3) seats plus one (1) for each two (2) employees.

**c. BUSINESS AND COMMERCIAL**

- (1) **Planned Commercial or Shopping Center:** One (1) for each two hundred (200) square feet of floor area.
- (2) **Auto Wash (Automatic):** One (1) for each one (1) employee. In addition, reservoir parking spaces equal in number to five (5) times the maximum

capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20).

- (3) **Auto Wash (Self-Service or Coin Operated):** Three (3) for each washing stall in addition to the stall itself.
- (4) **Beauty Parlor or Barber Shop:** Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1-1/2) spaces for each additional chair.
- (5) **Bowling Alleys:** Five (5) for each one (1) bowling lane plus accessory uses.
- (6) **Dance Halls, Pool or Billiard Parlors, Roller or Ice Skating Rinks, Exhibition Halls, and Assembly Halls Without Fixed Seats:** One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
- (7) **Establishment for Sale and Consumption on the Premises, of Beverages, Food or Refreshments:** One (1) for each one hundred (100) square feet of floor space.
- (8) **Furniture and Appliance, Household Equipment, Repair Shops, Showroom of a Plumber, Decorator, Electrician, or Similar Trade, Shoe Repair and Other Similar Uses:** One (1) for each eight hundred (800) square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein.)
- (9) **Gasoline Service Stations:** One (1) for each one hundred and fifty (150) square feet of floor space.
- (10) **Laundromats and Coin Operated Dry Cleaners:** One (1) for each five (5) washing and/or dry cleaning machines.
- (11) **Miniature of "Par-3" Golf Courses:** Three (3) for each one (1) hole plus one (1) for each (1) employee.
- (12) **Mortuary Establishments:** One (1) for each seventy-five (75) square feet of floor space.

- (13) **Motel, Hotel, or Other Commercial Lodging Establishments:** One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee.
- (14) **Motor Vehicular Sales and Service Establishments:** One (1) for each four hundred (400) square feet of floor space of sales room and one (1) for each one (1) auto service stall in the service room.
- (15) **Retail Stores Except as Otherwise Specified Herein:** One (1) for each one hundred and fifty (150) square feet of floor space.

d. **OFFICES**

- (1) **Banks:** One (1) for each one hundred and fifty (150) square feet of floor space.
- (2) **Business Offices or Professional Offices Except as Indicated in the Following Item (3):** One (1) for each two hundred (200) square feet of floor space.
- (3) **Professional Offices or Doctors, Dentists or Similar Professions:** One (1) for each seventy-five (75) square feet of floor space.

e. **INDUSTRIAL**

- (1) **Industrial or Research Establishments, and Related Accessory Offices:** Five (5) plus one (1) for every one and one-half (1-1/2) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
- (2) **Warehouses and Wholesale Establishments and Related Accessory Offices:** Five (5) plus one (1) for every one (1) employee in the largest working shift.

**Section 1405. OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE**

Whenever the off-street parking requirements in SECTION 1404. above require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- 1. No parking lot shall be constructed unless and until a permit therefore is issued by the Zoning Inspector.
- 2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

<u>Pattern</u>	<u>Maneuvering Lane Width</u>	<u>Parking Space Width</u>	<u>Parking Space Length</u>	<u>Total Width Of one Tier Of Spaces Plus Maneuvering lane</u>	<u>Total Width Of Two Tiers Of Spaces Plus Maneuvering lane</u>
0° (parallel parking)	12'	8'	23'	20'	28'
30° to 53°	12'	8-1/2'	20'	32'	50'
54° to 74°	15'	8-1/2'	20'	32-1/2'	58'
75° to 90°	22'	9'	20'	42'	62'

- 3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- 4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than Single-Family Residential use.
- 5. All maneuvering lane widths shall permit one-way traffic movement, except that the 90° pattern may permit two-way movement.

6. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than Single-Family Residential use shall be at least twenty-five (25) feet distant from adjacent property located in any Single-Family Residential district.
7. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches (4' - 6") in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a Residential District.  
  
When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in a lawn. All such landscaping and planting shall be maintained in a healthy growing condition, neat and orderly in appearance.
8. The entire parking area, including parking spaces and maneuvering lanes, required under this Section shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the County Engineer. The parking area shall be surfaced within one (1) year of the date the Certificate of Occupancy is issued.
9. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
10. The Zoning Commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this Section.

#### **Section 1406. OFF-STREET LOADING AND UNLOADING**

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. such space shall be provided as follows:

1. All spaces shall be provided as required in ARTICLE XIII - SCHEDULE OF REGULATIONS, under Minimum Rear Yards (footnote j.), except as herein after provided for Industrial Districts.
2. Within an Industrial District, all spaces shall be laid out in the dimension of at least ten by fifty (10 X 50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be

provided with a pavement having an dustless surface. All spaces in I-1 and I-2 Districts shall be provided in the following ratio of spaces to floor area:

<b><u>Gross Floor Area (In Square Feet)</u></b>	<b><u>Loading and Unloading Space Required</u></b>
0 - 1,400	None
1,401 - 20,000	One (1) space
20,001 - 100,000	One (1) space plus one (1) space for each twenty thousand (20,000) square feet in excess of twenty thousand and one (20,001) square feet.
100,001 - and over	Five (5) spaces

3. All loading and unloading in an Industrial District shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an Industrial District across a public thorofare, loading and unloading may take place in said exterior side yard when the setback is equal to at least forty (40) feet.

**Section 1407. USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT**

Because the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district classification, they may be permitted by the Township Trustees under the conditions specified, and after Public Hearing, and after a recommendation has been received from the Zoning Commission. In every case, the uses hereinafter referred to shall be specifically prohibited from any Residential Districts, unless otherwise specified.

These uses require special considerations since they service an area larger than the Township or require sizable land areas, creating problems of control with reference to abutting use districts. Reference to those uses falling specifically within the intent of this Section is as follows:

**1. Outdoor Theaters**

Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in I-1 and I-2 Districts only. Outdoor theaters shall further be subject to the following conditions:

- a. The proposed internal design shall receive approval from the Zoning Inspector and the County Engineer as to adequacy of drainage, lighting and other technical aspects.
- b. Outdoor theaters shall abut a Major Thorofare and points of ingress and egress shall be available only from such Major Thorofare.
- c. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
- d. The area shall be so laid out as to prevent the movie screen from being viewed from Residential areas or adjacent Major Thorofares. All lighting used to illuminate the area shall be so installed as to be confined within, and directed onto, the premises of the outdoor theater site.

2. **Commercial Television and Radio Towers and Public Utility Microwaves and Public Utility T.V. Transmitting Towers**

Radio and television towers, public utility microwaves and public utility T.V. transmitting towers, and their attendant facilities shall be permitted in A-1, I-1 and I-2 Districts provided said use shall be located centrally on a continuous parcel of not less than one and one-half (1-1/2) times the height of the tower measured from the base of said tower to all points on each property line.

3. **Mobile Home Parks**

Because mobile home parks possess site design and density characteristics similar to multiple-family development, they are permitted herein as transitional uses between Multiple-Family and General Business or Light Industrial areas. Mobile home parks shall be permitted in the RM-1 Multiple-Family Residential Districts, the B-2 General Business Districts, and in the I-1 Industrial Districts, subject to the following locational requirements:

**RM-1 Multiple-Family Residential Districts:** Mobile home parks located in RM-1 Districts shall abut RM-1 Districts on not more than three (3) sides and shall abut a B-2 General Business District or an I-1 Light Industrial District on at least one (1) side. Mobile home parks shall not abut R-1, R-2 or RT Districts and shall have direct access to a Major or Secondary Thorofare (a Thorofare of at least eighty (80) feet of right-of-way), either existing or proposed.

**B-2 General Business or I-1 Light Industrial Districts:** Mobile home parks located in B-2 or I-1 Districts shall abut B-2 or I-1 Districts on not more than three (3) sides and shall abut an

RM-1 Multiple-Family Residential District on at least one (1) side. Mobile home parks shall have direct access onto a Major or Secondary Thorofare, either existing or proposed.

a. **Required Conditions**

- (1) **Lot Area:** Each mobile home space shall consist of not less than five thousand (5,000) square feet, such space shall be clearly defined and marked. There shall be no more than one (1) mobile home stationed on any one (1) space.
- (2) **Lot Width:** Each mobile home site shall have a minimum lot width of forty-five (45) feet measured at right angles to a longitudinal median line of the lot at fifteen (15) feet from the front lot line.
- (3) **Lot Depth:** Each mobile home site shall have a minimum lot depth of eighty-five (85) feet measured along the longitudinal median.
- (4) **Lot Coverage:** Not more than twenty-five (25) percent of the area of any mobile home space shall be occupied by mobile homes or attendant accessory structures.
- (5) **Distance Between Mobile Homes:** Mobile homes shall be so harbored on each space so that there shall be at least a twenty-five (25) foot clearance between mobile homes, provided, however, that with respect to mobile homes parked end-to-end, the end-to-end clearance may be less than twenty-five (25) feet but not less than twenty (20) feet.
- (6) **Setback Requirements:** No mobile home shall be located closer than forty (40) feet from any building within the mobile home community or from any property line bounding the mobile home community. Mobile homes shall be situated at least fifteen (15) feet from the front lot line of any mobile home space.

b. **Building Height Regulations:** The maximum height of any structures in a mobile home park shall be one (1) story or fourteen (14) feet.

c. **Recreational Area:** A common park and recreational area shall be provided, and shall consist of at least one hundred and fifty (150) square feet per mobile home space. The length of such area shall not exceed two (2) times its width and maintenance of the area shall be the responsibility of the mobile home park owner.

d. **Parking and Access:** Parking shall be provided and maintained at a minimum ratio of two (2) spaces for each mobile home space and such parking spaces shall be situated



off any public and private roadways. All private roadways shall have unobstructed access to a Major or Secondary Thoroughfare.

- e. **Screening:** An intense greenbelt screen not less than twenty (20) feet in width shall be located along all property lines except street frontage lines.

**Section 1407. USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT**

**4. Adult Entertainment Establishments/Adult Entertainment Uses**

Because Adult Entertainment Establishments and Adult Entertainment Uses possess unique characteristics, they require particular consideration as to their proper location in relation to proximately established or intended uses, or to the planned development of the community. Therefore, after verification by the Township Zoning Inspector that they have met the requirements listed herein, they may be permitted as conditional uses in I-1 Light Industrial Districts and I-2 General Industrial Districts upon a majority vote of the full Board of Township Trustees, after public hearing, and after recommendations have been received from the Township Zoning Commission pursuant to a site plan review in accordance with Section 1415 of the Liberty Township Zoning Resolution and from Hancock Regional Planning Commission.

Based upon various studies done on the effects of adult entertainment establishments on the quality of community life, the recognition of The United States Supreme Court and the courts of Ohio that a local government's regulation of the location of adult entertainment establishments in order to preserve the quality of urban and rural life constitutes a substantial government interest, and based upon the successful enactment and enforcement of similar ordinances throughout this state and other states, the Liberty Township Board of Trustees, Hancock County, Ohio hereby find that the enactment of a zoning provision to regulate the location of adult entertainment establishments is a substantial government interest for Liberty Township in preserving the quality of urban and rural life and that it is in the interest of the health, safety, morals, and general welfare of the citizens of Liberty Township, Hancock County, Ohio that adult entertainment uses are regulated pursuant to the standards herein.

This section is intended to provide for the proper location of adult entertainment uses in order to protect the integrity of adjacent neighborhoods, educational uses, religious uses, parks and other commercial uses, and the quality of urban and rural life. Proper separation of adult entertainment uses prevents the creation of "skid row" areas in Liberty Township that results from the concentration of these uses and their patrons.

It is the intent of this section to limit the secondary effects

of adult entertainment uses. The standards in this section are intended to ensure that residential and agricultural districts, religious uses, educational uses, parks and other commercial uses are located in areas free from the secondary effects of adult entertainment uses. The location of residential and agricultural districts, religious uses, educational uses, parks and other commercial uses within viable, unblighted and desirable areas supports the preservation of property values and promotes the health, safety and welfare of the public.

Adult entertainment establishments, where otherwise permitted in a use district, are subject to the following location restrictions:

- a. No adult entertainment establishment shall be located within 1,500 feet of a residential district (including R-1, R-2, R-T, RM-1 or districts and all areas which are designated "residential", "residence", "family", or "multiple-family" by any local comprehensive plan or zoning ordinance or resolution). However, an adult entertainment establishment may be permitted to locate within 1,500 feet of a residentially zoned district or use upon presentation to the Board of Township Trustees of a validated petition requesting such waiver, signed by in excess of 50% of those persons owning residential land or business establishments within 1,500 feet of the proposed location. The Township Zoning Commission shall adopt rules and regulations governing the procedure for securing the petition of consent provided for in this section as well as reasonable fees necessary for administratively processing the petition. The rules shall provide that the circulator of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with the rules of the Township Zoning Commission, that the circulator personally witnessed the signatures on the petition, and that the same were affixed to the petition by the person whose name appeared thereon. The Township Zoning Commission shall not consider the waiver of locational requirements set forth in this section until the above described petition shall have been filed and verified.
- b. No adult entertainment establishment shall be located within 2,000 feet of another existing adult entertainment establishment, unless the following findings are made by the Township Zoning Commission:
  - (1) That the proposed use/establishment will not be contrary to the public interest or injurious to nearby properties.

- (2) That the proposed use/establishment will not enlarge or encourage the development of a blighting influence.
  - (3) That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal.
  - (4) That all applicable regulations of this section will be observed.
- c. No adult entertainment establishment shall be located within 250 feet of an agricultural district or districts and all areas which are designated agricultural by any local comprehensive plan or zoning ordinance or resolution. However, an adult entertainment establishment may be permitted to locate within 250 feet of an agriculturally zoned district or use, subject to petition and approval as referenced in Paragraph a. above; except that said petition must also include those persons owning any real estate which is immediately adjacent to that land which is within 250 feet of the proposed adult entertainment establishment.
  - d. No adult entertainment establishment shall be located within 1,000 feet of a church, place of worship, or public cemetery.
  - e. No adult entertainment establishment shall be located within 1,000 feet of an educational institution.
  - f. No adult entertainment use shall be established within 1,000 feet of a public park, playground or other use established specifically for the activities of minors.
  - g. **Measure of Distance.** The distances set forth in this section shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay housing the proposed adult entertainment establishment to the nearest point on the property line of the relevant church or place of worship, public cemetery, educational institution, agricultural or residential district, public park, playground or other use established specifically for the activities of minors. For the purpose of measuring the distance between adult entertainment uses, the distance shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay of the proposed or existing adult entertainment establishment and the nearest point on the exterior wall or bay of another adult entertainment establishment. Measurement shall be made in a straight line, without regard to intervening structures or objects. No adult entertainment use may be physically altered or expanded

when such alteration, addition, or subsequent structure would violate the location restrictions of this ordinance as measured above.

h. **No Variance.** Notwithstanding the provisions of Article XVI, Section 1704, herein, as to adult entertainment uses, there shall be no variance to the locational standards except as specifically provided in Paragraph b. of this Section.

i. **Subsequent Development Within Locational Standards.** The subsequent approval of a development order for a church or place of worship, educational institution, public park or residential district within the distances outlined in this section shall not change the status of the existing conforming adult entertainment establishment to that of a nonconforming use.

j. Nonconformity.

(1) **Establishment of Nonconformity.** Any adult entertainment establishment/adult entertainment use shall be deemed a nonconforming use and the standards of this section shall not apply if the adult entertainment establishment / adult entertainment use, on the effective date of \_\_\_\_\_, was in operation as an adult entertainment establishment/adult entertainment use and held out in the neighborhood and community as an adult entertainment establishment/adult entertainment use. Any establishment seeking to establish nonconforming status as an adult entertainment establishment under the terms of this Code, shall submit an application to be declared a nonconforming use to the Township Zoning Commission no later than September 1, 1999. Failure to submit an application for nonconforming use shall result in the denial of nonconforming status.

(2) **Standards for Nonconformance.** A nonconforming adult establishment/adult entertainment use located within the distances set forth in this Section shall be subject to the following supplementary standard, in addition to Article XIV, Section 1402 (Nonconforming Lots, Nonconforming Uses of Land, Nonconforming Structures and Nonconforming Uses of Structures and Premises), and shall not increase the gross floor area or square footage of the structure by more than ten (10) percent over a fifteen (15) year period, beginning on the effective date of this resolution.

k. **Definitions.** As used in this Section:

- (1) **"Adult Arcade"** means any place or establishment operated for commercial gain which invites or permits the public to view adult material. For purposes of this Code, Adult Arcade is included within the definition of Adult Theater.
- (2) **"Adult Bookstore/Adult Video Store"** means an establishment which sells or offers adult material for sale, rent for commercial gain; unless the establishment demonstrates either:
  - (a) The adult material is accessible only by employees and the gross income from the sale or rental of adult material comprises less than forty (40) percent of the gross income from the sale or rental of goods or services at the establishment; or
  - (b) The individual items of adult material offered for sale or rental comprise less than ten (10) percent of the individual items, as stock-in-trade, publicly displayed in the establishment and which is not accessible to minors at the establishment.
- (3) **"Adult Booth"** means a small enclosed or partitioned area inside an adult entertainment establishment which is:
  - (a) Designed or used for the viewing of adult material by one (1) or more persons; and
  - (b) Is accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes but is not limited to a "peep show" booth, or other booth used to view adult material."
- (4) **"Adult Dancing Establishment"** means an establishment, where employees display or expose specified anatomical areas to other, regardless of whether the employees actually engage in dancing.
- (5) **"Adult Entertainment Establishment / Adult Entertainment Use"** means any adult arcade, adult theater, adult bookstore / video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical areas for viewing by patrons, including but not limited to: massage establishments, tanning salons, sexually oriented escort services, modeling studios, or lingerie studios, whether or not licensed pursuant to Chapters 503, 715, or 4713 of the Ohio Revised Code. Excluded from this definition are any educational institutions where the exposure of the specified anatomical area is associated with a curriculum or program.

- (6) **Adult Material**" means any one or more of the following, regardless of whether it is new or used:
- (a) Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, slides, or other visual representations; recordings, other audio matter; and novelties or devices which have as their primary or dominant theme subject matter depicting, exhibiting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; including but not limited to or
  - (b) Instruments, novelties, devices or paraphernalia which are designed for use in connection with specified sexual activities.
- (7) **Adult Motel**" means a hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions.
- (8) **Adult Theater**" means an establishment operated for commercial gain which consists of an enclosed building, or a portion or part thereof, or an open-air area used for viewing of adult material. "Adult motels" , "adult arcade", "adult booth", and "adult motion picture theater" are included within the definition of "adult booths" is considered to be an theater."
- (9) **Adult Video Store**" - see "Adult Bookstore".
- (10) **Agricultural**" means all areas which are residential by nature or designated agricultural" by any local comprehensive plan or zoning ordinance or resolution.
- (11) **Commercial Gain**" means operated for pecuniary gain. For the purpose of this Section, operation for commercial or pecuniary gain shall not depend on actual profit or loss.
- (12) **Commercial Establishment**" means any business, location, or place which conducts or allows to be

conducted on its premises any activity for commercial gain.

- (13) **"Educational Institution"** means a premises or site upon which there is an institution of learning, whether public or private, which conducts regular classes and/or courses of study required for accreditation. The term "educational institution" includes a premises or site upon which there is a day care center, nursery school; kindergarten, elementary school, junior high school, senior high school; professional institution or an institution of higher education including a community college, junior college, or four year college or university; libraries, art galleries and museums open to the public; or any special institution of learning. However, the term "educational institution" does not include a premises or site upon which there is a vocational institution operated for commercial gain.
- (14) **"Establishment"** means the site or premises on which the Adult Entertainment Establishment is located, including the interior of the establishment, or portion thereof, upon which certain activities or operations are being conducted for commercial gain.
- (15) **"Operator"** means any person who engages or participates in any activity which is necessary to or which facilitates the operation of an adult entertainment establishment, including but not limited to the licensee, manager, owner, doorman, bouncer, bartender, dancer, disc jockey, sales clerk, ticket taker, movie projectionist, or supervisor.
- (16) **"Residential"** means all areas which are residential by nature or designated "residential", "residence", "family", or "multiple-family" by any local comprehensive plan or zoning ordinance or resolution.
- (17) **"Specified Anatomical Areas"** means:
- (a) Less than complete and opaquely covered:
    - i. Human genitals or pubic region
    - ii. Buttock
    - iii. Female breast below a point immediately above the top of the areola
  - (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(18) **"Specified Sexual Activities"** means:

(a) human genitals in a state of sexual stimulation, arousal or tumescence; or

(b) acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy; or

(c) fondling or other erotic touching of human genitals, public region, buttock, anus, or female breast; or

(d) excretory functions as part of or in connection with any of the activities set forth in subsection (a) and (b).

- l. **Operating Provisions.** No adult entertainment establishment shall be permitted to operate without first having obtained the approvals required herein.
- m. **Enforcement.** As provided in Ohio Revised Code §519.24, the Board of Township Trustees, as well as any other appropriate parties, shall have the right to seek injunction for the violation of, or the imminent threat of the violation of the provisions of this Zoning Code. This shall be in addition to any fines or criminal prosecutions pursuant to Article XXI of this Zoning Resolution, and applicable state statute. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
- n. **Appeals.** Any aggrieved party which, after complete application/request and exhaustion of all administrative remedies has been made hereunder, is denied permission to operate an adult entertainment establishment, may appeal said denial to the Hancock County Court of Common Pleas. An appeal to the Common Pleas Court must be filed within thirty (30) days of the mailing of the Township's written notice of denial to the address accompanying the application/request hereunder. All appeals shall follow the procedures outlined in this Zoning Resolution and the Ohio Revised Code.
- o. **Regulation of Obscenity Subject to State Law.** It is not the intent of this section to legislate with respect to matters of obscenity. These matters are regulated and preempted by state law.



- p. **Regulation of Massage Establishments Subject to State Law.**  
It is not the intent of this section to legislate, limit or conflict with respect to matters of massage establishments which are regulated by state agency and by state law.
- q. **Severance Clause.** Pursuant to the provisions of Article XXII of this Liberty Township Zoning Resolution all sections and/or any amendments to this code are severable.

**Section 1408. PLANT MATERIALS AND GREENBELTS**

Whenever in this Resolution a greenbelt or planting is required, it shall be planted within six (6) months from the date of issuance of a Certificate of Occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.

**1. Plant Material Spacing**

- a. Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
- b. Where plant materials are placed in two (2) or more rows, plantings shall be staggered in rows.
- c. Evergreen trees shall be planted not more than thirty (30) feet on centers, and shall not be less than five (5) feet in height.
- d. Narrow evergreens shall be planted not more than six (6) feet on centers, and shall not be less than three (3) feet in height.
- e. Tree-like shrubs shall be planted not more than ten (10) feet on centers, and shall be not less than four (4) feet in height.
- f. Large deciduous shrubs shall be planted not more than four (4) feet on centers, and shall not be less than six (6) feet in height.
- g. Large deciduous trees shall be planted not more than thirty (30) feet on centers, and shall be not less than eight (8) feet in height.

**Section 1409. SIGNS**

- 1. The following conditions shall apply to all signs erected or located in any use district:

- a. All signs shall conform to all applicable codes and resolutions of the Township and, where required, shall be approved by the Zoning Inspector, and a Certificate issued.
  - b. No sign except those established and maintained by the Township, County, State or Federal governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
  - c. No sign otherwise permitted shall project above or beyond the maximum height limitation of the use district in which located, except that for a planned commercial or shopping center development involving five (5) acres or more under one ownership, the Board of Zoning Appeals may modify the height limitation. The Board shall, however, respect all yards and setbacks in modifying the height requirements.
  - d. All directional signs required for the purpose of orientation, when established by the Township, County, State or Federal government, shall be permitted in all use districts.
  - e. Accessory signs shall be permitted in any use District except R-1, R-2 and RT.
  - f. Nonaccessory signs shall be permitted only in A-1, Business and Industrial Districts; except that nonaccessory signs pertaining to real estate development located within the Township and designed to promote the sale of lots or homes within a subdivision located within the Township may be permitted on a temporary basis in any use district, but shall not be located upon subdivided land unless such land is part of the subdivision being advertised for sale and shall be subject to the requirements and conditions of all applicable codes and resolutions of the Township, approved by the Zoning Inspector and a temporary Certificate issued.
  - g. Signs used for advertising land or buildings for rent, lease and/or for sale shall be permitted when located on the land or building intended to be rented, leased and/or sold.
  - h. Freestanding accessory signs may be located in the required front yard except as otherwise provided herein.
2. In addition to "1" above, the following requirements shall apply to signs in the various use districts as follows:

**USE DISTRICTS**

**REQUIREMENTS**

A and R Districts

For each dwelling unit, one (1) nameplate (A-1 through RM-1) not exceeding two (2)

square feet in area, indicating name of occupant.

- RM-1 For structures other than dwelling units, one (1) identification sign not exceeding eighteen (18) square feet in area. For rental and/or management offices, one (1) identification sign not exceeding six (6) square feet in area. In RM-1 Districts, signs indicating the name of multiple housing projects shall be permitted provided that no such sign shall be located closer than one hundred (100) feet to any property line in any adjacent Single-Family District
- LB, B-1, and B-2 Districts No sign shall project beyond or overhang the wall, or any permanent architectural feature, by more than one (1) foot.
- LB, B-1, B-2, I-1 Freestanding signs shall not exceed three hundred (300) square feet in area and shall not exceed forty (40) feet in height.
- B-2 Districts Freestanding accessory signs or advertising pylons shall not be placed closer than one hundred (100) feet to any adjacent Residential District.
- B-1, I-1, and I-2 Freestanding accessory signs or advertising pylons shall not be placed closer than two hundred (200) feet to any adjacent Residential District.
- I-1 and I-2 Nonaccessory signs shall be permitted but shall be spaced no closer than one thousand (1,000) feet between signs on the same side of the right-of-way.
- Freestanding, nonaccessory signs, are allowed but shall comply with all requirements of ARTICLE XIII - SCHEDULE OF REGULATIONS of this Resolution.

**Section 1410. EXTERIOR LIGHTING:**

1. All outdoor lighting in all use Districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent Residential Districts or adjacent residents.

2. All outdoor lighting in all use Districts shall be directed toward and confined to the ground areas of lawns or parking lots.
3. All lighting in Nonresidential Districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.
4. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.
5. All illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

**Section 1411. RESIDENTIAL ENTRANCEWAY**

In all Residential Districts, so called entranceway structures including but not limited to: walls, columns and gates marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in Section 1412, CORNER CLEARANCE, provided that such entranceway structures shall comply to all codes of the County, and shall be approved by the Zoning Inspector and a Certificate issued.

**Section 1412. CORNER CLEARANCE**

No fence, wall, shrubbery, sign or other obstruction to vision above a height of two (2) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

**Section 1413. WALLS**

1. For those use Districts and uses listed below, there shall be provided and maintained in those sides abutting or adjacent to a Residential District, an obscuring wall as required below (except as otherwise required in Subsection "4" of this Section 1313):

<u>USE</u>	<u>REQUIREMENTS</u>
(a) Off-Street Parking Area	4' - 6" high wall

- |   |  |
|---|--|
| (b) LB, B-1 and<br>B-2 Districts  | 4' - 6" high wall  |
| (c) I-1 and I-2<br>Districts, Open<br><br>Storage Areas,<br>Loading or<br>Unloading Areas,<br>and Service Areas | 4' - 6" to 8' high wall or fence.<br>(Height shall provide the most<br><br>complete obscuring possible.)<br>(Section 1101, par. 4. and Section<br>1413, par. 4.) |
| (d) Auto Wash or<br>Drive-In<br>Restaurants   | 6' - 0" high wall  |

**USE**

**REQUIREMENTS**

- |  |                   |
|--|-------------------|
| (e) Hospital -<br>Ambulance and<br>Delivery Areas        | 6' - 0" high wall |
| (f) Utility Buildings,<br>Stations and/or<br>Substations | 6' - 0" high wall |

2. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Resolution requires conformance with front yard setback lines in abutting Residential Districts. Upon review of the Site Plan, the Zoning Commission may approve an alternate location for the wall or may waive the wall requirement if in specific cases it would not serve the purposes of screening the parking area effectively.
3. Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Resolution and except such openings as may be approved by the Zoning Commission. All walls herein required shall be constructed of materials approved by the Zoning Commission to be durable, weather resistant, rust proof and easily maintained; and wood or wood products shall be specifically excluded.

Masonry walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20) percent of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height

requirement. The arrangement of the openings shall be reviewed and approved by the Zoning Commission.

Wall faces abutting Residential Districts shall be either face brick or comparable decorative materials as may be approved by the Zoning Commission.

The Zoning Commission may permit the substitution of a landscaped screen in lieu of a masonry wall or fence, provided such screen consists of evergreen plant materials not less than four (4) feet in height, and arranged so as to provide the most effective visual screening possible. Proper maintenance of all screening devices shall be provided by the property to which they are appurtenant.

4. The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting Residential District shall not be required when such areas are located more than two hundred (200) feet distant from such abutting Residential District.
5. The Board of Zoning Appeals may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served, provided that in no instance shall a required wall be permitted to be less than four feet six inches (4' - 6") in height.

In consideration of requests to waive wall requirements between Nonresidential Districts and Residential Districts, the Board shall refer the requests to the Zoning Commission for a determination as to whether or not the Residential District is considered to be an area in transition and will become nonresidential in the future.

In such cases as the Zoning Commission determines the Residential District to be a future nonresidential area, the Board may temporarily waive wall requirements for a initial period not to exceed twelve (12) months. Granting of subsequent waivers shall be permitted, provided that the Zoning Commission shall make a determination as hereinbefore described, for each subsequent waiver prior to the granting of such waiver by the Board.

#### **Section 1414. FENCES (RESIDENTIAL)**

Fences are permitted, or required subject to the following:

1. Fences on all lots of record in all Residential Districts which enclose property and/or within a required side or rear yard, shall not exceed six (6) feet in height, measured from the surface of the ground, and shall not extend toward the front of

the lot nearer than the front of the house or the required minimum front yard, or whichever is greater. Except where easements exist, such fences may be located on a side or rear lot line.

2. Recorded lots having a lot area in excess of two (2) acres and a frontage of at least two hundred (200) feet, and acreage or parcels not included within the boundaries of a recorded plat in all Residential Districts, are excluded from these regulations.
3. Fences on lots in recorded subdivisions shall not contain barbed wire, electric current or charge of electricity.
4. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.

#### **Section 1415. SITE PLAN REVIEW**

1. A Site Plan shall be submitted to the Zoning Commission for approval of any development other than agricultural uses, single-family dwellings or two-family dwellings.
2. Every Site Plan submitted to the Zoning Commission shall be in accordance with the requirements of this Resolution, and shall be in such form as the Zoning Commission shall prescribe in its rules.

Site Plans shall be submitted to the Zoning Commission at least fourteen (14) days in advance of the next regularly scheduled Commission meeting. Unless the applicant agrees to an extension of time in writing, the Zoning Commission shall take one (1) of the following courses of action at such meeting:

- a. Approval, in which case the Zoning Inspector may issue a Zoning Certificate.
- b. Conditional Approval, setting forth, in writing, the conditions upon which approval is granted. In the case of a Conditional Approval, the applicant shall submit to the Zoning Inspector a revised Site Plan showing any and all requirements of the Commission. If the Zoning Inspector determines that all conditions have been satisfied on the amended Site Plan, a Zoning Certificate may be issued.

- c. Disapproval, in which case no Zoning Certificate may be issued, and a new Site Plan must be prepared for consideration by the Commission.
3. The following information shall be included on the Site Plan:
- a. A scale of not less than 1" = 50' if the subject property is less than three (3) acres and 1" = 100' if three (3) acres or more.
  - b. Date, northpoint scale.
  - c. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
  - d. The location of all existing and proposed structures on the subject property and all existing structures within one hundred (100) feet of the subject property.
  - e. The location of all existing and proposed drives and parking areas, including the proposed parking layout.
  - f. The location and right-of-way widths of all abutting streets and alleys.
  - g. The names and addresses of the architect, planner, designer, engineer or person responsible for the preparation of the Site Plan.
  - h. The existing and proposed drainage and watershed conditions.
4. In the process of reviewing the Site Plan, the Zoning Commission shall consider:
- a. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
  - b. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
    - (1) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
    - (2) Satisfactory and harmonious relationships between the development on the site and the existing and



prospective development of contiguous land and adjacent neighborhoods.

- c. The proposed method of surface drainage control, including the methods for storm water detention and erosion prevention.
- d. The Zoning Commission may further require landscaping, fences and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
- e. In those instances wherein the Zoning Commission finds that an excessive number of ingress and/or egress points may occur with relation to Major or Secondary Thorofares, thereby diminishing the carrying capacity of the thorofare, the Zoning Commission may require marginal access drives.

#### **Section 1416. FRONTAGE ON A PUBLIC STREET**

No lot shall be used for any purpose permitted by this Resolution unless said lot abuts a public street, unless otherwise provided for in this Resolution.

#### **Section 1417. FLOOD DAMAGE PREVENTION REGULATIONS**

1. **Application:** This Section shall apply to all areas of special flood hazard within the jurisdiction of Liberty Township, Hancock County, Ohio. The areas of special flood hazard shall be those areas identified as such in the most recent Flood Insurance Study involving all or any portion of Liberty Township as conducted or produced by the Federal Emergency Management Agency (FEMA) and shall include the most recent Floodway Maps and Flood Insurance Rate Maps and any revisions thereto as published by the Federal Emergency Management Agency which are hereby adopted by reference and declared to be a part of this Resolution.
2. **Compliance:** No structure shall be permitted within a flood hazard area without full compliance with this Section 1417 and all other provisions of this Resolution.
3. **Definitions:** The words defined below are defined solely for the purposes of this Section on flood area controls. All words not defined below shall be given the meaning they have in common usage.

- a. **Area of Special Flood Hazard:** The land and the flood plain within Liberty Township subject to a one percent (1%) or greater chance of flooding in any given year.
  - b. **Base Flood:** The flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 100 Year Flood.
  - c. **Certificate of Elevation:** The actual elevation in relation to mean sea level of the lowest floor elevation, including basement, of all new or substantially improved structures.
  - d. **Floodway:** The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated by the Federal Emergency Management Agency Report.
  - e. **Substantial Improvement:** Any repair, reconstruction, addition, or improvement of a structure, the cost of which exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started or before any damage occurred. With regard to additions, it shall be considered a substantial improvement when the first floor area of the addition is twenty-five percent (25%) or more of the first floor area of the building or structure being added to.
4. **Application for Certificates:** Any application for a Zoning Certificate or Compliance Certificate involving lands located within a flood hazard area shall include, but not be limited to, plans drawn to scale showing the nature, location, dimensions and elevations of the area in question and the location, dimensions, and elevations of existing and proposed structures, existing and proposed fill, the storage of materials, and existing and proposed drainage. All elevations and dimensions shown on any plan or plat submitted with the application shall be certified on the plat or plan as correct by a licensed or registered surveyor or engineer. The following information shall also be presented with the application:
- a. Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures.
  - b. Elevation in relation to mean sea level to which any proposed structure will be flood proofed.
  - c. Certification by a registered professional engineer or architect that the flood proofing methods for any

nonresidential structure meet the flood proofing criteria set forth in the following paragraph 5.

- d. A description of the extent to which any water course will be altered or relocated as a result of proposed development.
5. **Requirements:** In all areas of special flood hazards, the following requirements shall apply:
- a. All new construction and substantial improvements shall be designed in a manner to assure that the flood storage capacity of the Flood Plain area shall not be diminished. In furtherance of this objective the cubic content of all materials brought onto a development site shall be balanced by an equivalent cubic content leaving such site and documentation confirming such balance shall accompany all development plans.
  - b. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - c. All mobile homes not otherwise regulated by the Ohio Revised Code pertaining to manufactured home parks shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, the use of over-the-top or frame ties to ground anchors.
  - d. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage as approved by the Hancock County or Findlay City Engineering Department and shall be constructed so as to prevent water from entering or accumulating within electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities during conditions of flooding.
  - e. All new and replacement water supply systems, sanitary sewage systems, and individual waste water treatment systems shall be designed to minimize or eliminate infiltration or inflow of flood waters into the systems and discharge from the systems into flood waters and to avoid impairment to them or contamination to them or from them during flooding.
  - f. All subdivision proposals, including mobile home subdivisions, shall be consistent with the need to minimize flood damage; shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage and danger to the public; and shall have adequate drainage provided to reduce exposure to flood damage. Base flood elevation data shall

be provided for subdivision proposals which contain at least fifty (50) lots or five (5) acres, whichever is less.

**6. Requirements Where Base Flood Elevation Data is Provided:** In all areas of special flood hazards where base flood elevation data has been provided as set forth in this Section, or where

any other base flood elevation and floodway data is available from a Federal, State, or other source, the following requirements shall be met:

- a. All new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.
- b. All new construction and substantial improvement of any business, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:
  - (1) Be flood proofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water.
  - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy in compliance with flood proofing regulations approved by the Hancock County of Findlay City Engineering Department
  - (3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.
- c. An exemption to the elevation or dry flood proofing standards may be granted for accessory structures such as sheds and detached garages containing five hundred seventy-six (576) square feet or less in gross floor area. Such structures must meet the encroachment provisions of this Section and shall:
  - (1) Not be used for human habitation.
  - (2) Be designed to have low flood damage.
  - (3) Be constructed and placed on the building site so as to offer the minimum resistance to the flow of the flood waters.
  - (4) Be fully anchored to prevent flotation.

- (5) Have electrical, heating and other service facilities or equipment elevated or flood proofed.
  - d. All new and substantially improved mobile homes not subject to the mobile home park requirements of Section 3733.01 of the Ohio Revised Code shall be anchored in accordance with this Section and shall be elevated on a permanent foundation so that the lowest floor of the structure is at or above the base flood elevation.
  - e. All new and substantially improved residential and nonresidential structures which are elevated to or above base flood elevation using pilings, columns, or posts, or which contain a crawl space may enclose the area below the base flood elevation provided areas below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters.
7. **Floodway Requirements:** Floodways, as identified in the Flood Insurance Study referenced in Section 1317, 1., or identified in other sources of flood information as specified in Section 1317, 1., are subject to the following provisions:
- a. All encroachments, including fill or new construction or substantial improvements or other development is prohibited unless a technical evaluation demonstrates that proposed encroachments will not result in any increase in flood levels during the occurrence of a base flood discharge.
  - b. If the preceding subsection 7, a. is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section.
8. **Appeals and Applications for Variances:** Appeals and applications for variances from decisions involving applications of this Section may be had or taken as otherwise provided in this Resolution.

#### **Section 1418. ARTIFICIAL PONDS AND LAKES**

Artificial ponds or lakes shall be permitted in all use Districts only with Zoning Commission review and approval.

1. All artificial ponds or lakes shall comply with all requirements of this Resolution including, but not limited to, setback and yard requirements from main structures.

2. In determining compliance with setbacks and yard requirements, the measurements shall be made as follows:
  - a. For **in-ground** ponds or lakes or portions thereof, from the edge of the pond or lake bank nearest the road right-of-way or lot line to the road right-of-way or lot line.
  - b. For **above-ground** ponds or lakes or portions thereof, from the lowest point on the outside of any embankment nearest the road right-of-way or lot line to the road right-of-way or lot line.

#### **ARTICLE XV - GENERAL EXCEPTIONS**

##### **Section 1500. AREA, HEIGHT AND USE EXCEPTIONS**

The regulations in this Resolution shall be subject to the following interpretations and exceptions.

##### **Section 1501. ESSENTIAL SERVICES**

Essential services serving the Township shall be permitted as authorized and regulated by law and other Resolutions of the Township. Overhead or underground lines and necessary towers and poles to be erected to service primarily those areas beyond the Township shall receive the review and approval, after Public Hearing, of the Board of Zoning Appeals. Such review by the Board of Zoning Appeals shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles and towers, and, further, shall consider injurious effects on adjacent property as well as the orderly appearance of the Township.

##### **Section 1502. HEIGHT LIMIT**

The height limitations of this Resolution shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or wireless transmission towers; provided, however, that the Board of Zoning Appeals may specify a height limit for any such structure when such structure requires authorization as a conditional use.

##### **Section 1503. LOT AREA**

Any lot existing on the effective date of this Resolution may be used for any principal use permitted (other than conditional uses for which special lot area requirements are specified in this Resolution) in the district in which such lot is located whether or not such lot complies with the lot area and width requirements of this Resolution. Such use may be established provided that all requirements other than lot area and width prescribed in this Resolution are complied with, and provided that not more than one

(1) dwelling unit shall occupy any lot except in conformance with the provisions of this Resolution for required lot area for each dwelling unit.

**Section 1504. ACCESS THROUGH YARDS**

For the purpose of this Resolution, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement servicing a like function and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Resolution not be considered to be a structure, and shall be permitted in any required yard.

**ARTICLE XVI - ADMINISTRATION AND ENFORCEMENT**

**Section 1600. ENFORCEMENT**

The provisions of this Resolution shall be administered and enforced by the Zoning Inspector or by such deputies of his department as the Zoning Inspector may delegate to enforce the provisions of this Resolution.

**Section 1601. DUTIES OF ZONING INSPECTOR**

The Zoning Inspector shall have the power to grant Zoning Compliance and Occupancy Certificates, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Resolution. It shall be unlawful for the Zoning Inspector to approve any plans or issue any Zoning Certificates or Certificates of Occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Resolution.

The Zoning Inspector shall not refuse to issue a Zoning Certificate when conditions imposed by this Resolution are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said Certificate.

**Section 1602. PLOT PLAN**

The Zoning Inspector shall require that all applications for Zoning Certificates shall be accompanied by plans and specifications

including a plot plan, in triplicate, drawn to scale, showing the following:

1. The actual shape, location and dimensions of the lot.
2. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Resolution are being observed.

**Section 1603. ZONING CERTIFICATES**

The following shall apply in the issuance of any Zoning Certificate:

**1. Zoning Certificates Not To Be Issued**

No Zoning Certificate shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Resolution.

**2. Certificates For New Use Of Land**

No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a Certificate of Occupancy is first obtained for the new or different use.

**3. Certificates For New Use Of Buildings**

No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a Certificate of Occupancy is first obtained for the new or different use.

**4. Zoning Certificates Required**

No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a Zoning Certificate

shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural footprint; type, class or kind of occupancy; or other changes affecting or regulated by the Hancock County or State of Ohio Building Codes or



this Resolution, except for minor repairs or changes not involving any of the aforesaid features.

**5. Zoning Certificate Expiration**

Zoning Certificates shall expire at the end of one (1) year from the date of issuance unless the construction or use has commenced within that period of time. Where construction is being diligently carried on, the Zoning Inspector may issue one (1) twelve (12) month extension of the expiration date.

**6. Farm Buildings Excepted**

Zoning Certificates shall not be required for barns, sheds, and outbuildings incidental to agricultural uses. Such buildings shall, however, conform to yard requirements established in Section 1300. Compliance Certificates shall be required for dwellings accessory to farming operations.

**Section 1604. COMPLIANCE CERTIFICATE:**

1. Although buildings, structures and uses for agricultural purposes, public utility purposes, and essential service purposes are permitted in all use Districts, it shall be unlawful to hereafter erect, alter, move, change, convert, or enlarge such buildings or structures until such proposed work has been determined to comply with all requirements of this Resolution and a Compliance Certificate has been issued therefor.
2. No Compliance Certificate shall be issued for a building, structure, land, or part there of which is not in accordance with the provisions of this Resolution.
3. A record of all Compliance Certificates issued shall be kept on file in the office of the Zoning Inspector, and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the property involved.

**Section 1605. FOOTER INSPECTION**

So that property owners may be protected from potential errors in the location of buildings, the Zoning Inspector or his representative shall inspect the excavation for structural footers

before any concrete is installed. It shall be the responsibility of the property owner to notify the Zoning Inspector at least twenty-four (24) hours prior to pouring concrete, and to provide appropriate evidence of the location of lot lines. If an

inspection has not been made within twenty-four (24) hours of the Zoning Inspector's notice from the property owner, the inspection shall be considered approved, and pouring of concrete may commence.

#### **Section 1606. FINAL INSPECTION**

The holder of every Zoning Certificate and Compliance Certificate for the construction, erection, alteration, repair or moving of any building, structure, land or part thereof, shall notify the Zoning Inspector immediately upon completion of the work authorized by such Certificate for final inspection.

#### **Section 1607. CERTIFICATES OF OCCUPANCY**

No land, building, or part thereof, shall be occupied by or for any use unless and until a Certificate of Occupancy shall have been issued for such use. The following shall apply in the issuance of any Certificate:

##### **1. Certificates Not To Be Issued**

No Certificates of Occupancy shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Resolution.

##### **2. Certificates Required**

No building or structure (except farm buildings) or parts thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a Certificate of Occupancy shall have been issued for such building structure.

##### **3. Certificates For Existing Buildings**

Certificates of Occupancy shall be issued for buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Resolution.

##### **4. Record Of Certificates**

A record of all Certificates issued shall be kept on file in the office of the Zoning Inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

##### **5. Certificates For Dwelling Accessory Buildings**

Buildings or structures accessory to dwellings shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

#### **6. Application for Certificates**

Application for Certificates of Occupancy shall be made in writing to the Zoning Inspector on forms furnished by that Department, and such Certificates shall be issued within five (5) days after receipt of such Application, if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Resolution.

If such Certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

#### **Section 1608. FEES**

Fees for inspection and the issuance of Certificates or copies thereof required or issued under the provisions of this Resolution may be collected by the Zoning Inspector in advance of issuance. The amount of such fees shall be established by the Township Trustees and shall cover the cost of inspection and supervision resulting from enforcement of this Resolution.

### **ARTICLE XVII - BOARD OF ZONING APPEALS**

#### **Section 1700. CREATION AND MEMBERSHIP**

There is hereby established a Board of Zoning Appeals which shall consist of five (5) residents appointed by the Township Trustees. The Trustees, by a majority vote of their members, shall choose a successor to fill any vacancy. The five (5) residents first

appointed shall serve for terms of one (1), two (2), three (3), four (4) and five (5) years respectively; thereafter appointments shall be for five (5) year terms, beginning January 1st. Each member shall serve until his successor is appointed and qualified.

The Board shall organize annually to elect a Chairman, A Vice-Chairman and Secretary. It shall further adopt rules for its own government not inconsistent with law or with any other resolutions

of the Township to carry into effect the provisions of this Resolution.

**Section 1701. MEETINGS**

All meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such times as such Board may determine.

All hearings conducted by said Board shall be open to the public.

The Zoning Inspector, or his representatives, 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 also keep records of its hearings and other official action. Three (3) members of the Board shall constitute a quorum for the conduct of its business. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it. The Board shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this Resolution.

**Section 1702. APPEAL**

An appeal may be taken to the Board of Zoning Appeals by any person, firm or corporation, or by an officer, department, board or bureau affected by a decision of the Zoning Inspector. Such appeal shall be taken within such time as shall be prescribed by the Board of Zoning Appeals by general rule, by filing with the Zoning Inspector and with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

The Board shall select a reasonable time and place for the hearing of the appeal and give at least ten (10) days notice thereof to the parties in interest and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

**Section 1703. FEES**

The Township Trustees may from time to time prescribe and amend by resolution a reasonable Schedule of Fees to be charged to applicants for appeals to the Board of Zoning Appeals.

**Section 1704. JURISDICTION**

The Board of Zoning Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Resolution, but does have the power to act on those matters where this Resolution provides for an administrative review, interpretation, exception or special approval Certificate and to authorize a variance as defined in this Section and in Section 201. DEFINITIONS. Said powers include:

**1. Administrative Review**

To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, certificate, decision or refusal made by the Zoning Inspector or any other administrative official in carrying out or enforcing any provisions of this Resolution.

**2. Variance**

To authorize, upon an appeal, a variance from the strict application of the provisions of this Zoning Resolution if the applicant can prove to the Board of Zoning Appeals that the following items are true:

a. Special conditions exist peculiar to the land or building in question.

b. That the literal interpretation of the Resolution would deprive the applicant of the rights enjoyed by other property owners.

c. That the special conditions do not result from the previous actions of the Applicant.

In granting a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in the furtherance of the purpose of this Resolution. In granting a variance, the Board shall state the grounds upon which it justifies the granting of said variance.

**3. Exceptions and Special Approvals**

To hear and decide in accordance with the provisions of this Resolution, requests for exceptions, for interpretations of the Zoning Map, and for decisions on special approval situations on which this Resolution specifically authorizes the Board to pass. Any exception or special approval shall be subject to such conditions as the Board may require to preserve and promote the character of the zoning District in question and otherwise promote the purpose of this Resolution, including the following:

- a. Interpret the provision of this Resolution in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use Districts, accompanying and made part of this Resolution, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
- b. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.
- c. Permit temporary buildings and uses for periods not to exceed two (2) years in undeveloped sections of the Township and for periods not to exceed six (6) months in developed sections.
- d. Permit, upon proper application, the following character of temporary use, not otherwise permitted in any District, not to exceed twelve (12) months with the granting of twelve (12) month extensions being permissible: uses which do not require the erection of any capital improvement of a structural nature.

The Board of Zoning Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:

- (1) The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the District nor on the property wherein the temporary use is permitted.
- (2) The granting of the temporary use shall be granted in writing stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said Temporary Certificate.
- (3) All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of Liberty Township, shall be made at the discretion of the Board of Zoning Appeals.
- (4) In classifying uses as not requiring capital improvement, the Board of Zoning Appeals shall determine that they are either demountable structures

related to the permitted use of the land; recreation developments, such as, but not limited to: golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.

(5) The use shall be in harmony with the general character of the District.

(6) No Temporary Use Certificate shall be granted without first giving notice to owners of adjacent property of the time and place of a Public Hearing to be held as further provided for in this Resolution. Further, the Board of Zoning Appeals shall seek the review and recommendation of the Zoning Commission prior to the taking of any action.

4. In consideration of all appeals and all proposed variations to this Resolution, the Board shall, before making any variations from the Resolution in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of Liberty Township. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant any matter upon which it is authorized by this Resolution to render a decision.

#### **Section 1705. MISCELLANEOUS**

No order of the Board permitting the erection of a building shall be valid for a period longer than one (1) year, unless a Zoning Certificate for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such Certificate.

No order of the Board permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a Zoning Certificate for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such Certificate.

**ARTICLE XVIII - CHANGES AND AMENDMENTS**

Wherever the public necessity, convenience, general welfare or good zoning practice require, the Township 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 Township Trustees.

At the time an application for a change in the Zoning Resolution or Map is filed with the Zoning Commission, such application shall be accompanied by a fee. The amount of such fee shall be established by the Township Trustees and shall be sufficient to defray the administrative costs involved in processing the amendment request.

**ARTICLE XIX - INTERPRETATION**

In the interpretation and application, the provisions of this Resolution shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Resolution to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or resolution, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Resolution imposes a greater restriction than is required by existing resolution or by rules, regulations or permits, the provisions of this Resolution shall control.

**ARTICLE XX - VESTED RIGHT**

Nothing in this Resolution should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be necessary to the preservation or protection of public health, safety and welfare.

**ARTICLE XXI - ENFORCEMENT, PENALTIES AND OTHER REMEDIES**



**Section 2100. VIOLATIONS**

Any person, firm or corporation violating any of the provisions of this Resolution shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one hundred dollars (\$100.00).

**Section 2101. PUBLIC NUISANCE PER SE**

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Resolution and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

**Section 2102: FINES**

The owner of any building, structure or premises or part thereof, where any condition in violation of this Resolution shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines herein provided.

**Section 2103: EACH DAY A SEPARATE OFFENSE**

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

**Section 2104: RIGHTS AND REMEDIES ARE CUMULATIVE**

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

**ARTICLE XXII - SEVERANCE CLAUSE**

Sections of this Resolution shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Resolution as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

**ARTICLE XXIII - EFFECTIVE DATE**

Public Hearing having been held hereon, the provisions of this Resolution are hereby given effect.

**Made and passed by the Township Trustees of Liberty Township, Hancock County, Ohio on this 5th day of August, 1974.**

1. Date of Public Hearing by Zoning Commission: **July 2, 1974**
2. Date of Public Hearing by Township Trustees: **August 5, 1974**
3. Date of Adoption by Township Trustees: **August 5, 1974**

Signed,

s/Max E. Gorrell  
Trustee

s/Daniel M. Hummell  
Trustee

s/John M. Beucler  
Trustee

s/Wade E. Benson  
Clerk

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