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Liberty Township
Union County, Ohio

Zoning Resolution

Amendment

This version: Amended and restated to reflect amendments adopted May 14, 2026.

TABLE OF CONTENTS

PREAMBLE			**1**
ARTICLE	**I**	**TITLE, INTERPRETATION AND ENACTMENT**	**1**
Section	100	Title	
Section	101	Use of Land or Buildings for Agricultural Purposes Not Affected	
Section	110	Provisions of Resolution Declared to be the Minimum Requirements	
Section	120	Separability Clause	
Section	130	Replacement of Existing Resolutions, Effective Date	
ARTICLE	**II**	**DEFINITIONS**	**3**
ARTICLE	**III**	**ENFORCEMENT**	**25**
Section	300	Zoning Permits Required	
Section	301	Contents of Application For Zoning Permit	
Section	302	Approval of Zoning Permit	
Section	303	Submission to Director of Transportation	
Section	304	Expiration of Zoning Permit	
Section	312	Record of Zoning Permits	
Section	320	Failure to Obtain a Zoning Permit	
Section	330	Construction and Use To Be As Provided In Applications, Plans, and Permits	
Section	340	Complaints Regarding Violations	
Section	350	Penalties for Violation	
Section	360	Schedule of Fees, Charges, and Expenses	
ARTICLE	**IV**	**NON-CONFORMITIES**	**28**
Section	400	Intent	
Section	410	Incompatibility of Non-Conformities	
Section	420	Avoidance of Undue Hardship	
Section	430	Single Non-Conforming Lots of Record	
Section	431	Non-Conforming Lots of Record in Combination	
Section	440	Non-Conforming Uses of Land	
Section	450	Non-Conforming Structures	
Section	456	Non-Conforming Uses of Structures or of Structures and Land in Combination	
Section	470	Repairs and Maintenance	
Section	480	Uses Under Conditional Use Provisions Not Non-Conforming Uses	
ARTICLE	**V**	**ADMINISTRATION**	**32**
Section	500	Office of Zoning Inspector Created	
Section	501	Duties of the Zoning Inspector	

Section	510	Proceedings of Zoning Commission	
Section	511	Duties of Zoning Commission	
Section	520	Board of Zoning Appeals Created	
Section	521	Proceedings of the Board of Zoning Appeals	
Section	522	Duties of the Board of Zoning Appeals	
Section	530	Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal	
Section	540	Procedure and Requirements for Appeals and Variances	
Section	541	Appeals	
Section	542	Stay of Proceedings	
Section	543	Variances	
Section	544	Application and Standards for Variances	
Section	545	Supplementary Conditions and Safeguards	
Section	546	Public Hearing by the Board of Zoning Appeals	
Section	547	Notice of Public Hearing	
Section	548	Notice to Parties in Interest	
Section	549	Action by Board of Zoning Appeals	
Section	560	Procedure and Requirements For Approval of Conditional Use Permits	
Section	561	General	
Section	562	Contents of Application for Conditional Use Permit	
Section	563	General Standards Applicable to all Conditional Uses	
Section	565	Supplementary Conditions and Safeguards	
Section	566	Procedure for Hearing, Notice	
Section	567	Action by the Board of Zoning Appeals	
Section	568	Expiration of Conditional Use Permit	
Section	569	Revocation of Conditional Use Permit	
ARTICLE	**VI**	**AMENDMENT**	**39**
Section	600	Procedure for Amendment or District Changes	
Section	601	General	
Section	602	Initiation of Zoning Amendments	
Section	603	Contents of Application	
Section	604	Transmittal to Zoning Commission	
Section	606	Transmittal to Regional Planning Commission	
Section	607	Submission to Director of Transportation	
ARTICLE	**VII**	**PROVISIONS FOR OFFICIAL ZONING MAP**	**41**
Section	700	Official Zoning Map	
Section	710	Identification of the Official Zoning Map	
Section	720	Interpretation of District Boundaries	
Section	730	Replacement of the Official Zoning Map	
ARTICLE	**VIII**	**ESTABLISHMENT AND PURPOSE OF DISTRICTS**	**42**
Section	800	Intent	

Section	810	Rural Undeveloped District (U-1)	
Section	811	Low Density Residential District (R-1)	
Section	812	High Density Residential District (R-3)	
Section	813	Local Business District (B-2)	
Section	814	Heavy Manufacturing District (M-2)	
Section	815	Special Limited Industrial District (I-1)	
ARTICLE	**IX**	**DISTRICT REGULATIONS**	**44**
Section	900	Compliance with Regulations	
Section	910	Official Schedule of District Regulations	
ARTICLE	**X**	**SUPPLEMENTARY DISTRICT REGULATIONS**	**49**
Section	1001	Conversion of Dwellings to More Units	
Section	1002	Private Swimming Pools	
Section	1003	Community or Club Swimming Pools	
Section	1004	Temporary Buildings	
Section	1005	Parking and Storage of Certain Vehicles	
Section	1010	Supplemental Yard and Height Regulations	
Section	1011	Setback Requirements for Corner Buildings	
Section	1012	Visibility at Intersections	
Section	1014	Yard Requirements for Multi-Family Dwellings	
Section	1015	Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts	
Section	1016	Architectural Projections	
Section	1017	Exceptions to Height Regulations	
Section	1020	Special Provisions for Commercial and Industrial Uses	
Section	1021	Fire Hazards	
Section	1022	Electrical Disturbance	
Section	1023	Noise	
Section	1024	Adequate Drainage Outlet & Acceptable Soils	
Section	1025	Water Pollution	
Section	1026	Mining, Mineral, Sand and Gravel Extraction; Storage and Processing	
Section	1027	Distance from Residential Areas	
Section	1028	Filing of Location Map	
Section	1029	Information on Operation	
Section	1030	Restoration of Mined Area	
Section	1031	Performance Bond	
Section	1032	Enforcement Provisions	
Section	1033	Measurement Procedures	
Section	1040	Roadside Produce Stands	
Section	1042	Agritourism	
Section	1045	Sanitary Landfill	
Section	1050	Storage of Toxic or Hazardous Materials	
Section	1052	Smoke	
Section	1054	Odors	

Section	1056	Air Pollution	
Section	1058	Fences, Walls and Hedges	
Section	1060	Erection of More Than One Principal Structure on a Lot	
Section	1062	Minimum Setbacks for the I-1 District	
Section	1063	Satellite Television Antennas	
Section	1064	Effective Screening of Junk Storage and/or Sales of Junk	
Section	1065	Garage, Porch, Yard or Similar Type Sales	
Section	1066	Front Setback for Lots of Record in the R-1 and B-2 Districts	
Section	1067	Mobile Trailers Prohibited For Business, Storage and Sign Purposes	
Section	1070	Telecommunication Towers	
Section	1071	Performance Bond	
Section	1075	General Conditions for Adult Entertainment Facilities Use	
Section	1076	General Conditions for Medical Marijuana Entities	
Section	1078	Common Access Drives (General)	
Section	1079	Ponds	
Section	1080	Junk	
Section	1081	Small Wind Projects Less than 5MW	
Section	1083	Small Solar Energy Systems (Less than 50 MW)	
ARTICLE	**XI**	**OFF-STREET PARKING AND LOADING REQUIREMENTS**	**66**
Section	1100	General Requirements	
Section	1110	Parking Space Dimensions	
Section	1111	Loading Space Requirements and Dimensions	
Section	1112	Paving	
Section	1116	Location of Parking Spaces	
Section	1117	Screening and Landscaping	
Section	1119	Minimum Distance and Setbacks	
Section	1120	Joint Use	
Section	1121	Wheel Blocks	
Section	1122	Width of Driveway Aisle	
Section	1130	Parking Space Requirements	
Section	1131	General Interpretations	
ARTICLE	**XII**	**SIGNS**	**69**
Section	1200	Intent	
Section	1201	Governmental Signs Excluded	
Section	1202	General Requirements for all Signs and Districts	
Section	1203	Measurement of Sign Area	
Section	1210	Signs Permitted in all Districts not Requiring a Permit	
Section	1211	Signs Permitted in any District Requiring a Permit	
Section	1212	Signs Permitted in Business and Manufacturing Districts Requiring a Permit	
Section	1220	Temporary Signs	
Section	1221	Free Standing Signs	

Section 1222 Wall Signs Pertaining to Non-Conforming Uses
Section 1230 Political Signs
Section 1240 Sign Setback Requirements
Section 1241 Increased Setback
Section 1243 Setbacks for Public and Quasipublic Signs
Section 1245 Limitation
Section 1250 Roof or Wall Signs in the Special Limited Industrial District
Section 1251 Off Premise Signs (Billboards)
Section 1252 Violations

ARTICLE XIII MANUFACTURED/MOBILE HOME PARKS AND MANUFACTURED/MOBILE HOMES INDIVIDUALLY **73**
Section 1310 Manufactured/Mobile Home Parks Prohibited
Section 1341 Manufactured/Mobile Homes Individually

ARTICLE XIV PLANNED UNIT DEVELOPMENTS **74**
Section 1400 Purpose of Planned Unit Development
Section 1401 Permitted Uses
Section 1402 General Requirements
Section 1403 Disposition of Open Space
Section 1404 Residential Lot Location
Section 1405 Diversification of Lot Sizes
Section 1406 Reduction of Planned Unit Development Area
Section 1407 Height Requirements
Section 1408 Commercial Planned Unit Development Requirements
Section 1409 Commercial Projects, Side Yards and Rear Yards
Section 1410 Arrangement of Commercial Uses
Section 1411 Industrial Planned Unit Development Requirements
Section 1412 Industrial Project
Section 1413 Arrangement of Industrial Uses
Section 1414 Procedure to Secure Approval of Planned Unit Development
Section 1415 Preliminary Development Plan
Section 1416 Preliminary Plan Review
Section 1417 Detailed Development Plan
Section 1418 Basis of Approval
Section 1419 Action of the Zoning Commission and Board of Zoning Appeals
Section 1420 Approval Period
Section 1421 Other Requirements

SIGNATURE BLOCKS **80**

APPENDIX **81**
Illustrations

PREAMBLE

A RESOLUTION OF THE TOWNSHIP OF LIBERTY, UNION COUNTY, OHIO ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND THE PROVISION OF CHAPTER 519, OHIO REVISED CODE, DIVIDING THE TOWNSHIP INTO ZONES AND DISTRICTS, ENCOURAGING, REGULATING AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION AND USE OF STRUCTURES AND LAND; PROMOTING THE ORDERLY DEVELOPMENT OF RESIDENTIAL, BUSINESS, INDUSTRIAL, RECREATIONAL, AND PUBLIC AREAS, PROVIDING FOR ADEQUATE LIGHT, AIR, AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES; LIMITING CONGESTION IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND; PROVIDING FOR THE ADMINISTRATION OF THIS RESOLUTION AS PROVIDED HEREAFTER, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS RESOLUTION OR ANY AMENDMENT THERETO. ALL FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE AND FOR THE REPEAL THEREOF.

THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWNSHIP OF LIBERTY, UNION COUNTY, OHIO.

ARTICLE I TITLE, INTERPRETATION AND ENACTMENT

Section 100 Title. This Resolution shall be known and may be cited to as the "Zoning Resolution of the Township of Liberty, Union County, Ohio."

Section 101 Use of Land or Buildings for Agricultural Purposes Not Affected. It is the intent of this Resolution to be and remain in compliance with ORC 519.21 *Powers not conferred on township zoning commission by chapter*. ORC 519.21 is a statute, created and maintained by the State, which limits the authority of townships and establishes what is commonly referred to as the "agriculture exemption". How ORC 519.21 impacts this Resolution is described herein.

This Resolution does not affect the use of any land for agricultural purposes, or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located and no zoning permit shall be required for any such building or structure. (Residential dwellings do require a permit however.) Agritourism is not considered to fall under the "agriculture exemption" and is regulated as found in Section 1042.

There are two conditions where the agriculture exemption does not apply. 1) In any platted subdivision; and, 2) In any area consisting of fifteen or more lots approved under ORC 711.131 that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to

one another and adjacent to the opposite side of the same dedicated public road. When either of these two conditions exist, the requirements of this Resolution apply to:

1. Agriculture on lots of one acre or less; and,
2. Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than five acres by: setback building lines, height, and size.

Section 110 Provisions of Resolution Declared to be the Minimum Requirements. In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this Resolution conflict with the requirements of any other lawfully adopted rules, regulations, resolutions or deed restrictions, the most restrictive, or that imposing the higher standards shall govern.

Section 120 Separability Clause. Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 130 Replacement of Existing Resolutions, Effective Date.
All existing Resolutions shall, upon adoption of this Resolution, be replaced by this Resolution and this Resolution shall have full force and effect. This Resolution shall become effective from and after the date of its approval and adoption, as provided by law.

ARTICLE II DEFINITIONS

Interpretation of Terms or Words: For the purpose of this Resolution, certain terms or words used herein shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

3. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.

4. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."

5. The word "lot" includes the words "plot" or "parcel."

Access Management. The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed. Refer to Union County Access Management Regulations.

Accessory Use or Structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Acre. A measure of land area. One (1) acre shall equal forty-three thousand, five hundred sixty (43,560) square feet.

Adult Entertainment Facilities. A facility having a significant portion of its function as adult entertainment which includes any one or more of the following listed categories:

1. **Adult Bookstore.** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined or an establishment with a segment or section devoted to the sale or display of such material.
2. **Adult Booth.** Any area of a sexually oriented business establishment or tattoo parlor set off from the remainder of such establishment by one or more walls or other dividers or partitions and used to s how, play, or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of "specified anatomical areas" or the conduct or simulation of "specified sexual activities."
3. **Adult Material.** Any of the following, whether new or used:
    a. Books, magazines, periodicals, or other printed matter, or digitally stored materials that are distinguished or characterized by an emphasis on the

exposure, depiction, or description of "specified anatomical areas" or the conduct or simulation of "specified sexual activities."

b. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of "specified anatomical areas" or the conduct or simulation of "specified sexual activities."

c. Instruments, novelties, devices, or paraphernalia that are designed for use in connection with "specified sexual activities" or that depict or describe "specified anatomical areas."

4. **Adult Mini Motion Picture Theatre.** A facility with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
5. **Adult Motion Picture Theatre.** A facility with a capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
6. **Adult Entertainment Business.** Any establishment involved in the sale or services or products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.

Agriculture. "Agriculture" includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and furbearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber, pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

Agritourism related definitions:

a. **Agricultural Production**. Commercial animal or poultry husbandry, aquaculture, algaculture meaning the farming of algae, apiculture, animal husbandry, or poultry husbandry; the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth; land devoted to biodiesel production,

biomass energy production, electric or heat energy production, or biologically derived methane gas production if the land on which the production facility is located is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use, provide that at least fifty per cent of the feedstock used in the production was derived from parcels of land under common ownership or leasehold. Agricultural production includes conservation practices, provided that the tracts, lots, or parcels of land or portions thereof that are used for conservation practices comprise not more than twenty-five per cent of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed under Section 929.02 of the Revised Code.

b. **Agritourism.** An agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.
c. **Agritourism Provider.** A person who owns, operates, provides, or sponsors an agritourism activity or an employee of such a person who engages in or provides agritourism activities whether or not for a fee.
d. **Farm.** Land that is composed of tracts, lots, or parcels totaling not less than ten (10) acres devoted to agricultural production or totaling less than ten (10) acres devoted to agricultural production if the land produces an average yearly gross income of at least twenty-five hundred dollars ($2,500) from agricultural production.

Airport. A tract of land designated and set aside for the landing and take-off of commercial and/or non-commercial aircraft, for the discharge or receiving of cargo and/or passengers, or for the repair, fueling, or storage of aircraft; and which contains facilities for aircraft including specifically a paved strip on which airplanes land and take-off. A airport shall not be construed to be a private landing field as defined herein.

Alley. Any public way or thoroughfare less than twenty feet (20) feet in width, which has been dedicated to the public or for public use.

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

Animal Feed Lot. Means a paved animal feeding or holding area or other lot, pen, yard, or other feeding or holding area where grass or other suitable vegetative cover is not maintained.

Apartment. A portion of a building comprising a single dwelling unit consisting of a room or suite of rooms intended, designed, or used as a permanent residence by an individual or one (1) family.

Aviation Field (Private). Any privately owned and operated, F.A.A. approved runway, landing area or other facility designed, used or intended to be used for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage facilities and tie down areas, hangers and other necessary buildings and open spaces.

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

Automotive Vehicle. A vehicle which is designed and manufactured to be self propelling or self moving upon the public highway. More specifically, as referred to in this Resolution, it includes: automobiles, trucks, and motorcycles.

Basement. A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

Battery Energy Storage System, Small Off-Site. A principal use that is designed and built to connect into the distribution or transmission grid with a nameplate capacity less than 50 megawatts (MW). This type of system is capable of absorbing, storing, and/or discharging electrical energy from/to the grid or a power plant(s).

Bed and Breakfast Facilites. Single-family dwellings offering room and board without individual kitchen facilities for up to five (5) persons who are transient.

Breezeway. A roofed structure, with or without enclosing walls, connecting an accessory structure to the principal building.

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

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

Building Height. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building, Manufactured. A manufactured building has the following features or characteristics: It is (1) mass produced in a factory; (2) designed and constructed for transportation to site with or without a chassis for installation and use when connected to required utilities; (3) either an independent, individual factory erected building or a module with two or more sides erected at the factory, for combination with other elements to form a building on the site.

Building, Principal. A building in which is conducted the main or principal use of the lot on which said building is situated.

Business, Convenience-Type Retail. Retail businesses whose market area is the neighborhood or part of the community, which provides convenience-type goods and personal

services for the daily needs of the people within the residential area. Uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry facilities, supermarkets, etc.

Business, Drive-in. Any business, structure, or premise which is designed primarily to serve occupants of motor vehicles without the occupants having to leave the vehicle.

Business, Service. Any profit making activity which renders primarily services to the public or to other commercial or industrial enterprises. Some retail sales may be involved in connection with the service rendered.

Business, Shopping-Type Retail. A retail or service business which supplies a wide variety of comparison goods and services to consumers in a market area that includes the community or an area greater than a community. Examples of shopping-type businesses are furniture stores, automobile sales and services, and clothing shops.

Campground, Commerical or Private. An area of land providing space for or containing two (2) or more recreational vehicles, camping tents, or other similar temporary recreational structures, where they may be parked or erected for a continuous period of time not exceeding sixty (60) days. Campgrounds shall include any building, structure, tent, vehicle, or enclosure, used or intended for use as part of the equipment of such campground, and providing sewer, water, electric, or other similar facilities required to permit occupancy of such recreational vehicles or camping tents.

Cemetary. Land used or intended to be used for the burial of the dead and dedicated for cemetary purposes.

Chassis. The steel undercarriage, supporting framework to which a dwelling is permanently attached.

Clinic. A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with room or board or kept overnight on the premises.

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

Common Access Driveway. A common access driveway (CAD) is a privately constructed, privately owned, and privately maintained driveway within an ingress/egress easement serving more than one lot (or parcel) but not more than five lots (or parcels), properly installed in accordance with the requirements of the Union County Engineer and for which Union County and Liberty Township accept no responsibility for maintenance, dispute, or liability either initially or at any time in the future. A common access drive provides an alternative to construction of public or private streets for accessing small numbers of lots and reduces the number of driveways along public roads. All lots as part of a Common Access Driveway shall

have the required road frontage (see Official Schedule of District Regulations). If lots not meeting the required road frontage shall be required to obtain a variance from the Liberty Township Board of Zoning Appeals.

Commercial Recreation Establishment. Any private, public, or semi-public recreation or amusement facility which is located within an enclosed building or structure and is operated for profit, such as videogame arcades, pinball arcades, or other types of amusement game arcades; tennis or racquetball clubs; bowling alleys, skating rinks, or billiard halls; but not including indoor motion picture theatres.

Community Facilities. Structures and uses intended to be of a cultural, educational, recreational, administrative, or service type which provides for areas of public purposes in higher density residential developments.

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

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

Construction Trailer. A temporary building or trailer used in conjunction with construction work that only may be permitted in any district during the period the construction work is in progress, but shall be removed upon completion of the construction work. A construction trailer shall not be used as a residential dwelling or for storage on a residential property following completion of construction.

Data Center. An establishment engaging in the storage, management, processing, and/or transmission of digital data, and housing computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data operations.

Deed Restriction. A legal restriction, not enforceable by zoning, on the use of land, contained in the deed to the property.

Density. A unit of measurement; the number of dwelling units per acre of land.

1. **Gross Density.** The number of dwelling units per acre of the total land to be developed.

2. **Net Density.** The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Detached. Not connected in any manner by walls or other structural supports.

Dwelling. Any building or structure which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

Dwelling, Industrialized Unit. Pursuant to ORC 3781.06 (C) (3), "industrialized unit" means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized Unit" includes unit installs on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured home as defined herein or a mobile home as defined herein.

Dwelling Unit. Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

Dwelling, Single-Family. A dwelling (except a manufactured home not permanently sited or a mobile home) consisting of a single dwelling unit only, separated from other dwelling units by open space.

Dwelling, Manufactured Home (Permanently Sited).

a. The structure is affixed to a permanent foundation and is connected to appropriate facilities. "Permanent foundation" means permanent masonry, concrete, or a footing or foundation approved by the Ohio Department of Commerce pursuant to ORC 4781, to which a manufactured home may be affixed; and,
b. The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments, of at least one thousand four hundred (1400) square feet; and,
c. The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering; and,
d. The structure was manufactured after January 1, 1995; and,
e. The structure is not located in a manufactured home park as defined herein.

Dwelling, Multi-Family. A dwelling, consisting of two or more dwelling units including condominiums with varying arrangements of entrances and partition walls.

Dwelling, Manufactured Home. Pursuant to ORC 3781.06(C)(4), "manufactured home" means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the Federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable Federal construction and safety standards.

Dwelling, Mobile Home. Pursuant to ORC 4501(O) "mobile home" means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty five (35) body feet in length or, when erected on site is three hundred twenty (320) or more square feet, is built on a permanent chassis, is transportable in one or more sections and does not qualify as a manufactured home as defined herein or as an industrialized unit as defined herein.

Dwelling, Rooming House (Boarding House, Lodging House, Dormitory)
A dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

Dwelling, Tiny Home. A dwelling that is 400 square feet or less in floor area excluding lofts. For the purposes of Tiny Homes, a "loft" means a floor level located more than thirty (30) inches above the main floor, open to the main floor on one or more sides, with a ceiling height of less than six (6) feet eight (8) inches, and used as a living or sleeping space.

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

Family. One or more related persons occupying a single dwelling unit.

Farm Market. A building or structure designed or used or intended to be used for the display and/or sale of produce, raised on farms owned or operated by the farm market operator.

Floor Area of a Residential Building, Usable. The sum of the gross horizontal area or the several floors of a residential building, excluding basement floor areas not devoted to residential use and attached garages, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

Floor Area of a Non-Residential Building (To be used in calculating parking requirements). The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts, and rooms.

Floor Area, Livable. The livable floor area in square feet of existing or proposed buildings or structures or additions thereto shall be computed by multiplying the outside horizontal dimensions with each floor of the livable area. Porches, carports, and similar structures shall not be considered in computing the total livable area.

Food Processing. The preparation, storage or processing of food products. Examples of these activities include bakeries, dairies, canneries, meat processing plants and similar activities.

Foundation, Permanent. A permanent perimeter masonry, concrete, or a locally approved footing or foundation to which a dwelling will be attached.

Gasoline Service Station. Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail.

Hazardous Wastes. Means those substances which, single or in combination, pose a significant present or potential threat or hazard to human health or to the environment, and which, single or in combination, require special handling, processing, or disposal, because they are or may be flammable, explosive, reactive, corrosive, toxic, infectious, carcinogenic, bioconcentrative, or persistent in nature, potentially lethal, or an irritant or strong sensitizer.

Home Occupation. An occupation conducted in a dwelling unit, provided that: No more than one person other than members of the family residing on the premises shall be engaged in such occupation. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than thirty-five (35%) percent of floor area of the dwelling unit shall be used in the conduct of the home occupation. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, nor-exceeding four (4) square feet in area, non-illuminated and mounted flat against the wall of the principal building. No traffic shall be generated by such occupation in greater volume than would normally be expected in such a residential area and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution.

Junk. "Junk" means old scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, junked, dismantled, or wrecked automobiles or parts thereof, iron, steel, and other old or scrap ferrous or non-ferrous materials.

Junk Yard. "Junk Yard" means an establishment or place of business which is maintained or operated, or any other land used, for the purpose of storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. It shall also include scrap metal processing facilities which are located within one thousand (1,000) feet of the nearest edge of the right-of-way of a highway or street.

Kennel. Any lot or premise on which dogs, cats, or other household pets are boarded, bred or exchanged for monetary compensation.

Litter. Garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature thrown, dropped, discarded, placed, or deposited by a person on public property, private property, or in or on waters of the state.

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

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

1. A single lot of record;

2. A portion of a lot of record;

3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;

4. A parcel of land described by metes and bounds.

However, in no case of diversion or combination shall any residential lot or parcel be created which does not meet the requirements of this Resolution. With respect to areas within the I-1 District, for the purpose of making measurements under other sections of this Resolution, such as determining the size of a lot or the length of the frontage of a lot, or for the purposes of Section 1116 of this Resolution, the term "lot" shall mean one (1) or more contiguous lots of record as recorded in the office of the County Recorder, or parcels of land as listed on the County Auditor's current tax list, owned or leased by a single person or entity and used by such person or entity as a unified whole for the purposes described in Section 815 of this Resolution. For purposes of determining the size of a lot in the I-1 District, such lot may include land located in one or more other township(s), so long as the zoning resolution(s) and map(s) of the other township(s) also provide that such land may be used for the purposes described in Section 815 of this Resolution.

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

Lot Frontage. The front of a lot shall be construed to be the portion at the street (road) right-of-way line. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to street (road) right-of-way lines shall be considered frontage, and yards shall be provided as indicated under "Yard" in this section. Also see Lot Measurements, Width.

Lot, Minimum Area of. The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street or road. (See Official Schedule of District Regulations)

Lot Measurements. A lot shall be measured as follows:

1. ***Depth.*** The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. When applicable, depth is measured at the street (road) right-of-way line. No lot less than ten (10) acres shall have a depth which is more than four (4) times its width. Furthermore, all lots of ten (10) acres or more shall be exempt from this ratio requirement.

2. ***Width.*** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the street (road) right-of-way line, except on cul-de-sac streets (roads) where it is measured at the setback line. Also see Lot Frontage.

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

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

1. ***Corner Lot.*** A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

2. ***Interior Lot.*** A lot with only one (1) frontage on a street.

3. ***Through Lot.*** A lot other than a corner lot with frontage on more than one (1) street or road. Through lots abutting two (2) streets or roads may be referred to as double frontage lots.

4. ***Reversed Frontage Lot.*** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

Manufactured and/or Mobile Home Park. Any site, or tract of land under single ownership, upon which two (2) or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

Manufacturing, Heavy. Manufacturing , processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, dust, glare, air pollution, odor, but not beyond the district boundary to any large extent.

Manufacturing, Light. Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operate and store within enclosed structures; and generate little industrial traffic and no major nuisances.

Medical marijuana related definitions:

a. **Cultivate**. Means to grow, harvest, package, and transport medical marijuana pursuant to ORC 3796.
b. **Cultivator**. Means an entity that has been issued a certificate of operation by the State of Ohio to grow, harvest, package, and transport medical marijuana as permitted under ORC 3796.
c. **Dispensary**. Means an entity licensed pursuant to ORC 3796 and any rules promulgated thereunder to sell medical marijuana to qualifying patients and caregivers.
d. **Dispense**. Means the delivery of medical marijuana to a patient or the patient's registered caregiver that is packaged in a suitable container appropriately labeled for subsequent administration to or use by a patient as permitted by Ohio law in accordance with Ohio law.
e. **Manufacture**. Means the process of converting harvested plant material into marijuana extract by physical or chemical means for use as an ingredient in a medical marijuana product.
f. **Marihuana**. Has the same meaning as defined in ORC 3719.01, as amended from time to time.
g. **Marijuana**. Has the same meaning as defined in ORC 3796.01, as amended from time to time.
h. **Medical Marijuana**. Has the same meaning as defined in ORC 3796.01, as amended from time to time.
i. **Medical Marijuana Entity**. Means a medical marijuana cultivator, processor, dispensary, or testing laboratory licensed by the State of Ohio.
j. **Medical Marijuana Processor**. Means an entity that has been issued a certificate of operation by the State of Ohio to manufacture medical marijuana products.
k. **Testing Laboratory**. Means an independent laboratory located in Ohio that has been issued a certificate of operation by the State of Ohio to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research, or analysis.

Mineral Extraction. Any mining, quarrying or processing of limestone, clay, sand and gravel, natural gas, oil, or other mineral resources.

Motor Vehicle Salvage Facility. Means any establishment or place of business which is maintained, used, or operated for buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

Non-Conformities. A building, structure, or use of land existing at the enactment of this Resolution and which does not conform to the regulation of the district or zone in which it is situated.

Nonconforming Use of Land and Buildings. The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enactment of a zoning resolution or amendment thereto, may be continued, although such use does not conform with the provisions of such resolution or amendment. If any such nonconforming use is discontinued for two (2) years or more, any future use of said land or building shall be in conformity with the current zoning resolutions.

Nuisance. A building or property that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. A nuisance could constitute an offensive activity on a property that reduces the property value of neighboring properties or results in a lessening of normal use and enjoyment to neighboring properties. Examples include, noise, junk, automobile storage, accumulation of rodents and/or insects or mosquitoes, rubbish, refuse, and debris.

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

Nursery, (Greenhouse) Tree and Plant. A place where young trees or other plants are raised for transplanting and/or for sale.

Offices. Quasi-commercial uses which may often be transitional between retail business and/or manufacturing and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, clerical, drafting, etc. Institutional offices of a charitable, philanthropic, financial or religious or educational nature are also included in this classification.

Open Space. An area substantially open to the sky which may be on the same with a building. The area may include, along with the natural environmental features, water areas, swimming pools and tennis courts and other recreational facilities that the Zoning Commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

Original Tract. A contiguous quantity of land held in common ownership which has not been platted by the existing owner or owners since the enactment of these Regulations.

Orchards. An area of land devoted to the cultivation and sale of fruit trees and the sale of the fruit therefrom.

Parcel. An individual lot held under common ownership.

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

Personal Services. Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch and clock repair, barber shops, beauty shops and similar activities.

Planned Unit Development (PUD). A residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines. Planned Unit Developments are designed and developed subject to the provisions of these Regulations.

Ponds. Any man made structure in which water is impounded by constructing a dam or embankment or by excavating a pit or dugout. Definition for ponds includes retention basins designed to permanently hold water. This definition would not apply to detention basins designed for short-term water containment. This would not include landscape water features less than one hundred and fifty (150) square feet.

Pools, Swimming (Private). Any structure that contains water over twenty four (24) inches in depth and which is used, or intended to be used, for swimming or recreational bathing and which is available only to the family and guests of the householder. This includes in-ground, above ground, on-ground, and portable swimming pools.

Pools, Swimming (Community/Public). Operated with a charge for admission; a primary use.

Pool Barrier. A fence, a wall, a building wall, the wall of an above-ground swimming pool or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

Printing and Publishing. Any business which is engaged in the printing and/or publishing of newspapers, magazines, brochures, business cards and similar activities either for profit or non-profit.

Public Facilities. Any building or structure used by government for administrative or service purposes, but not including buildings devoted solely to the storage and maintenance of equipment and materials.

Public Service Facility. The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency,

including the furnishing of electrical, gas, rail transport, communication, public or private water and sewage services. This definition excludes small off-site battery energy storage systems, principal solar energy production facilities, sanitary landfills, wind power projects, and other uses defined separately herein.

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

Quasi-Public Use. Churches and other facilities of an educational religious, charitable, philanthropic, or non-profit nature.

Recreation, Commercial. Any business which is operated as a recreational enterprise, either publicly or privately owned, for profit. Examples include, but are not limited to: golf courses, bowling alleys, swimming pools, tourist attractions, etc.

Recreation, Non-Commercial. Any business which is operated as a recreational enterprise, either publicly or privately owned, for non-profit. Examples include, but are not limited to: fishing areas, parks, archery ranges, etc.

Recreational Vehicle. A vehicle type unit primarily designed as temporary (not more than 90 days) living quarters for recreational, camping, or travel use only, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home. A recreational vehicle shall not be used as a residential dwelling and must have a current license.

Recreational Vehicle Park. A parcel of land upon which two (2) or more recreational vehicles sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Recreational Vehicle Site. A plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.

Refuse. Refuse shall mean combustible and noncombustible waste materials.

Religious, Cultural, and Fraternal Activity. A use or building owned or maintained by organized religious organizations or nonprofit associations for social, civic or philanthropic purposes, or the purpose for which persons regularly assemble for worship.

Research Development and Testing. Establishments, structures, facilities and areas devoted to research, product development and scientific testing, whether in connection with the development of new products, the discovery of causes of product failure or malfunction, and specifically including without limitation the conduct of research development and testing concerning: automotive, vehicular and other forms of transportation; engines, power products

and equipment; production equipment; any and all other processes related to any of the foregoing; and improved highway facilities for vehicular traffic.

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

Roof, Mean Height. The average of the roof eave height and the height to the highest point on the roof surface, except that eave height shall be used for roof angle of less than or equal to ten (10) degrees.

Rubbish/Trash. Combustible and noncombustible waste materials; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Salvage Motor Vehicle. Any motor vehicle which is in a wrecked, dismantled, or worn out condition, or unfit for operation as a motor vehicle.

Sanitary Landfill. A land disposal site employing a method of disposing of solid wastes on land in a manner intended to minimize environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes to the smallest practical volume, and applying and compacting cover material daily.

Screening. To provide privacy of adjoining uses, including masonry walls, solid preservatively treated wood, chain link with solid slats, or landscaped with grass and closely planted shrubs or other evergreen plants.

Semitrailer/Intermodal Containers. A vehicle designed or used for carrying persons or property with another and separate motor vehicle, so that in operation, a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle; also portable storage containers. A semitrailer shall not be used for storage, advertising, business, and residence. Portable storage containers shall only be permitted for 90 days.

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

Setback Line. A line established by the Zoning Resolution generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building or structure may be located above ground, except as may be provided in said Code.

Setback Line, Front. Determined from the edge of the road right-of-way.

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

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

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

Sign. Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

1. **Sign, On-Premises.** Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.

2. **Sign, Off-Premises (Billboards).** Any sign unrelated to a business or profession conducted or to a commodity or service sold or offered upon the premises where such sign is located. Billboards are considered off-premises signs.

3. **Sign Illuminated.** Any sign illuminated by electricity, gas or other artificial light including reflection or phosphorescent light.

4. **Sign, Lighting Device.** Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.

5. **Sign, Ground.** Means a display sign supported by uprights or braces in or upon the ground surface.

6. **Sign, Marquee.** Means a display sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.

7. **Sign, Pole.** Means any sign which is erected on a pole or poles, which is wholly or partially independent of any building for support.

8. **Sign, Projecting.** Means a display sign which is attached directly to the building wall and which extends more than fifteen (15) inches from the face of the wall.

9. **Sign, Roof.** Means a display sign which is erected, constructed, and maintained above the roof of the building.

10. **Sign, Temporary.** Means a display sign, banner, or other advertising device constructed on cloth, canvas, fabric, or other light temporary material, with or without a structural frame, intended for a limited period of display, including decorative displays for holidays or public demonstrations.

11. **Sign, Wall.** Means a display sign which is painted on or attached directly to the building wall and which extends not more than fifteen (15) inches from the face of the wall.

Service Station. Any building, structure, or land used for the dispensing and sale at retail of any automobile fuels, oils, for accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work.

Small Wind Projects less than 5MW.

Accessory Structures. Structures such as sheds, storage sheds, pool houses, unattached garages and barns.

Anemometer: An instrument that measures the force and direction of the wind.

Clear Fall Zone: An area surrounding the wind turbine unit into which the turbine and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other conditional causing turbine failure, that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine in located. The purpose of the zone being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel, and will not intrude onto a neighboring property.

Cowling: A streamlined removable cover that encloses the turbine's nacelle.

Decibel: A unit of relative loudness equal to ten times the common logarithm of the two readings. For sound, the decibel scale runs from zero for the lease perceptive sound to 130 for sound that causes pain.

Nacelle: Sits atop the tower and contains the essential mechanical components of the turbine to which the rotor is attached.

Primary Structure: For each property, the structure that one or more persons occupy the majority of the time on that property for either business or personal reasons. Primary Structures include structures such as residences, commercial buildings, hospitals, and day care facilities. Primary Structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, barns.

Professional Engineer: A qualified individual who is licensed as a Professional Engineer in the State of Ohio.

Megawatt (MW): A unit of power, equal to one million watts.

Small Wind Project: Any wind project less than 5MW which includes the wind turbine generator and anemometer.

Wind Power Turbine Owner; The person, persons, or entity who owns the Wind Turbine structure.

Wind Power Turbine Tower: The support structure to which the turbine and rotor are attached.

Wind Power Turbine Height: The distance from the rotor blade at its highest point to the surface of the ground at the Wind Power Generating Facility (WPGF) foundation.

Solar Energy Related Definitions:

a. **Accessory Solar Energy**. A solar collection system consisting of one or more roof/building mounted, ground/pole mounted, and/or other structure mounted solar collector devices and solar related equipment, and is intended to primarily reduce on-site consumption of utility power. A system is considered an accessory solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.
b. **Clear Fall Zone (Solar Energy).** An area surrounding a ground/pole mounted or other structure mounted solar energy system into which the system and/or components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing the structure's failure that shall remain unobstructed and confined within the property lines of the lot where the system is located. The purpose of the zone being that if the system should fall or otherwise become damaged, the falling structure will be confined to the lot and will not intrude onto a neighboring property.
c. **Community Solar:** Also known as shared solar, or solar gardens, is an energy model that allows customers to buy or lease part of a larger off-site shared solar photovoltaic (PV) system. For the purposes of this Resolution, "Community Solar" is considered to be a "Principal Solar Energy Production Facility".
d. **Principal Solar Energy Production Facility**. An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. These production facilities primarily produce electricity to be used off-site. Principal solar energy production facilities consist of one or more roof/building mounted, ground/pole mounted, and/or other structure mounted solar collector devices, solar related equipment, and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. Examples include "Small Solar Facility" and "Community Solar Facility" as defined by statute or herein.
e. **Small Solar Facility**: Pursuant to ORC 519.213 (A) (2), "Small Solar Facility" means solar panels and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than 50 MW.
f. **Solar Energy Equipment**. Items for the purpose of generation, transmission, and storage of electricity, including but not limited to a solar photovoltaic cell, solar panels, lines, pumps, inverter(s), batteries, mounting brackets, racking, framing and/or foundation used for or intended to be used for the collection of solar energy.

g. **Solar Photovoltaic (PV)**. The technology that uses a semiconductor to convert light directly into electricity.

Solid Wastes. Means such unwanted residual solid or semisolid material as results from industrial, commercial agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, and also, and other substances which are not harmful or inimical to public health, and includes, but is not limited to, garbage, combustible and non-combustible material, street dirt, and debris. For purposes of this definition, "material from construction operations" and "material from demolition operations" are those items affixed to the structure being constructed or demolished, such as brick, concrete, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing, plumbing fixtures, wiring, and insulation material.

Story. That part of a building between the surface of a floor and the ceiling immediately above.

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

Subdivision.

1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners where such sale or exchange does not create additional building sites, shall be exempted; or
2) The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.
3) Subdivisions must comply with the Union County Subdivision Regulations.

Subdivision, Minor. A subdivision approved by the Union County Engineer's Office and the Regional Planning Commission's designated representative which does not require a plat and which is in conformance with the provisions of Section 329 and Section 803 of the Union County Subdivision Regulations.

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

Telecommunication Tower. Any structure with radio frequency transmission or reception equipment attached that is free standing or is to be connected to a building or other structure. A telecommunication tower shall meet all of the following conditions:

a) It is constructed on or after October 31, 1996;

b) It is owned or principally used by a public utility engaged in the provision of telecommunication services;

c) It is a free standing structure or is attached to another building or structure and is higher than the maximum allowable height permitted in the zoning district in which it is located.

Thoroughfare, Controlled or Limited Access. A thoroughfare on the interstate highway system, or any other thoroughfare which is so designed as to carry large volumes of through traffic and preclude traffic flow interruptions normally resulting from turning and stopped traffic. Controlled or limited access thoroughfares have no grade crossings and utilize exit and entrance ramps, bridges, merge and exit lanes, and other design features to accomplish unimpeded traffic flow, and are not intended to provide direct access to abutting property. Controlled or limited access thoroughfares shall not be construed as providing lot frontage as required by these Regulations.

Thoroughfare, Major or Secondary. An officially designated Federal or State numbered highway or County or other road designated as a major thoroughfare by the Union County Engineer, or a County or other road designated as a secondary thoroughfare.

Toxic or Hazardous Material. Means any substance or mixture by physical characteristic such as flammability, corrositivity, toxicity, reactivity, or infectious characteristics as to pose, a significant or potential hazard to water supplies or human health if such substances were discharged to land or waters of the community or township,

Transient Lodgings. A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined. Examples include: hotel, motel, apartment hotel, and bed and breakfast.

Transport Terminals. Any business, structure, or premise which primarily receives or distributes goods.

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

Travel Trailer. A non-self propelled recreational vehicle that does not exceed an overall length of thirty five (35) feet, exclusive of bumper and tongue or coupling, and contains less than three hundred and twenty (320) square feet when erected on site. "Travel trailer" continues to include a tent-type fold-out camping trailer as defined in section 4517.01 of the Ohio Revised Code. A travel trailer is designed to be used as temporary (not more than 90 days) and shall not be used as a residential dwelling.

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

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

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

Wholesale and Warehouse. Business establishments that generally store and sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments.

Yard. A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3)feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

1. ***Yard, Front.*** A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

2. ***Yard, Rear.*** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building,

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

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

ARTICLE III ENFORCEMENT

Section 300 Zoning Permits Required. No building or other structure, shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Said permit shall be obtained before any county permits are obtained. Zoning permits shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance as provided by this Resolution.

Section 301 Contents of Application for Zoning Permit. The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within six (6) months or substantially completed within one and one-half (1.5) years. At a minimum, the application shall contain the following information:

1. Name, address, and telephone number of the applicant;
2. Legal description of the property;
3. Existing use;
4. Proposed use;
5. Zoning district;
6. Plans in duplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration;
7. Building heights;
8. Number of off-street parking spaces or loading berths;
9. Number of dwelling units;
10. Copy of adequate drainage and acceptable soils recommendation from the Union Soil and Water Conservation District (Union SWCD);
11. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.

Section 302 Approval of Zoning Permit. Within ten (10) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. All zoning permits shall, however, be conditional upon the commencement of work within six (6) months. One (1) copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One (1) copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a permit, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Resolution.

Section 303 Submission to Director of Transportation. Before any zoning permit is issued affecting any land within three-hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification within a radius of five-hundred (500) feet from the point of intersection or said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail to the director of Transportation, that he shall not issue a zoning permit for one-hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one-hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution issue the zoning permit.

Section 304 Expiration of Zoning Permit. If the work described in any zoning permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within one and one-half (1.5) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted. Extensions, if granted, shall be in six (6) months increments, not to exceed one and one-half (1.5) years.

Section 312 Record of Zoning Permits. The Zoning Inspector shall maintain a record of all zoning permits and copies shall be furnished upon request to any person.

Section 320 Failure to Obtain a Zoning Permit.
Failure to obtain a zoning permit shall be a violation of this Resolution and punishable under Section 350 of this Resolution.

Section 330 Construction and Use to be as Provided in Applications, Plans, and Permits. Zoning permits issued on the basis of plans and applications approved by the

Zoning Inspector authorize only the use and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction contrary to that authorized shall be deemed a violation of this Resolution and punishable as provided in Section 350 of this Resolution.

Section 340 Complaints Regarding Violations. Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take action thereon as provided by this Resolution.

Section 350 Penalties for Violation. Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this Resolution shall constitute a minor misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than the maximum fine allowable for minor misdemeanor offenses under Ohio Revised Code Section 2929.28(A)(b), and in addition shall pay all costs and expenses involved in the case. Such sum may be recovered in a court of jurisdiction in the Union County by the legal representative of the Township, in the name of the Township and for the use thereof. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Board of Township Trustees from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 360 Schedule of Fees, Charges, and Expenses. The Board of Township Trustees shall by Resolution establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this Resolution requiring investigation, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Township Trustees, and may be altered or amended only by the Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE IV NON-CONFORMITIES

Section 400 Intent. Within the districts established by this Resolution or future amendments that may later be adopted, there exist lots, uses of land, structures, and uses of structures and land in combination which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution or future amendments. It is the intent of this Resolution to permit these non-conformities to continue until they are removed or discontinued. It is further the intent of this Resolution that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Section 410 Incompatibility of Non-Conformities. Non-conformities are declared by this Resolution to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

Section 420 Avoidance of Undue Hardship. 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 carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

Section 430 Single Non-Conforming Lots of Record. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at effective date of adoption or amendment of this Resolution notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Article 9 and 10 of this Resolution other than lot area or lot width, shall be obtained only through action of the Board of Zoning Appeals as provided in Section 540 through 549.

Section 431 Non-Conforming Lots of Record in Combination. If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands

involved shall be considered to be an undivided parcel for the purposes of this Resolution and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Resolution.

Section 440 Non-Conforming Uses of Land. Where, at the time of adoption of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided;

1. No such non-conforming uses shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.

2. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution.

3. If any such non-conforming uses of land are discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.

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

Section 450 Non-Conforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this Resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;

2. Should such non-conforming structure or non-conforming portion of structure be destroyed by fire or an act of God, it may after approval by the Board of Zoning Appeals, be reconstructed as it previously existed. All remaining debris shall be cleared away and disposed of properly within two (2) months of the time of de-struction.

3. 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.

Section 456 Non-Conforming Uses of Structures or of Structures and Land in Combination.

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

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

2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution; but no such use shall be extended to occupy any land outside such building;

3. If no structural alterations are made, any non-conforming use of a structure or structure and land, may upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution;

4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;

5. When a non-conforming use of the structure, or structure and land in combination, is discontinued or abandoned for more than (2) years (except when government access impedes access to the premises) the structure or structure and land combination shall not thereafter be used except in conformity with the regulations of the district in which it is located;

6. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land except as stated in Section 450 paragraph 2.

Section 470 Repairs and Maintenance. On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any

building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 480 Uses Under Conditional Use Provisions Not Non-Conforming Uses. Any use which is permitted as a conditional use in a district under the terms of this resolution shall not be a non-conforming use in such district, but shall without further action be considered a conforming use.

ARTICLE V ADMINISTRATION

Section 500 Office of Zoning Inspector Created. A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this Resolution. He or she may be provided with the assistance of such other persons as the Trustees may direct.

Section 501 Duties of the Zoning Inspector. For the purpose of this Resolution, the Zoning Inspector shall have the following duties:

1. Upon finding that any of the provisions of this Resolution are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation;

2. Order discontinuance of illegal uses of land, buildings, or structures;

3. Order removal of illegal buildings or structures or illegal additions or structural alterations;

4. Order discontinuance of any illegal work being done;

5. Take any other action authorized by this Resolution to ensure compliance with or to prevent violation(s) of this Resolution. This may include the issuance of and action on zoning permits and such similar administrative duties as are permissible under the law.

Section 510 Proceedings of Zoning Commission. The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall he held at the call of the Chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Commission.

Section 511 Duties of Zoning Commission. For the purposes of this Resolution the Commission shall have the following duties:

1. Initiate proposed amendments to this Resolution;

2. Review all proposed amendments to this Resolution.

Section 520 Board of Zoning Appeals Created. A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Board of Township Trustees each for a term of five (5) years, except that the initial appointments shall be one (1), two (2), three (3), four (4), and five (5) year terms. Each member shall be a resident of the Township. Members of the Board may be removed from office by the Trustees for cause

upon written charges and after public hearing. Vacancies shall be filled by appointment of the Trustees for the unexpired term of the member affected.

Section 521 Proceedings of the Board of Zoning Appeals. The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Resolution. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

Section 522 Duties of the Board of Zoning Appeals. In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. A concurring vote of at least three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to effect any variation in the application of this Resolution. For the purpose of this Resolution the Board has the following specific responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector;

2. To authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done;

3. To grant conditional use permits as specified in the Official Schedule of District Regulations and under the conditions specified in Article 9 and such additional safeguards as will uphold the intent of this Resolution.

Section 530 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal. It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Resolution. Under this Resolution the Township

Trustees shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law; and establishing a schedule of fees and charges as stated in Section 360 of this Resolution. Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board to the courts as provided in the Ohio Revised Code (ORC). Any such appeal shall be made within ten (10) days of the Board's written decision.

Section 540 Procedure and Requirements for Appeals and Variances. Appeals and variances shall conform to the procedures and requirements of Section 541-549, inclusive, of this Resolution. As specified in Section 522, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

Section 541 Appeals. Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector and with the Board of Zoning Appeals a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

Section 542 Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him that by reason of facts stated in the application, a stay would in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on the cause shown.

Section 543 Variances. The Board of Zoning Appeals may authorize upon appeal in special cases such variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit but only where strict application of the provisions of this Resolution would result in unnecessary hardship.

Section 544 Application and Standards for Variances. A variance from the terms of this Resolution shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing:

1. Name, address, and telephone number of applicants;

2. Legal description of property;

3. Description or nature of variance requested;

4. A narrative statement demonstrating that the requested variance conforms to the following standards;

    a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

    b. That a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties, in the same district under the terms of this Resolution;

    c. That special conditions and circumstances do not result from the actions of the applicant;

    d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution to other lands, structures, or buildings in the same district.

A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by subsection 4 of this section have been met by the applicant.

Section 545 Supplementary Conditions and Safeguards. Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Resolution in the District involved or any use expressly or by implication prohibited by the terms of this Resolution in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Resolution and punishable under Section 350 of this Resolution.

Section 546 Public Hearing by the Board of Zoning Appeals. The Board of Zoning Appeals shall hold a public hearing within forty (40) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

Section 547 Notice of Public Hearing. Before holding the public hearing required in Section 546, notice of such hearing shall be given at least ten (10) days before the date of said hearing in accordance with ORC 519.15 as amended from time to time. The notice shall set forth the date, time, and location of the public hearing, and the nature of the proposed appeal or variance.

Section 548 Notice to Parties in Interest. Before holding the public hearing required in Section 546, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. Parties of interest shall include, but not be limited to, property owners contiguous to and directly across the road (street) from the property concerned. The notice shall contain the same information as required of notices as specified in Section 547.

Section 549 Action by Board of Zoning Appeals. Within thirty (30) days after the public hearing required in Section 547, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 545, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. Appeals from Board decisions shall be made in the manner specified in Section 530.

Section 560 Procedure and Requirements for Approval of Conditional Use Permits. Conditional uses shall conform to the procedures and requirements of Section 561-563 inclusive of this Resolution.

Section 561 General. It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size and method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article 9 shall follow the procedures and requirements set forth in Section 562-568, inclusive.

Section 562 Contents of Application for Conditional Use Permit. An application for a conditional use permit shall be filed with the Chairman of the Board of Zoning Appeals by at least one (1) owner or lessee of property for which such conditional use is proposed. At a minimum the application shall contain the following information:

1. Name, address, and telephone number of the applicant;

2 Legal description of property;

3. Description of existing use;

4. Zoning District;

5. Description of proposed conditional use;

6. A plan of the proposed sight for the conditional use showing the location of all buildings, parking and loading areas, traffic access an traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the board may require to determine;

7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, odor and fumes on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district.

Section 563 General Standards Applicable to all Conditional Uses. The Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Article 9 and appears on the Official Schedule of District Regulations adopted by Section 910 for the zoning district involved;

2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

3. Will not be hazardous or disturbing to existing or future neighboring uses;

4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

6. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, or odors;

7. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

Section 565 Supplementary Conditions and Safeguards. In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable under Section 350 of this Resolution.

Section 566 Procedure for Hearing, Notice. Upon receipt of the application for a conditional use permit specified in Section 562, the Board shall hold a public hearing, publish notice, and give written notice to all parties in interest according to the procedures specified in Section 546 through 548.

Section 567 Action by the Board of Zoning Appeals. Within thirty (30) days after the public hearing required in Section 566, the Board shall either approve, approve with supplementary

conditions as specified in Section 565, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 530.

Section 568 Expiration of Conditional Use Permit. A conditional use permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within one (1) year of the date on which the permit was issued, or if for any reason such use shall cease for more than six (6) months. Change of ownership shall have no affect on the validity of the conditional use.

Section 569 Revocation of Conditional Use Permit. A conditional use permit may be revoked when the applicant fails to comply with any of the conditions imposed by the Board of Zoning Appeals.

ARTICLE VI AMENDMENT

Section 600 Procedure for Amendment or District Changes. This Resolution may be amended utilizing the procedures specified in ORC 519.12 as amended from time to time.

Section 601 General. Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may by Resolution, after receipt of recommendation thereon from the Zoning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

Section 602 Initiation of Zoning Amendments. Amendments to this Resolution may be initiated in one of the following ways:

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

Section 603 Contents of Application. Applications for amendments to the Official Zoning Map adopted as part of this Resolution by Section 700 shall contain at least the following information:

1. Name, address, and telephone number of the applicant;
2. Present use;
3. Present zoning district;
4. Proposed use;
5. Proposed zoning district;
6. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require;
7. A list of all property owners and their addresses who are within, contiguous to, and directly across the road (street) from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
8. A fee as established by the Township Trustees, according to Section 360.

Section 604 Transmittal to Zoning Commission. Immediately after the adoption of a resolution by the Township Trustees or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Zoning Commission. The Zoning Commission shall comply with all the requirements of Chapter 519.12 of the Ohio Revised Code.

Section 606 Transmittal to Regional Planning Commission. Within five days after the adoption of such motion, the certification of such resolution, or the filing of such application for amendment, the Zoning Commission shall transmit a copy of the proposed amendment together with text and map pertaining to the proposed amendment to the Regional Planning Commission. The Regional Planning Commission shall recommend approval or denial of the proposed amendment or some modification of it. The recommendation shall be considered at the public hearing held by the Zoning Commission on the proposed amendment.

Section 607 Submission to Director of Transportation. Before any zoning amendment is approved effecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice by registered mail or certified mail to the Director of Transportation. The Commission may proceed as required by law, however, the Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Trustees that he shall proceed to acquire the land needed, then the Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Trustees shall proceed as required by law.

ARTICLE VII PROVISIONS FOR OFFICIAL ZONING MAP

Section 700 Official Zoning Map. The districts established in Article 8 of this Resolution as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this Resolution.

Section 710 Identification of the Official Zoning Map. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Township Trustees and attested to by the Township Clerk.

Section 720 Interpretation of District Boundaries. Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries;

2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries;

3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Zoning Map.

Section 730 Replacement of the Official Zoning Map. In the event that for some reason the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret, the Township Trustees may by Resolution adopt a new map which shall supersede the prior map. The new map may correct drafting errors in the prior map, but no such correction shall have the effect of amending the original map or any subsequent amendment thereof. The new map shall be identified by the signature of the Chairman of the Trustees, attested to by the Township Clerk, and bearing the following words: "This is to certify that this official Zoning Map supersedes and replaces the Official Zoning Map adopted __(date)__ as part of the Zoning Resolution of Liberty Township, Union County, Ohio."

ARTICLE VIII ESTABLISHMENT AND PURPOSE OF DISTRICTS

Section 800 Intent. The following zoning districts are hereby established for the Township. For the interpretation of this Resolution, the zoning districts have been formulated to realize the general purposes as set forth in the preamble of this Resolution and to comply with the Liberty Township Comprehensive Plan. In addition, the specific purpose of each zoning district shall be as stated.

Section 810 Rural Undeveloped District (U-1). The purpose of the rural district is to provide land which is suitable or used for agriculture, conservation, very low density residential, and public and quasi-public purpose. Very low density residential land use refers to farm housing units and isolated residential developments not requiring a major plat under the County's Subdivision Regulations (See Subdivision definition). Some residential, commercial, and industrial development may be permitted as Conditional Uses under Section 560. Onsite water and sewer facilities are permitted, provided such facilities comply with the County Health Department regulations. Specific Permitted and Conditional Uses are listed on the Official Schedule of District Regulations.

Section 811 Low Density Residential District (R-1). The purpose of the low density residential district is to provide land for single family dwelling units located in a concentrated core area. This district shall also include land that is subdivided which requires a major plat under the County's Subdivision Regulations (See Subdivision definition). Specific Permitted and Conditional Uses are listed on the Official Schedule of District Regulations.

Section 812 High Density Residential District (R-3). The purpose of the R-3 High Density Residential District is to permit the establishment of high density multi-family dwellings not to exceed twelve (12) dwelling units per gross acre if a central sewerage system is available. Specific Permitted and Conditional Uses and minimum requirements are listed on the Official Schedule of District Regulations.

Section 813 Local Business District (B-2). The purpose of the local business district is to provide land for retail and service establishments offering convenience-type goods and services. Light manufacturing is a Conditional Use. Specific Permitted and Conditional Uses are listed on the Official Schedule of District Regulations.

Section 814 Heavy Manufacturing District (M-2). The purpose of this District is to provide land for major manufacturing, processing, storage, warehousing, mineral extraction, research and testing facilities, and similar operations. These activities may require large sites, extensive community services, have large, open storage and service areas, and generate greater industrial traffic than in a light manufacturing district. Specific Permitted and Conditional uses are listed on the Official Schedule of District Regulations.

Section 815 Special Limited Industrial District (I-1). The purpose of the Special Limited Industrial District is to provide land to be used exclusively for major industrial or manufacturing or related purposes requiring a larger site than is required in the M-2 district, and specifically including without limitation: (a) establishments for the development, manufacture, and assembly of motor vehicles and other forms of transportation; the development, manufacture and assembly of production equipment; the development, manufacture and assembly of engines; the development, manufacture and assembly of power products and equipment; and any and all other processes related to any of the foregoing; (b) establishments and facilities for the conduct of research and testing concerning the development of: automotive, vehicular, and other forms of transportation; engines; power products and equipment; production equipment; any and all other processes related to any of the foregoing; and improved highway facilities for vehicular traffic; (c) transport terminals, any wholesale, storage (open or enclosed), or warehousing business structure or premises for receiving, storing and/or distributing goods, including railroad stations, lines, and terminals; (d) storage (enclosed by screening of one hundred (100%) percent *opacity*) of dismantled or wrecked motor vehicles or parts thereof used in connection with the research, development, and testing activities and uses under the foregoing clause (b); (e) aviation field (private); and (f) utilities to service all of the above; and excluding all other uses except as specifically permitted in this Resolution or the Official Schedule of District Regulations, provided that such permitted industrial or manufacturing establishments meet the requirements of Sections 1020 to 1024, inclusive, of this Resolution concerning Special Provisions for Commercial and Industrial Uses. In order to qualify for the I-1 District classification, a lot (as defined with respect to the I-1 District in Article II) must be comprised of at least nine hundred (900) contiguous acres and be owned, leased, or controlled by a person. (See Official Schedule of District Regulations.)

ARTICLE IX DISTRICT REGULATIONS

Section 900 Compliance with Regulations. The regulations for each district set forth by this Resolution shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided; or as otherwise granted by the Board of Zoning Appeals.

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

2. No building or other structure shall be erected or altered:

    a) to provide for greater height or bulk;

    b) to accommodate or house a greater number of families;

    c) to occupy a greater percentage of lot area;

    d) to have narrower or smaller rear yards, front yards, side yards, or other open spaces;

3. No yard or lot existing at the time of passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirements set forth herein.

4. Any use not defined by this Resolution shall be prohibited. No specific use which is defined by this Resolution shall be construed as being included within the definition of any other use defined.

Section 910 Official Schedule of District Regulations. District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to be a part of this Resolution and in Article 10 of this Resolution, "Supplementary District Regulations."

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS		
ZONING DISTRICTS	**PERMITTED USES**	**CONDITIONAL USES**
(Symbols as used on the official zoning map)	*(Accessory uses and essential services are included)*	*(Permitted upon issuance of a Conditional Use Permit by the Board of Zoning Appeals)*
1	**2**	**3**
U-1 RURAL UNDEVELOPED	Orchards; Agriculture; Public & quasi-public use; Nursery (Greenhouse), Tree & plant; Single-family dwelling; Small Wind Projects Less than 5MW.	Shopping-type retail; Convenience-type retail; Offices; Public service facility; Animal hospital, clinic, kennel; Home occupation; Commercial & non-commercial recreation & related eating establishment; Service business; Craft & gift shop; Mineral extraction; Light & Heavy manufacturing; Signs & advertising structures; Manufactured/Mobile home; Agritourism; Medical Marijuana Cultivator; Medical Marijuana Processor;
R-1 LOW DENSITY RESIDENTIAL	Single-family dwelling; Public & quasi-public use;	Public service facility; Home occupation; Service business; Personal service; Small Wind Projects Less than 5MW; Agritourism; Agriculture
R-3 HIGH DENSITY RESIDENTIAL	Multi-family dwelling; Single family dwelling; Public & quasi-public use;	Home occupation; Non-commercial recreation; Offices; Personal service; Service business; Public service facility; Small Wind Projects Less than 5MW; Agriculture; Agritourism;
B-2 LOCAL BUSINESS	Convenience & shopping-type retail; Offices; Service business; Drive-in business; Eating & drinking establishment; Commercial recreation; Personal services; Transient lodgings; Single & multiple family dwellings* Club; Public and quasi-public use; Supply yard;	Wholesale & warehousing; Animal hospital, clinic, kennel; Printing & publishing; Food processing; Truck terminal or business; Light manufacturing; Public service facility; Signs & advertising structures; Small Wind Projects Less than 5MW; Agritourism; Agriculture;
M-2 HEAVY MANUFACTURING	Light & heavy manufacturing & related offices; Wholesale & warehousing; Printing and publishing; Public quasi-public uses; Single-family dwelling*; Supply yard; Small Wind Projects Less than 5MW.	Signs & advertising structures; Public service facility; Agritourism; Medical Marijuana Cultivator; Medical Marijuana Processor;
I-1 SPECIAL LIMITED INDUSTRIAL	Agriculture & farms; Industry, light & heavy manufacturing; Research, development & testing; Wholesale and warehousing; Transport terminals; Aviation field (private); Storage (open or enclosed) of new vehicles; Storage (enclosed by screening of 100% opacity) of dismantled or wrecked motor vehicles or parts thereof used in connection with research, development & testing; Utilities (structures & installations which are necessary utilities to service a permitted use within the I-1 district. ACCESSORY USES: Accessory uses & structures used in conjunction with any permitted use shall be allowed, including without limitation uses or structures for recreational, health, eating & related purposes.	Signs & advertising structures not otherwise specifically permitted; Off-premise signs/billboards; Adult Entertainment Facilities; Public service facility; Small Wind Projects Less than 5MW; Agritourism

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS				
	MINIMUM LOT SIZE EXCLUDING STREET (ROAD) RIGHT-OF-WAY			
	With On-Site Sewage Treatment	With Group or Central Sewage Treatment	Lot Frontage/ Width	Depth:Width Ratio
	(Square feet)		*(feet)*	
	5	**6**	**7**	**8**
U-1	130,680		250	4:1****
R-1	87,120	---------- 10,800	150 80	4:1**** 4:1****
R-3	87,120	---------- 5,400 (single) 2,700 (multi)	150 60 70	4:1**** 4:1**** 4:1****
B-2	87,120	---------- 15,000	150 100	4:1**** 4:1****
M-2	87,120	---------- 15,000	150 100	4:1**** 4:1****
I-1	900 acres*	900 acres*	500	

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS											
	MAXIMUM % OF LOT TO BE OCCUPIED	**MINIMUM FLOOR AREA**	**MAXIMUM HEIGHT OF (PRINCIPAL) BUILDINGS**		**MINIMUM YARD DIMENSIONS**				**ACCESSORY BUILDINGS**		
					(feet)				**(feet)**		
			Stories	Feet	Front	Side Yards		Rear	Maximum height	Minimum Distance To	
	(Principal and accessory buildings)	*(Square feet)*				*One side yard*	*Sum of side yards*			*Side lot line*	*Rear lot line*
	9	**10**	**11**	**12**	**13**	**14**	**15**	**16**	**17**	**18**	**19**
U-1	25	1,400	2 ½	35	100	20	40	30	20	10	10
R-1	25	1,400	2 ½	35	100* (35)	20 (10)	40 (20)	30 (30)	15	10 (5)	10 (10)
R-3	30	1,400 850 (single) 575 (multi)	2.5 2.5 3	35 35 40	100 25 25	20 4 4	40 10 10	30 30 30	15	2	5
B-2	100	none	3	40	0	**	**	0	20	0	0
M-2	50	none	4	50	100	10**	30**	30**	25	5	10
I-1	100	none	8	96	***	***	***	***			

Numbers in ( ) are measurements for lots with group or central sewage treatment.

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS				
	MINIMUM (MANDATORY) OFF-STREET PARKING SPACE	**MINIMUM (MANDATORY) OFF-STREET LOADING SPACE**	**SIGNS PERMITTED**	**OTHER PROVISIONS AND REQUIREMENTS**
				(Supplementary regulations, prohibitions, notes, etc.)
	20	**21**	**22**	**23**
U-1	See Article XI	See Article XI	See Article XII	****Lots 10 ac or more exempt
R-1	See Article XI	See Article XI	See Article XII	Manufactured dwelling/mobile home prohibited. *See Section 1066. (Use parenthesis figures if central sewage system.) **** Lots 10 ac or more exempt
R-3	See Article XI	See Article XI	See Article XII	**** Lots 10 ac or more exempt
B-2	See Article XI	See Article XI	See Article XII	*Refer to appropriate R-1 regs. **Non-residential use cannot be conducted closer than 40 feet to any lot line of a residential structure. **** Lots 10 ac or more exempt
M-2	See Article XI	See Article XI	See Article XII	*Refer to R-1 regs. **Non-residential use cannot be conducted closer than 40 feet to any lot line of a residential structure. **** Lots 10 ac or more exempt
I-1	See Article XI	See Article XI	See Article XII	*Comprised of one or more contiguous parcels of land which are either owned, leased, or controlled by a person. ***See Section 1062. Mineral extraction, major residential development, other uses prohibited by law.

ARTICLE X SUPPLEMENTARY DISTRICT REGULATIONS

Section 1001 Conversion of Dwellings to More Units. A residence may be converted to accommodate an increased number of dwelling units provided:

1. The yard dimensions, including minimum lot width still meet the yard dimensions required by the zoning regulations for new structures in that district in which the dwelling is located;

2. The lot area per family equals the lot area requirements for new structures in that district;

3. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.

Section 1002 Private Swimming Pools. A private swimming pool, not including farm ponds, shall be any pool, lake, or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than twenty four (24) inches. No such swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet, shall be allowed in any residential district, except as an accessory use and unless it complies with the following conditions and requirements:

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located;

2. Portable swimming pools are permitted in any zoning district.

3. It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten (10) feet to any property line of the property on which it is located;

4. The swimming pool area is walled or fenced consistent with the standards in The Residential Code of Ohio. An above ground pool with walls or sides taller than forty-eight (48) inches, shall be in compliance provided access to the pool is restricted by removing or otherwise locking any climbing devices located on the sides of the pool.

Section 1003 Community or Club Swimming Pools. Community and club swimming pools are permitted as commercial or non-commercial recreation in accordance with the Official Schedule of District Regulations, and shall comply with the following conditions and requirements:

1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;

2. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line;

3. The swimming pool area is walled or fenced consistent with the standards in The Residential Code of Ohio. An above ground pool with walls or sides taller than forty-eight (48) inches, shall be in compliance provided access to the pool is restricted by removing or otherwise locking any climbing devices located on the sides of the pool.

4. The perimeter of the site is appropriately screened from adjacent residential properties.

Section 1004 Temporary Structures. Temporary structures, such as a manufactured/mobile home, an existing dwelling, mobile offices, construction trailers, construction equipment, and construction materials used in conjunction with construction work on a lot require a zoning permit. The zoning inspector may approve a zoning permit for temporary structures, but such temporary facilities shall be removed upon completion of the construction work or within 18 months upon issuance of an approved permit, whichever occurs first.

Section 1005 Parking and Storage of Certain Vehicles. The following provisions and requirements shall pertain to the parking and storage of certain vehicles:

1. The parking or storage, within any district, of automotive vehicles without current license plates, for a period of more than thirty (30) days shall be prohibited unless such vehicle is stored in an enclosed garage or other accessory building;

2. The parking or storage, within any district, of a disabled automotive vehicle for a period of more than thirty (30) days shall be prohibited unless such vehicle is stored in an enclosed garage or other accessory building;

3. The parking or storage, within any district, of a junked, dismantled, or wrecked automotive vehicle or parts thereof which is in public view of any highway for a period of more than thirty (30) days shall be prohibited.

For purposes of this section, a junked, dismantled, or wrecked automotive vehicle shall be one which is damaged, or no longer serviceable, to the extent that it is inoperable or is unsafe to operate upon the public highways.

This section shall not apply to properly licensed junk yards and motor vehicle salvage facilities which are regulated by appropriate sections of the Ohio Revised Code (ORC).

Section 1010 Supplemental Yard and Height Regulations. In addition to all yard regulations specified in the Official Schedule of District Regulations and in other sections of this Resolution, the provisions of Sections 1011-1017, inclusive shall be used for interpretation and classification.

Section 1011 Setback Requirements for Corner Buildings. On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from

all street right-of-way lines as required for the front yard in the district in which such structures are located,

Section 1012 Visibility at Intersections. On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2.5) and ten (10) feet above the center line grades of the intersecting streets or roads in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street or road lines fifty (50) feet from the point of intersection.

Section 1014 Yard Requirements for Multi-Family Dwellings. Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

Section 1015 Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts. Non-residential buildings or uses shall not be located in or conducted closer than forty (40) feet to any lot line of a residential structure, except that the minimum yard requirements may be reduced to fiftv (50%) percent of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided.

Section 1016 Architectural Projections. Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard.

Section 1017 Exceptions to Height Regulations. The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard.

Section 1020 Special Provisions for Commercial and Industrial Uses. No commercial or industrial use as designated on the Official Schedule of District Regulations and defined herein nor any land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Resolution may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits are taken.

Section 1021 Fire Hazards. Any activity involving the permitted use or storage of flammable chemicals, petroleum products or explosive materials shall be protected by adequate fire-fighting and fire prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

Section 1022 Electrical Disturbance. No activity shall emit electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance. The disturbance must be due solely to the creator and not due to defective wiring, equipment etc., at the receiving point.

Section 1023 Noise. Noise which is objectionable by community standards and/or as determined by the standards set by O.S.H.A. due to volume, frequency, or beat shall be muffled or otherwise controlled. Air-raid or disaster sirens, emergency vehicles, and related apparatus used solely for public purposes are exempt from this requirement.

Section 1024 Adequate Drainage Outlet and Acceptable Soils. Every lot shall have an adequate drainage outlet and acceptable soils consistent with the requirements for the proposed use. The "Union Soil and Water Conservation District," in writing, shall determine the drainage outlet adequacy and the soils acceptability. This statement along with a plot map of the drainage systems shall accompany the application for permit. Furthermore, all construction (including construction of ponds) within the Township shall be accomplished in a manner consistent with maintenance and good surface drainage. In all improvements or uses where submittal of drainage plans is not specifically required, every reasonable effort shall be made to ensure that proper drainage on the subject property and adjacent or servient properties is maintained or improved. In no event shall any person interdict or interfere with any existing tile or surface drain channel unless it is determinted that such tile or channel can be removed or relocated without interfering with the drainage on adjacent properties.

Section 1025 Water Pollution. Water pollution as defined or determined by the County Board of Health or the Ohio Environmental Protection Agency (Ohio EPA) shall be subject to corrective measures, requirements, and regulations as established by the Board of Health or the Ohio EPA.

Section 1026 Mining, Mineral, Sand and Gravel Extraction; Storage and Processing. The extraction, storage and processing of minerals shall be conducted in accordance with the requirements of Sections 1026 through 1032 inclusive.

Section 1027 Distance from Residential Areas. Mineral extraction, storage, or processing shall not be conducted closer than five hundred (500) feet from any residential district, nor closer than five hundred (500) feet from any structure used for human occupancy in any other district.

Section 1028 Filing of Location Map. The operator shall file with the Zoning Inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads, and natural features.

Section 1029 Information on Operation. The operator shall submit information on the anticipated depth of excavations and on depth and probable effect on the existing water table as coordinated with the Ohio Division of Water.

Section 1030 Restoration of Mined Area. The operator shall be required to file with the Board of Zoning Appeals a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land.

Section 1031 Performance Bond. The operator shall be required to file with the Board of Township Trustees a bond, or other surety, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The bond or other surety shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.

Section 1032 Enforcement Provisions. The Zoning Inspector, prior to the issuance of a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances. The area being mined or that has been mined shall be posted with "No Trespassing" signs to discourage human injury to the general public.

Section 1033 Measurement Procedures. Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York; the Manufacturing Chemists' Association, Inc., Washington, D.C.; the United States Bureau of Mines and the Ohio Environmental Protection Agency (Ohio EPA).

Section 1040 Roadside Produce Stands. A building for the sale of home-grown produce may be located not less than twenty-five (25) feet from the highway right-of-way if it is a portable building. If portable, it shall be removed from its roadside location during the season that it is not in use as a roadside produce stand. A permanent structure for such use may be constructed, but shall be located not less than fifty (50) feet from the highway right-of-way line. Parking shall be provided off the highway right-of-way.

Section 1042 Agritourism. In addition to the procedure and requirement for approval of conditional use permits, as stated in Section 560, the Board of Zoning Appeals shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval if the following conditions have been met:

Conditions

A. Evidence that the farm on which the agritourism operation is proposed is ten (10) acres or more in area shall be provided. If such farm is less than ten (10) acres, evidence shall be provided that such farm is currently enrolled in the Current Agricultural Use Value (CAUV) program or produces an average yearly gross income of at least twenty-five hundred dollars ($2,500) from agricultural production.
B. The educational, entertainment, historical, cultural and/or recreational relationship of the agritourism operation to the existing agricultural use of the property, the surrounding agricultural community, and/or the relationship of the agritourism activity to agriculture in general shall be identified.

C. A site plan of the property illustrating all structures to be used for agritourism activities, setbacks from property lines for all structures and any existing or proposed well and/or on-site wastewater disposal system area(s) on the property shall be submitted.
    1. The size and setback for any structure used primarily for agritourism activities shall be in conformance with the requirements of the applicable zoning district, listed in the Official Schedule of District Regulations.
D. Off-street parking in accordance with size requirements in Article XI Off-Street Parking and Loading Requirements shall be provided.
    1. Additionally, off-street parking adequate to meet peak time demand shall be provided in a manner that does not cause nuisance or conflict with adjoining properties. Estimates of traffic generation shall be submitted. In no instance shall parking be permitted within yard setback areas or within 20 feet of the road right-of-way.
E. Safe and adequate ingress and egress shall be maintained at all times.
F. The applicant shall provide data establishing the seasons and weeks of operation, and the hours of operation. The Conditional Use Permit shall clearly state these parameters.
G. Sales are limited to agricultural products meeting the criteria of products incident to the agricultural production and specific supporting products related to the agricultural tourism purpose such as animal feed pellets, U-Pick containers, etc...
    1. A farm market must receive fifty (50) per cent or more of gross income from produce raised on farms owned or operated by the market operator in a normal crop year.

Section 1045 Sanitary Landfill. No person shall begin, operate, or maintain for commercial business purposes, a sanitary landfill as defined herein.

Section 1050 Storage of Toxic or Hazardous Materials. Except as exempted hereafter, the storage of toxic or hazardous materials, as determined by the Ohio Environmental Protection Agency (Ohio EPA), in quantities greater than fifty-five (55) gallons liquid or twenty-five (25) pounds dry weight for any one material shall be prohibited. This section shall not apply to fuels stored in less than one thousand one hundred (1,100) gallon tanks that conform to the Ohio Fire Code for the purpose of heating buildings and located on site, nor to materials stored for on-site residential, industrial, commercial or agricultural purposes. "Storage" when used in connection which this section, means the containment of hazardous materials, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of the material.

Section 1052 Smoke. Smoke shall not be emitted with a density greater than No. I on the Ringleman Chart as issued by the U.S. Bureau of Mines except for blow-off periods of ten (10) minutes duration of one (1) per hour when a density of not more than No. 2 is permitted; except, in the case of areas within the I-I district, in lieu of the foregoing standards, no emissions of smoke shall be permitted except in compliance with applicable federal and state environmental protection, health, safety, or other applicable federal or state governmental laws and regulations.

Section 1054 Odors. No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property; except, in the case of areas within the I-1 District, in lieu of the foregoing standards, no odor shall be emitted by any use permitted in such quantities as to be readily detectable by an average observer at any point on the line of the premises or beyond, except for agricultural activities in the U-1 or I-1 Districts or industrial or manufacturing activities or research, development, and testing activities in the I-1 District, so long as such activities are conducted in accordance with applicable federal and state environmental protection, health, safety, or other applicable federal or state governmental laws and regulations.

Section 1056 Air Pollution. No pollution of air by fly-ash, dust, fumes, vapors, gases, or other substances shall be permitted which is harmful to health, animals, vegetation, or other property or which can cause excessive soiling; except in the case of areas within the I-1 District, in lieu of the foregoing standards, no such emissions shall be permitted except in compliance with applicable federal and state environmental protection, health, safety, or other applicable federal or state governmental laws and regulations.

Section 1058 Fences, Walls and Hedges.
Notwithstanding other provisions of this Resolution, solid (non-transparent) fences, walls, and hedges may be permitted in any yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over four and one-half (4.5) feet in height, except with respect to areas within the I-1 District, in which case any fence, wall or hedge along the sides or front edge of any front yard may be greater than four and one-half (4.5) feet in height but may not exceed six (6) feet in height. A zoning permit is required for such solid (non-transparent) fences and walls that are between four and one-half (4.5) feet in height to six (6) feet in height.

Section 1060 Erection of More Than One Principal Structure on a Lot.
In any district, other than the I-1 District, more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Resolution shall be met for each structure as though it were on an individual lot. Accessory buildings such as a garage may be located in the rear yard, provided that all yard and other requirements of this Resolution are met. This Section 1060 shall not apply to areas within the I-1 District.

Section 1062 Minimum Setbacks for the I-1 District. No principal building in the I-1 District shall be located within one hundred (100) feet from the property line of the premises upon which such principal building is located.

Section 1063 Satellite Television Antennas. A satellite television antenna is an antenna the purpose of which is to receive television or radio signals from orbiting satellites.
A satellite television antenna shall not be located in any front yard. Nor shall it be located in any side yard closer to the building front setback line than the front of an adjoining residential structure, provided the adjoining residential structure is within one hundred (100) feet of the side lot line on which the antenna is proposed. Said antenna shall meet the minimum side and rear yard requirements for accessory structures and buildings.

Ground mounted satellite antennas in areas zoned residential shall not extend more than fifteen (15) feet above the ground and twenty (20) feet in all other zones. Roof mounted antennas shall be prohibited. The satellite television antenna shall be constructed and anchored in such a manner to withstand wind forces up to one hundred (100) miles per hour (mph).

Section 1064 Effective Screening of Junk Storage and/or Sales of Junk. Junk storage and/or sales of junk shall be effectively screened on all sides by means of walls, fences, or plantings. Walls or fences shall be a minimum of eight (8) feet in height with no advertising thereon. In lieu of such wall or fence, a strip of land not less than fifteen (15) feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than six (6) feet in height may be substituted. Storage of materials shall not exceed the height of the screening. Storage of junk shall not be located in any front or side yard.

Section 1065 Garage, Porch, Yard or Similar Type Sales. A resident may conduct a garage, porch, yard, or similar type sale provided such sale does not exceed one such event during any three (3) month period. No sale shall exceed three (3) consecutive days in length. Parking shall be provided off the public highway; and off neighboring property unless consent is obtained from the affected neighbor to do so. All signs advertising such sales shall be removed immediately after the sale has concluded its duration.

Section 1066 Front Setback for Lots of Record in the R-1 and B-2 Districts. The front setback for new structures on lots of record may be the same as the nearest adjoining residential structure in the R-1 and B-2 Districts.

Section 1067 Mobile Trailers Prohibited For Business, Storage and Sign Purposes. The use of a manufactured/mobile home, tractor trailer, box car, or other similar type trailer, container or structure shall not be permitted as an office or business structure, storage facility or sign structure except as stated in Section 1004.

Section 1070 Telecommunication Towers.
Pursuant to the Telecommunications Act of 1996 and the ORC Section 519.211, and the Liberty Township Trustees being duly notified of a person's intent to construct a Telecommunication Tower in any area zoned for residential use, public utilities or other functionally equivalent providers may site a telecommunications tower as a conditional use provided the following conditions are met:

a) The applicant must provide proof that the proposal to construct a tower or attach equipment to an existing structure has been approved by all other agencies and governmental entities with jurisdiction (i.e. Federal Communication Commission, Federal Aviation Administration, Ohio Department of Transportation, and Ohio Building Basic Code).

b) The applicant shall provide proof of notification to contiguous or directly across the street property owners as required by ORC Section 519.211.

c) The applicant must demonstrate at the time of application that no technically suitable and

feasible sites are available in a nonresidential district. There shall be an explanation of why a tower at this proposed site is technically necessary.

d) Co-location. Applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other users on the same tower to the extent possible. All co-located and multiple-use telecommunication facilities shall be designed to promote facility and site sharing.

e) Setbacks from all platted residential uses and residential districts. All new towers shall be setback from the closest subdivision boundary line for all platted residential subdivisions, and for all non-platted residential districts from the closest residence, a distance of nine hundred (900) feet with the exception of the B-2 zoning district where such setback shall be two hundred (200) feet.

f) Setbacks from all streets and private and public road right of ways. All new towers shall be setback from all road right of ways public and private, a distance of nine hundred (900) feet.

g) Setbacks from all other uses allowable in the zoning district. All new towers shall be setback from any building that is not associated with or accessory to the telecommunications tower facility a distance of nine hundred (900) feet.

h) Any and all base station equipment, accessory structures, buildings, etc. used in conjunction with the tower shall be screened with fencing, masonry, shrubbery or other screening materials.

i) The applicant shall notify the Zoning Inspector within thirty (30) Days of ceasing operations at the site and shall remove all structures within one hundred and twenty (120) days of ceasing operations.

j) No advertising or illumination other than that required by law may be located on the structure or on the required screening.

k) An inspection report prepared by a qualified engineer licensed by the State of Ohio shall be submitted to the Zoning Office every five (5) years which details the structural integrity of all towers and support structures on the property. The results of such inspections shall be provided to the Union County Building Regulations Department and Liberty Township Zoning Inspector. Based upon results of an inspection, the Township Trustees may require repair or removal of a communication tower. Any and all necessary repairs to the tower and/or support structures shall be made within a seven (7) day period or the tower and/or structures shall be removed. The tower owner (applicant) is responsible to cover the cost of all inspections, repair, and/or removal.

l) The unstaffed storage building and/or unit that houses transmitting equipment is considered an accessory use and/or structure. Setbacks for accessory uses/structures will comply with distances in the zoned district of the tower location. These facilities may not include offices, long-term vehicle storage, other outdoor storage, or broadcast studios except for emergency

purposes, or other uses that are needed to send or receive transmissions.

m) A six (6) foot safety fence with a locked gate surrounding the tower is required. If high voltage is necessary, signs must be posted every twenty (20) feet along the fence saying, "Danger - High Voltage." The operator must also post "NO Trespassing" signs.

Section 1071 Performance Bond.

1) For each telecommunication tower, the owner or operator shall provide to the Township, a surety bond or a bank letter of credit, to assure the Township that the terms and conditions of Section 1070 are performed and complied with, including necessary repairs, including repairs to public highways and roads and the costs and expenses of removal in the event of abandonment. The Bond shall equal anticipated demolition, and debris removal cost; The Bond or letter of credit shall be issued to the Board of Trustees, in a form approved by said Board, and shall be in an amount that is equal to no less than fifty percent (50%) of the construction cost of the tower. If the cost of decommissioning or removal is greater than the bond, the owner or operator shall be liable for costs greater than such bond. By its terms, the bond or letter of credit may not expire, be terminated, or cancelled without providing the Township Board of Trustees with written notice of such expiration, termination, or cancellation or other event of non-renewal no later than one hundred twenty (120) days prior to the date of such event.

2) The Liberty Township Board of Trustees may draw upon the performance bond to recover any costs, damages, or expenses incurred by the Township, which arise out of the violations of Section 1070 or the abandonment or discontinuance of the use of a tower.

Section 1075 General Conditions for Adult Entertainment Facilities Use.

Adult Entertainment Facilities are conditionally permitted within the I-1 Limited Industrial District only, and subject to conditions set forth in the Liberty Township Zoning Resolution Section 1075 and paragraphs 1-9 hereafter set forth:

1. No adult entertainment facility shall be established within one thousand (1,000) feet of any areas zoned for residential use, R-1 and R-3.
2. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any school, library, or teaching facility, whether public or private, governmental or commercial which school, library, or teaching facility is attended by persons under eighteen (18) years of age.
3. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of any park or recreational facility attended by persons under eighteen (18) years of age.
4. No adult entertainment facility shall be established within a radius of two thousand (2,000) feet of any other adult entertainment facility.
5. No adult entertainment facility shall be established within a radius of one thousand five hundred (1,500) feet of established church, synagogue, or permanently established place of religious services which is attended by persons under eighteen (18) years of age.

6. No advertisements, displays, or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.
7. All building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk, or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.
8. No screens, loudspeakers, or sound equipment shall be used for adult motion picture theatres (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.
9. Off-street parking shall be provided in accordance with the standards for permitted use within B-1 Business District.

Section 1076 General Conditions for Medical Marijuana Entities. In the interest of protecting the public health, safety, and general welfare, this section establishes zoning regulations that provide for State-authorized medical marijuana land uses consistent with ORC 519 and ORC 3796. ORC 519.21 and ORC 3796 allow regulation of the location of medical marijuana cultivators, processors, or dispensaries within the unincorporated area of the Township.

1. Not An Agricultural Use. Medical marijuana is not considered an "agricultural" use pursuant to ORC 519.21 (D).
2. Zoning Districts. No medical marijuana cultivator, processor, or dispensary shall be located in a zoning district where it is not explicitly listed as a permitted or conditionally permitted use. Furthermore, no cultivator, processor, or dispensary shall be permitted as a home occupation.
3. Fully Enclosed Buildings & Screening. Activities related to the use of property by medical marijuana cultivators, processors, and dispensaries shall take place within fully enclosed buildings. Such activities shall be completely screened and shall not be visible from any lot line. Additionally, outside storage is prohibited.
4. Mobile Building Prohibited. No medical marijuana cultivator, processor, or dispensary shall be located within a mobile building.
5. Odor. In addition to Section 1020 Special Provisions for Commercial and Industrial Uses, odors traveling off-site and being detectable by a person with a normal sense of smell from a public place, the right-of-way, and other lots are prohibited.
6. Distance from Other Uses. Pursuant to ORC 3796, no medical marijuana cultivator, processor, or dispensary shall be located within five hundred (500) feet of the boundaries of a lot having situated on it a school, church, public library, public playground, or public park. The distance shall be measured as the shortest straight line from property line to property line.
7. Applications. Any zoning application—including and not limited to a zoning permit, variance application, conditional use application—shall include:
    a. A scale map showing the lots involved in the request are in compliance with the requirements for Distance from Other Uses and Distance from Other Medical Marijuana Dispensaries.
    b. Proof of compliance with all security requirements in ORC 3796 and the rules and standards adopted thereunder.

Section 1078 Common Access Drives (General). Common Access Drives (CAD) provide an alternative to construction of public or private streets for accessing small numbers of lots and reduce the number of driveways along public roads. CADs may be permitted based upon a case-by-case evaluation of the site and project specific characteristics such as, but not limited to: access management and traffic safety, slopes, drainage, preservation of environmentally sensitive areas, access, and maneuvering room for firefighting vehicles, and compliance with local zoning codes. CADs must be designed by an engineer or surveyor in accordance with these regulations. All lots as part of a Common Access Driveway shall have the required road frontage (see Official Schedule of District Regulations). If lots not meeting the required road frontage shall be required to obtain a variance from the Liberty Township Board of Zoning Appeals.

The subdivider is responsible for constructing the CAD in accordance to standards and restrictions and any additional or more restrictive standards required by the subdivider's engineer or surveyor, zoning inspectior, fire official or County Engineer. (For CAD standards, and requirements, see the Union County Technical Design Standards, Appendix B).

Section 1079 Ponds. Ponds shall be excavated as a permitted use provided the following standards are met (Also, see Ponds definition):

1. Union Soil and Water Conservation District (SWCD) must review and approve proposed construction site with landowner.
2. The pond shall be designed in accordance with NRCS (Natural Resource Conservation Service) Standards and Specifications along with USDAS (United States Department of Agricultural Services) Engineering Field Manual for Conservation Practices. Tile found in working order on site must be rerouted around proposed pond. Soil must be spread in a manner not to encroach on adjacent properties.
3. Union Soil and Water Conservation District (SWCD) or Professional Engineer (P.E.) shall be responsible for designing the pond and doing site inspections during construction to assure that the pond is constructed according to the approved plan.
4. The pond outlet must be designed not to encroach on adjacent property.
5. Every lot shall have an adequate drainage outlet and acceptable soils consistent with requirements for the proposed use. The Union SWCD shall determine the drainage outlet adequacy and the soils acceptability for ponds.
6. Due to the liability a property owner may assume by constructing a pond too close to a road, the placements and maintenance of earth mounds or tree lines between the road right-of-way and the pond is recommended to serve as traffic barriers. If such earth mounds or tree lines are used, the setback shall be fifty (50) feet from the road right-of-way to the high water mark and thirty (30) feet from the high water mark to the side and rear lot lines. If such earth mounds or tree lines are NOT used, the setback shall be one hundred (100) feet from the road right-of-way to the high water mark, and thirty (30) feet from the high water mark to the side and rear lot lines.
7. Three (3) acre minimum lot size.
8. All ponds shall be at least one-fourth (¼) acre in size.

9. All construction of ponds within the Township shall be accomplished in a manner consistent with maintenance of good surface and subsurface drainage.
10. Disturbed soil shall be seeded accordingly to Ohio EPA Regulations and NRCS standards and specifications.
11. Permits. The excavation of all ponds shall require a zoning permit. Work shall commence on said pond within six (6) months from the date of permit issuance from the Township Zoning Inspector. Prior to issuance of a zoning permit, all drainage tiles shall be identified and clearly marked. Ponds shall be completed within sixty (60) days from the date that construction on pond commences. The property owner shall notify the Zoning Inspector upon commencement of construction on the pond. Should the permit expire before work on the pond is complete, all excavated land shall be returned to its original state.
12. This applies to all zoning districts.

Section 1080 Junk. No trash, debris, litter, rubbish, unused property, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard, or nuisance to the Township or general public (Also, see definitions).

Section 1081 Small Wind Projects Less than 5MW.

Wind Projects of 5MW or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Small Wind Projects less than 5MW and used solely for Agriculture will be exempt from these zoning regulations as an Agricultural Use. Any proposed construction, erection, or siting of a small wind project less that 5MW including the wind turbine generator or anemometer or any parts thereof shall be a Permitted Use in U-1 Rural and M-2 Heavy Manufacturing Liberty Township Zoning Districts and a Conditional Use in all other Liberty Township Zoning Districts if the following conditions are met:

A. The maximum height of any turbine shall be 125 ft. For purposes of this Resolution, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower.

B. Setbacks: the following shall apply in regards to setbacks.

1. Any turbine erected on a parcel of land shall be setback to establish a "clear fall zone", from all road right-of-way lines, overhead utility lines, neighboring property lines, and any inhabited structures on the parcel intended for the turbine. Hence, a turbine shall be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located and would not strike any structures including the primary dwelling, and any inhabited structures.

C. Maintenance

1. Wind turbines must be maintained in good working order. The owner shall within 30 days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Inspector. An unused wind turbine or small wind project may stand no longer than 12 months following abandonment. All costs associated with the demolition of the wind turbine and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission of electricity for 90 consecutive days. Wind turbines that become inoperable for more than 12 months must be removed by the owner within 30 days of issuance of zoning violation. Removal includes removal of all apparatuses, above ground supports, and or other hardware associated with the existing wind turbine.

D. Decibel Levels

1. Decibel levels shall not exceed those provided by the manufacturer as requested in II Permits, C., e.

E. Wiring and electrical apparatuses:

1. All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground and meet all applicable local, state, and federal codes including the County Building Regulations and Residential Building Code of Ohio.

F. Warning Signs:

1. Appropriate warning signs to address voltage shall be posted as required by the National Electric Code.

G. Building Permits:

1. All Small Wind Projects and parts thereof shall obtain all applicable Building Permits from the State of Ohio and County Building Permits where required.

II. Permits

A. A zoning permit shall be required before construction can commence on an individual wind turbine project.

B. As part of the permit process, the applicant shall inquire with the County Building Regulations as to whether or not additional height restrictions are applicable due to the unit's location in relation to any local airports in contiguous townships.

C. Applicant shall then provide the Township Zoning Inspector with the following items and or information when applying for a permit:

1. Location of all public and private airports in relation to the location of the wind turbine.

2. A report that shows:

   a. The total size and height of the unit

   b. If applicable, the total size and depth of the unit's foundation structure, as well as soil and bedrock data.

   c. A list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection, braking systems, guy wiring & anchors.

   d. Data specifying the kilowatt size and generating capacity in kilowatts of the particular unit.

   e. The maximum decibel level of the particular unit. This information shall be obtained from the manufacturer of the turbine unit.

3. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, overhead utility lines, and neighboring property lines. In addition, the site drawing should include evidence of established setbacks that meet the "clear fall zone."

4. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

Section 1083 Small Solar Energy Systems (Less Than 50 MW)

A. **Accessory Solar Energy Systems.**

It is the purpose of this regulation to promote the safe, effective, and efficient use of accessory solar energy systems installed to reduce the on-site consumption of utility-supplied electricity. An accessory solar energy system shall be considered a permitted accessory use in any district provided all requirements and regulations as set forth below are met.

No person shall cause, allow or maintain the use of an accessory solar energy system without first having obtained a zoning permit from the zoning inspector.

All accessory solar energy systems shall meet the following requirements:

1. No accessory solar energy system for a dwelling and its accessory structures shall have a production output of more than 50kW. For a dwelling with multiple dwelling units, 50kW is allowed per dwelling unit. No other principal use shall have an accessory system with a production output of more than the needs of the facility.

2. An accessory solar energy system is permitted in all zoning districts as an accessory to a principal use.
3. An accessory solar energy system shall not be used for the generation of power for the sale or donation of energy to other users, although this provision shall not be interpreted to prohibit the sale or donation of excess power generated from time to time to the local utility company or the sale or donation of power as part of a net metering or similar arrangement. Net metering or similar arrangements are those where electricity produced by the accessory solar energy system displaces electricity that would otherwise be purchased from an electric utility or supplier for the lot where the accessory system is located. Net metering or similar arrangements shall be incidental and secondary to the production for on-site use.
4. Accessory solar energy systems with a generation output of five hundred (500) watts or less, or a combination of accessory solar energy systems with an aggregate generation output of five hundred (500) watts or less, shall not require a permit and shall be exempt from the requirements of this section, provided that the system is independent and disconnected from the electrical services(s) supplied to the lot on which the accessory solar energy system is located.
5. Roof/Building mounted accessory solar energy systems:
    a. Shall not extend beyond the perimeter (or edge of roof) of the building on which it is located.
    b. May be mounted to a principal or accessory building.
    c. The height of the solar energy system and building to which it is mounted may not exceed the ridgeline of the roof for hip, gable, and gambrel roofs.
6. Ground/Pole mounted accessory solar energy systems:
    a. Shall be no taller than seventy-five (75) percent of the maximum building height allowed in that zoning district for accessory buildings.
    b. Shall be permitted in the rear or side yard only.
    c. Shall be erected within an established clear fall zone.
    d. The minimum setback distance from the property lines for structures comprising the solar energy systems and all related equipment shall be at least one hundred ten (110) percent of the height of any structure or at least twenty (20) feet from the nearest property line, whichever is greater.
    e. For purposes of determining lot coverage, the total surface area of all ground mounted and freestanding solar collectors including cells, panels, and water collector devices shall be considered impervious and count towards the maximum percentage of the lot to be occupied.
7. Other structure mounted accessory solar energy systems:
    a. Shall be no taller than seventy-five (75) percent of the maximum building height allowed in that zoning district for accessory buildings.
    b. Shall be permitted in the rear or side yard only.
    c. Shall be erected within an established clear fall zone.
    d. The minimum setback distance from the property lines for structures comprising solar energy systems and all related equipment shall be at least one hundred ten (110) percent of the height of any structure or at least twenty (20) feet from the nearest property line, whichever is greater.

e. For purposes of determining lot coverage, the total surface area of all ground mounted and freestanding solar collectors including cells, panels, and water collector devices shall be considered impervious and count towards the maximum percentage of the lot to be occupied.

8. Accessory solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street right of ways.
9. Accessory solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within six (6) months from the date they are no longer producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the accessory solar energy system shall be graded and reseeded within thirty (30) days of removal.
10. In addition to the site plan required for any zoning permit or conditional use permit, the following shall also be submitted at the time of application and shall include:
    a. Height of the proposed solar energy system(s) at maximum tilt.
    b. Evidence of established setbacks of 1.1 times the height of any ground/pole mounted or other structure mounted solar energy system and "clear fall zone".
    c. Proof of notice to the electric company, Soil and Water Conservation District (for drainage impact purposes), and County Health Department/District (for on-site sewage treatment impacts) regarding the proposal.

B. **Principal Solar Energy Production Facilities.**
No Principal Solar Energy Production Facility shall be located in a zoning district where such facilities are not explicitly listed as a permitted or conditionally permitted use.

It is not the purpose of this regulation to regulate a major utility facility as defined by the Ohio Revised Code, which is regulated by the Ohio Power Siting Board (50 MW or greater).

Principal solar energy production facilities are prohibited in any district.

ARTICLE XI OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 1100 General Requirements

1. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and/or loading spaces have been provided in accordance with the provisions of this Resolution.

2. The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure.

3. Whenever a building or structure constructed after the effective date of this Resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this Resolution is enlarged to the extent of fifty (50%) percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

Section 1110 Parking Space Dimensions. A parking space shall have minimum rectangular dimensions of not less than nine (9) feet in width and nineteen (19) feet in length for ninety (90) degree parking; nine (9) feet in width and twenty-three (23) feet in length for parallel parking; ten (10) feet in width and nineteen (19) feet in length for sixty (60) degree parking; and twelve (12) feet in width and nineteen (19) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles and other circulation areas. The number of required off-street parking spaces is established in Section 1130 of this Resolution.

Section 1111 Loading Space Requirements and Dimensions. Loading spaces shall be provided only for industrial or manufacturing establishments in the I-1 District. All such loading spaces shall be off-street and shall be located on the same zoning lot as the specific use to be served. No loading space shall be located within fifty (50) feet of an intersection of any two (2) roads.

Each off-street loading space shall be at least eight (8) feet in width and twenty (20) feet in length and have a vertical clearance of at least ten (10) feet, plus adequate area for ingress and egress. All open off-street loading spaces shall be graded and improved with asphalt or concrete. All off-street loading spaces shall have adequate drainage facilities.

In connection with any industrial or manufacturing establishment which is a principal permitted use, within the area comprising the location of such establishment and when a use arises whereby materials, products and other related items are to be received and distributed by vehicles, there shall be required a minimum of five (5) off-street loading spaces for each principal industrial or manufacturing building to be constructed or structurally altered.

The foregoing requirements shall not apply to principal permitted uses in the I-1 District other than industrial or manufacturing establishments.

Section 1112 Paving. Any off-street parking area for more than ten (10) vehicles shall be graded for proper drainage and surfaced with acceptable impervious material to provide a durable and dustless surface.

Section 1116 Location of Parking Spaces. The following regulations shall govern the location of off-street parking spaces and areas:

1. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve;

2. Parking spaces for commercial, industrial, or institutional uses shall be located not more than seven hundred (700) feet from the principal use;

3. Parking spaces for any apartments or similar residential uses shall be located not more than three hundred (300) feet from the principal use.

Section 1117 Screening and Landscaping. Off-street parking areas for more than ten (10) vehicles shall be effectively screened on each side which adjoins or faces premises situated in any residential district by a fence or wall of acceptable design. In the I-1 District such design may include the use of barbed wire as a part of fencing or wall material when its use is required by federal, state, or local governmental authorities. Such fence or wall shall not be less than four (4) feet or more than six (6) feet in height (except that in the I-1 District fences or walls surrounding test tracks for safety purposes, which fences or walls are set back at least five hundred (500) feet from the property line, may not exceed fifteen (15) feet in height, and except in the I-1 District, where barbed wire is permitted, such fences or walls with barbed wire shall be no more than eight (8) feet in height), and shall be maintained in good condition. The space between such fence or wall and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition. In lieu of such wall or fence a strip of land not less than ten (10) feet in width, and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height, may be substituted.

Section 1119 Minimum Distance and Setbacks. No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit if located on an adjoining lot, unless separated by an acceptably designed screen. In no case shall any part of a parking area be closer than four (4) feet to any established road right-of-way.

Section 1120 Joint Use. Two (2) or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Inspector shall be filed with the application for a zoning permit.

Section 1121 Wheel Blocks. Whenever a parking lot extends to a property

line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

Section 1122 Width of Driveway Aisle. Driveways serving industrial parking spaces shall be not less than twenty-five (25) feet wide for ninety (90) degree parking; twelve (12) feet wide for parallel parking; seventeen and one-half (17.5) feet for sixty (60) degree parking; and thirteen (13) feet for forty-five (45) degree parking.

Section 1130 Parking Space Requirements. For the purpose of this Resolution, the following parking space requirements shall apply:

TYPE OF USE	PARKING SPACES REQUIRED
* Single family or two family dwelling	Two for each unit
* Apartments, or multi-family dwellings	Two for each unit
* Manufactured/Mobile homes	Two for each unit
* Outdoor swimming pools, public or community or club	One for each 5 persons capacity plus one for each 4 seats or one for each 30 square feet of floor area used for seating purposes whichever is greater
* Retail establishments	One for each 250 sq. ft. of floor area
* Offices, public or professional, administrative or service buildings	One for each 400 sq. ft. of floor area
* All other types of businesses or commercial uses permitted in any district	One for each 300 sq. ft. of floor area
* Churches	One for each 5 seats
* All types of manufacturing, storage, and wholesale uses	One for every 2 employees on the largest shift .....for which the building is designed

Section 1131 General Interpretations. In the interpretation of this Article, the following rules shall govern:

1. Parking spaces for other permitted or conditional uses not listed in this Article shall be determined by the Board of Zoning Appeals upon an appeal from a decision of the Zoning Inspector;

2. Fractional numbers shall be increased to the next whole number;

3. When a reason for parking demand is unusually low, then the parking space provisions cited above may be reduced proportionately by the Board upon an appeal from a decision of the Zoning Inspector.

ARTICLE XII SIGNS

Section 1200 Intent. The purpose of this Article is to promote and protect the public health, safety, and welfare by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and to protect the physical appearance of the Township.

Section 1201 Governmental Signs Excluded. For the purpose of this Resolution "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by law, ordinance, or governmental regulation.

Section 1202 General Requirements for all Signs and Districts. The regulations contained in this section shall apply to all signs and all use districts:

1. In no circumstance shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare so as to cause glare or reflection that may constitute a traffic hazard or nuisance;

2. No sign shall be placed on the roof of any building, except in the I-I District;

3. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape;

4. All billboard (off-premise) signs shall be plainly marked with the name of the person, firm, or corporation responsible for maintaining the sign;

5. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector proceed at once to put such sign in a safe and secure condition or remove the sign;

6. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.

Section 1203 Measurement of Sign Area. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

Section 1210 Signs Permitted in all Districts not Requiring a Permit.

1. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than eight (8) square feet;

2. Professional name plates not to exceed two (2) feet by three (3) feet in area;

3. Signs denoting the name and address of the occupants of the premises, not to exceed four (4) square feet in area.

Section 1211 Signs Permitted in any District Requiring a Permit.

1. Any sign advertising a commercial enterprise, including real estate developers or sub-dividers in a district zoned rural or residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold, and/or the business or activity conducted on the premises where such sign is located.

Section 1212 Signs Permitted in Business and Manufacturing Districts Requiring a Permit. The regulations set forth in this Section shall apply to signs in the business and manufacturing districts and such shall require a permit.

1. In a business or manufacturing district, other than the I-1 District, each business shall be permitted one (1) flat or wall on-premises sign. So long as the other requirements contained in this Resolution are complied with, there shall be no limit on the number of wall signs permitted on property in the I-1 District. Projection of wall signs shall not exceed two (2) feet measured from the face of the main building. The area of all permanent on-premises signs for any single business enterprise may have an area equivalent to one and one-half (1.5) square feet of sign area for each lineal foot of building width, or part of a building, occupied by such enterprise but shall not exceed a maximum area of one hundred (100) square feet.

2. In a business or manufacturing district, one (1) off-street sign with a total area not exceeding three hundred (300) square feet may be permitted at a single location. Off-premises signs visible to approaching traffic shall have a minimum spacing of not less than two hundred (200) feet. Off-premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district. Off-premises wall signs shall have all structural and supporting members concealed from view.

Section 1220 Temporary Signs. Temporary signs not exceeding sixty-four (64) square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period. Such temporary signs shall conform to the general requirements listed in Section 1202, the setback requirements in Sections 1240-1243 and, in addition, such other standards deemed necessary to accomplish the intent as stated in Section 1200.

Section 1221 Free Standing Signs. In districts other than the I-1 District, free-standing signs not over thirty (30) feet in height, having a maximum total sign area of one hundred (100)

square feet per display area and located not closer than ten (10) feet to any street right-of-way line and not closer than thirty (30) feet to any adjoining lot line, may be erected to serve a group of business establishments. There shall be only one (1) free-standing sign for each building, regardless of the number of businesses conducted in said building. In the I-1 District, free-standing directional, identification, and entrance signs not over fifty (50) feet in height, with each face of such signs not to exceed twenty-five (25) feet in length and ten (10) feet in height, having a maximum total sign area of two hundred fifty (250) square feet per display area and located not closer than twenty (20) feet to any highway right-of-way line and not closer than sixty (60) feet to any adjoining lot line, may be erected.

Section 1222 Wall Signs Pertaining to Non-Conforming Uses. On premises wall signs pertaining to a non-conforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed twelve (12) square feet.

Section 1230 Political Signs. No political sign shall be posted in any place or in any manner that is destructive to property upon posting or removal. No political sign shall be posted more than sixty (60) days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting of the campaign material shall remove such material within two (2) weeks following Election Day.

Section 1240 Sign Setback Requirements. Except as modified in Sections 1241 and 1243, on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

Section 1241 Increased Setback. For every square foot by which any on-premises sign exceeds fifty (50) square feet, the set-back shall be increased by one-half (0.5) foot but need not exceed one hundred (100) feet. This Section 1241 shall not apply to signs or outdoor advertising structures located in the I-1 District.

Section 1243 Set-backs for Public and Quasipublic Signs. Real estate signs and bulletin boards for a church, school, or any other public, religious, or educational institution may be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

Section 1245 Limitation. Regulation of signs along primary highways shall conform to the requirements of the Ohio Revised Code, Chapter 5516 and the regulations adopted pursuant thereto.

Section 1250 Roof or Wall Signs in the Special Limited Industrial District. Roof or wall signs shall be permitted in the I-1 District provided that the length of any such roof or wall sign shall not exceed one hundred (100) feet and the height thereof shall not exceed twenty-five (25) feet.

Section 1251 Off Premise Signs (Billboards). Off premise signs (billboards) shall be permitted only in the I-1 Limited Industrial district. Such signs shall be located so as to maintain front, side, and rear yard requirements as for buildings in that district except that no such sign shall be located closer than one thousand (1,000) feet from a dwelling, nor shall any such sign be permitted closer than one thousand (1,000) feet to a public park, public or parochial school, church, or similar institution. The maximum area of such sign shall be three (300) square feet. The maximum height of such sign shall be thirty-five (35) feet. Such signs visible to approaching traffic on either or both sides of a right-of-way shall have a minimum spacing of at least one thousand (1,000) feet.

Section 1252 Violations. In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Resolution, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Resolution. Failure to comply shall be deemed a violation and shall be punishable under Section 350 of this Resolution

ARTICLE XIII
MANUFACTURED/MOBILE HOME PARKS AND MANUFACTURED/MOBILE HOMES INDIVIDUALLY

Section 1310 Manufactured/Mobile Home Parks Prohibited.
Manufactured/Mobile Home Parks are prohibited in all districts within the Township.

Section 1341 Manufactured/Mobile Homes Individually. The following requirements shall apply to manufactured/mobile home dwellings that are placed upon an individual lot in any district where conditionally permitted:

1. Individual manufactured/mobile homes shall be a Conditional Use in the U-1 District granted only upon approval by the Board of Zoning Appeals.

2. Individual manufactured/mobile homes shall have, using accepted industry measurement standards, a minimum area of one thousand four hundred (1,400) square feet of floor area.

3. The manufactured/mobile home's tongue(s), axle(s), and wheels shall be removed and the home shall be placed upon a permanent concrete foundation which is below the frost line and is in accordance with the county auditor's current requirement for real estate tax purposes; and which includes at least two (2) tie-down rings.

4. The manufactured/mobile home shall be designed, constructed, skirted, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

ARTICLE XIV
PLANNED UNIT DEVELOPMENTS

Section 1400 Purpose of Planned Unit Development.
Planned development of land may be permitted in any district to encourage and provide a means for effectuating a more desirable physical development pattern than would be possible through the strict application of the density and dimensional requirements of this resolution.

Section 1401 Permitted Uses.
Only those uses permitted or conditionally permitted in each district or interpreted to be included under Sections 1400 to 1421, inclusive, the Official Schedule of District Regulations, of this Resolution may be proposed for development under the planned development approach. Compatible residential, commercial, industrial, public and quasipublic uses may be combined, provided that the proposed location of the commercial or industrial uses will not adversely affect or disregard adjacent property, public health, safety, morals, and general welfare, and provided further that in a residential-commercial-industrial or residential-commercial development the amount of land devoted to commercial and/or industrial usage shall not exceed fifty (50) percent of the total land area of the development. A variety of housing and building types is encouraged by permitting an increased number of families per acre and by allowing reductions in lot dimensions, yards, building setbacks, and area requirements.

Section 1402 General Requirements.
The gross area of the tract to be developed under the planned unit development approach shall comprise not less than ten (10) acres. The minimum lot size shall not be less than seventy (70) percent of the lot area per family or use required in the district in which it would otherwise be located. A minimum of ten (10) percent of the land developed in a planned unit development project shall be reserved for open space and similar uses. Lot widths and required yards may be reduced to eighty (80) percent of the requirement of this Resolution.

Section 1403 Disposition of Open Space.
The amount of open space reserved under a planned unit development shall either be held in corporate ownership by the owners of the project area building sites for the use of each owner who buys property within the development, or be dedicated to the Township and retained as open space for parks, recreation, and related uses. All land dedicated to the Township must meet the Zoning Commission's requirements as to the shape, size, and location. Public utility and similar channels are not acceptable for open space dedication to the Township, unless such land or right-of-way is usable as a trail or similar way and approved by the Zoning Commission.

Section 1404 Residential Lot Location.
Every property subdivided under the planned unit development shall be designed to abut upon open space or similar areas. A clustering of dwellings is encouraged. In areas where town houses are used there shall be no more than five (5) town-house units in any contiguous group. A variety of building setbacks, color, and building materials for contiguous townhouse units is encouraged.

Section 1405 Diversification of Lot Sizes.
A diversification of lot sizes may be permitted within a district without additional dedication or creation of open space, provided the overall density of the project area is not increased, and provided further the net residential area per family is not reduced below the minimum requirements of the Official Schedule of District Regulations.

Section 1406 Reduction of Planned Unit Development Area.
The minimum tract size to be developed under the planned unit development may be reduced fifty (50) percent where the proposed development is to contain only residential, commercial, or industrial development, not a mixture of uses.

Section 1407 Height Requirements.
For each foot of building height over the maximum height regulations specified in the Official Schedule of District Regulations, the distance between such building and the side and rear property lines of the planned unit development project area shall be increased by one (1) foot in addition to the side and rear yards required in the district, provided that this additional setback shall not be considered part of the side and rear yards.

Section 1408 Commercial Planned Unit Development Requirements.
Planned unit development of related commercial establishments is encouraged by varying the setback and area requirements. Open space gained through the varying of setback and area requirements is to be used for the development of open plazas, play area and other public spaces and uses with adequate arrangement, design, and planting.

Section 1409 Commercial Projects, Side Yards and Rear Yards.
Side yards of thirty (30) feet and a rear yard of forty (40) feet shall be required if the project is to be located adjacent to any residential area district or planned residential unit development.

Section 1410 Arrangement of Commercial Uses.
The location and arrangement of structures, parking access drives, outdoor lighting, signs and other uses and developments in the planned commercial unit development shall be compatible with the existing and future land use plan. Off-street parking, loading, and service areas shall be provided in accordance with Sections 1100 to 1131, inclusive. However, off-street parking and loading areas shall not be permitted within fifteen (15) feet of a residential district. All areas designated for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.

Section 1411 Industrial Planned Unit Development Requirements.
Planned unit development of industrial establishments is encouraged by varying the setback and other requirements, if it can be shown that the development results in a more efficient and desirable use of space.

Section 1412 Industrial Project.
Project side yards of forty (40) feet and a rear yard of fifty (50) feet shall be required if the project is located adjacent to any residential district or planned residential unit development.

Section 1413 Arrangement of Industrial Uses.
The location and arrangement of structures, parking access drives, outdoor lighting, signs, storage areas, and other uses and developments in the planned industrial unit development shall be compatible with the existing and future land use plan. Off-street parking, loading, and service areas shall be provided in accordance with Sections 1100 to 1131, inclusive.

Section 1414 Procedure to Secure Approval of Planned Unit Development.
The procedure in Sections 1400 to 1421, inclusive, shall be met before approval to develop land under the planned unit development is granted by the Zoning Commission and the Board of Zoning Appeals.

Section 1415 Preliminary Development Plan.
Five (5) copies of a development plan shall be submitted to the Zoning Commission for an approval in principle of the land uses proposed and their interrelationship. Approval in principle shall not be construed to endorse precise location of uses, configuration of parcels, or engineering feasibility. Any preliminary development plan and text shall be prepared and endorsed by a qualified urban planner and shall include the following information presented in a general, schematic fashion:

(1) Proposed location and size of the planned development;

(2) Proposed land uses, population densities, and building intensities;

(3) Proposed parks, playgrounds, and other open spaces;

(4) Relation to existing and future land use in surrounding area;

(5) Proposed provision of water, sanitary sewers, and surrounding area drainage;

(6) Proposed traffic circulation pattern, indicating both public and private streets and access points to public rights-of-way;

(7) A market analysis of proposed commercial uses, if the property is not zoned for commercial purposes at the time of submittal of the preliminary development plan;

(8) Proposed schedule of site development; and;

(9) Evidence that the applicant has sufficient control over the land to carry out the proposed development plan within five (5) years.

Section 1416 Preliminary Plan Review.
The Zoning Commission shall review the preliminary development plan to determine if it is consistent with the intent and purpose of this Resolution; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. The Zoning Commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a detailed development plan.

Section 1417 Detailed Development Plan.

The detailed development plan shall be submitted in five (5) copies and shall contain the following documents and supporting evidence, prepared and endorsed by a qualified professional team, which shall include an urban planner, licensed architect, registered land surveyor, registered civil engineer, and registered landscape architect.

(1) A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site, including specimen trees, structures, streets, easements, utility lines, and land use;

(2) A detailed development plan which shall be in accordance or conformance with the approved preliminary plan, showing, as appropriate, all the information required on the preliminary development plan; the approximate location and size of lots; the approximate location and proposed density of dwellings; non-residential building intensity; and land use considered suitable for adjacent properties;

(3) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses; the number of housing units proposed by type; estimated residential population by type of housing; estimated non-residential population; proposed retail sales area and economic justification; anticipated timing for each unit; and standards for height, open space, building intensity, parking areas, population density and public improvements proposed for each unit of development whenever the applicant proposes an exception from standard zoning district or other regulations governing developments;

(4) Engineering feasibility studies and plans showing, as necessary, water, sewer, and other utility installations; waste disposal facilities; surface drainage; street improvements; and nature and extent of earth work required for site preparation and development;

(5) Site plan, showing building(s), various functional use areas, circulation, and their relationship;

(6) Preliminary building plans, including floor plans and exterior elevations;

(7) Landscaping plans; and

(8) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.

Section 1418 Basis of Approval.

The Zoning Commission may recommend that the Board of Zoning Appeals, after a public hearing, approve the detailed development plan, provided the Zoning Commission finds that the facts submitted with the application and presented at the hearings establish that:

(1) The proposed development can be completed within five (5) years of the date of approval.

(2) Each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained

desirability and stability, or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding area uses, but will have a beneficial effect which could not be achieved under standard district regulations;

(3) The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned development;

(4) Any proposed commercial development can be justified economically at the locations proposed to provide for adequate commercial facilities of the types proposed;

(5) Any exception from standard district requirements is warranted by the design and amenities incorporated in the detailed development plans, in accord with the planned unit development and the adopted policy of the Zoning Commission and the Board of Township Trustees;

(6) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;

(7) The planned unit development is in general conformance with the comprehensive plan of the Township; and

(8) The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

Section 1419 Action of the Zoning Commission and Board of Zoning Appeals.
The Zoning Commission shall deny the detailed development plan if, from the facts presented, the Zoning Commission is unable to make the necessary findings. The Zoning Commission shall certify to the Board of Zoning Appeals the approval, approval with specific amendments, or disapproval of the detailed development plan within 30 days of the date of submission of said plan. If the Board of Zoning Appeals finds that the proposed planned unit development is consistent with the intent and purpose of this Resolution after a public hearing, it may authorize the Zoning Inspector to permit the planned unit development.

Section 1420 Approval Period.
Approval for a planned unit development shall be for a period of five (5) years to allow the preparation and recording of the required subdivision plat and the development of the project. If no development has occurred to effectuate the plan within five (5) years after approval is granted, the approval shall be voided and the land shall revert to the district regulations in which it is located. An extension of the time limit or modification of the approved development plan may be approved if the Zoning Commission and the Board of Zoning Appeals find that such extension or modification is not in conflict with the public interest.

Section 1421 Other Requirements.
Underground utilities, including telephone and electric systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively

screened may be excepted from this requirement if the Zoning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

This Resolution is hereby adopted on this 14th day of May 2026.

Pursuant to ORC 519.12(H), this Resolution shall become effective thirty days after the date of its adoption.

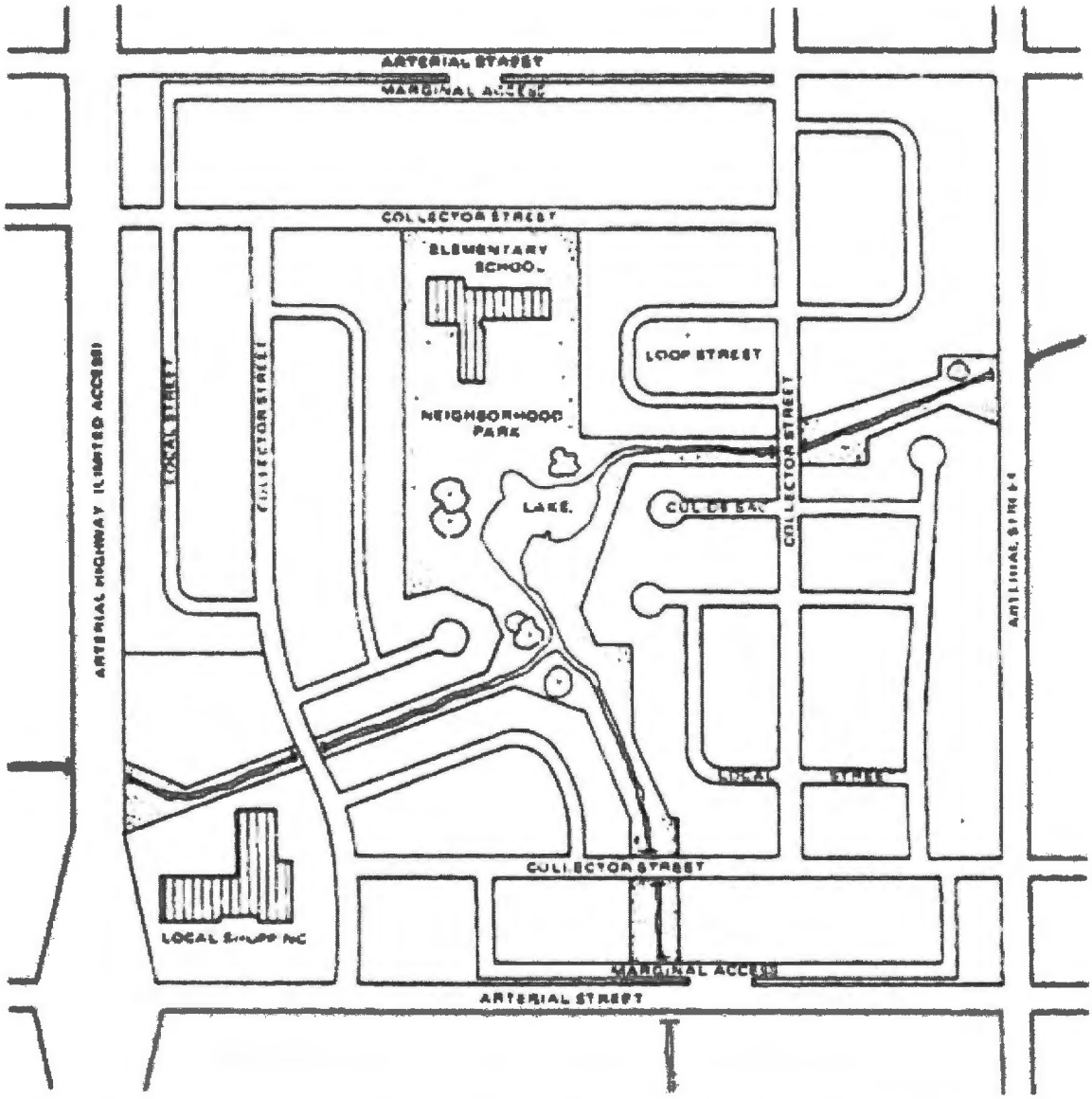
Mike Moffett

Chairman, Board of Township Trustees

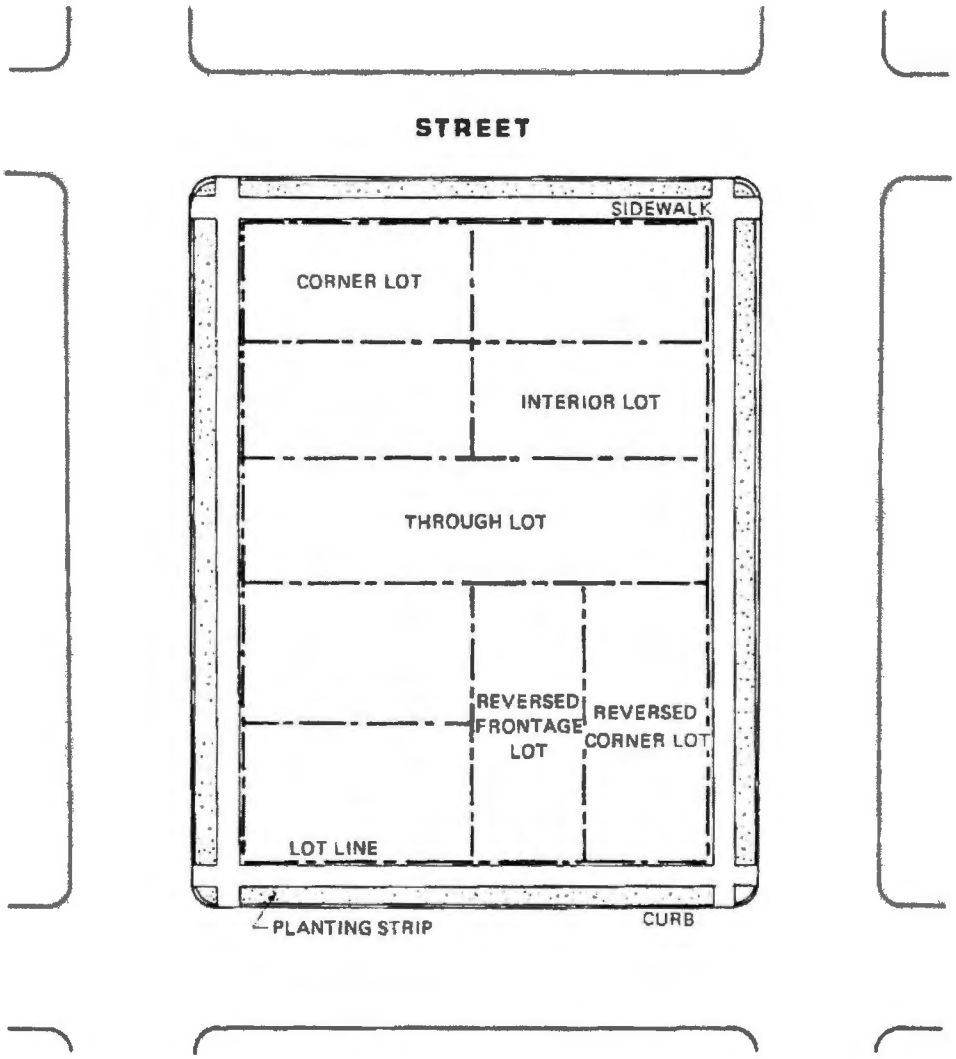
Member, Board of Township Trustees

Member, Board of Township Trustees

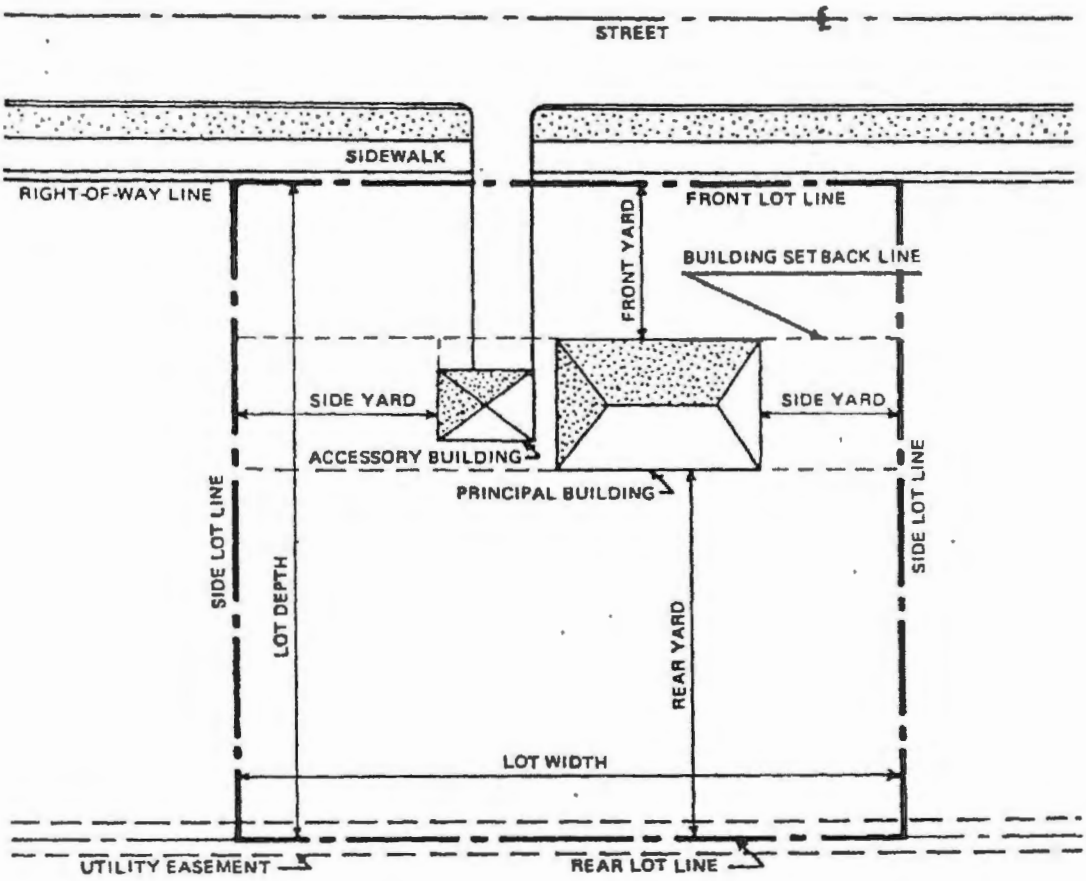
Attest, Clerk of Township Trustees



CLASSIFICATION OF THE THOROUGHFARE SYSTEM



TYPES OF LOTS

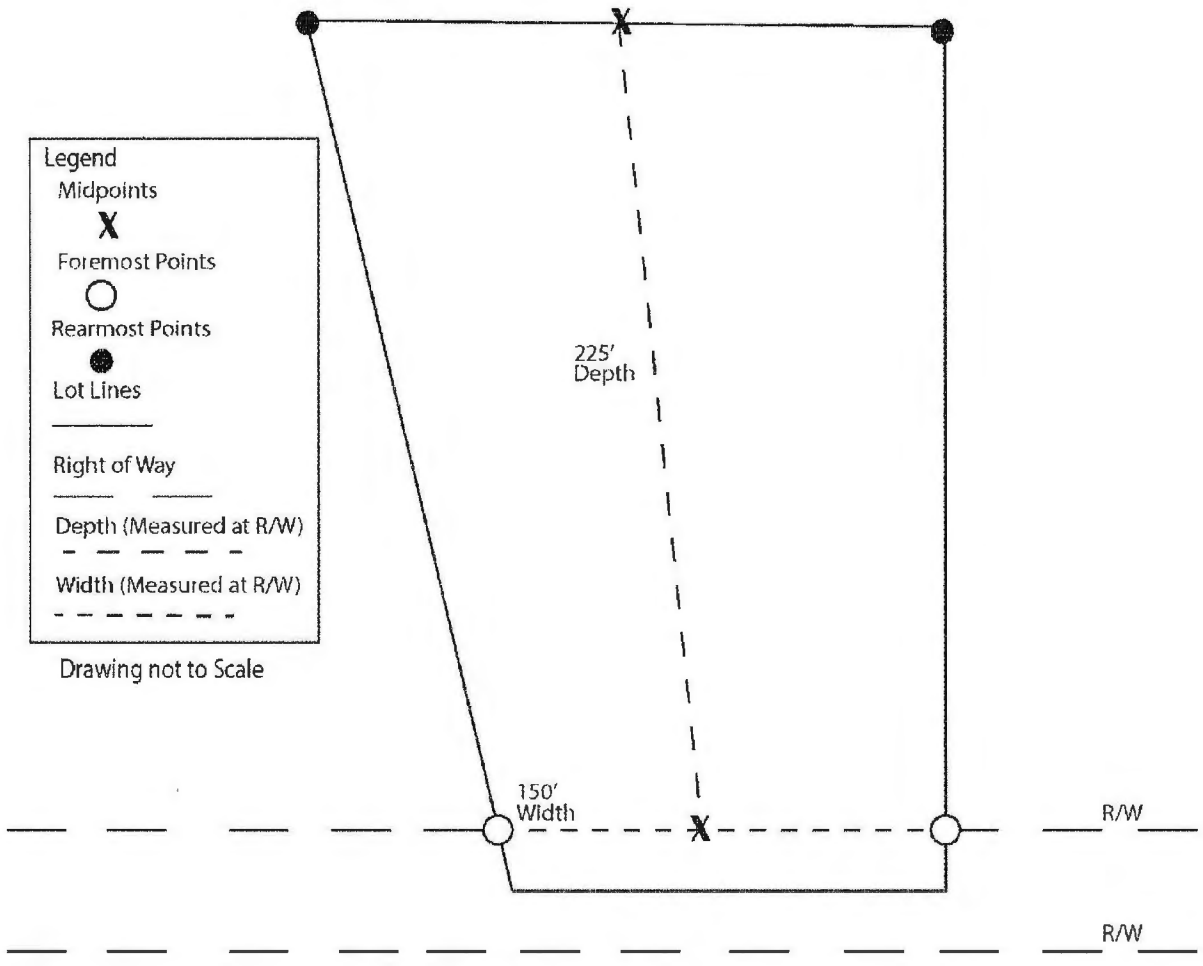


LOT AREA= TOTAL HORIZONTAL AREA

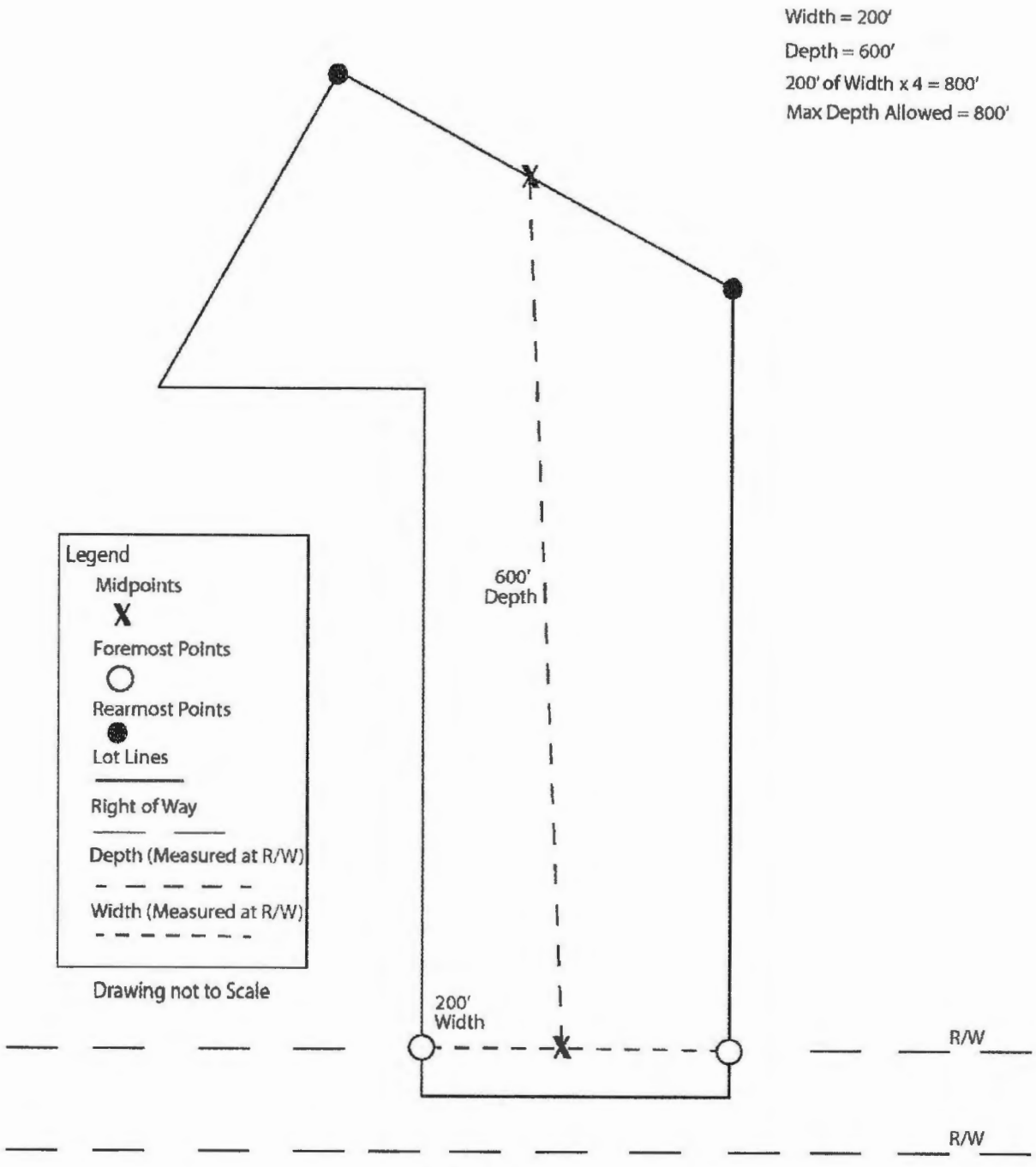
LOT COVERAGE= PER CENT OF LOT OCCUPIED BY BUILDING

LOT TERMS

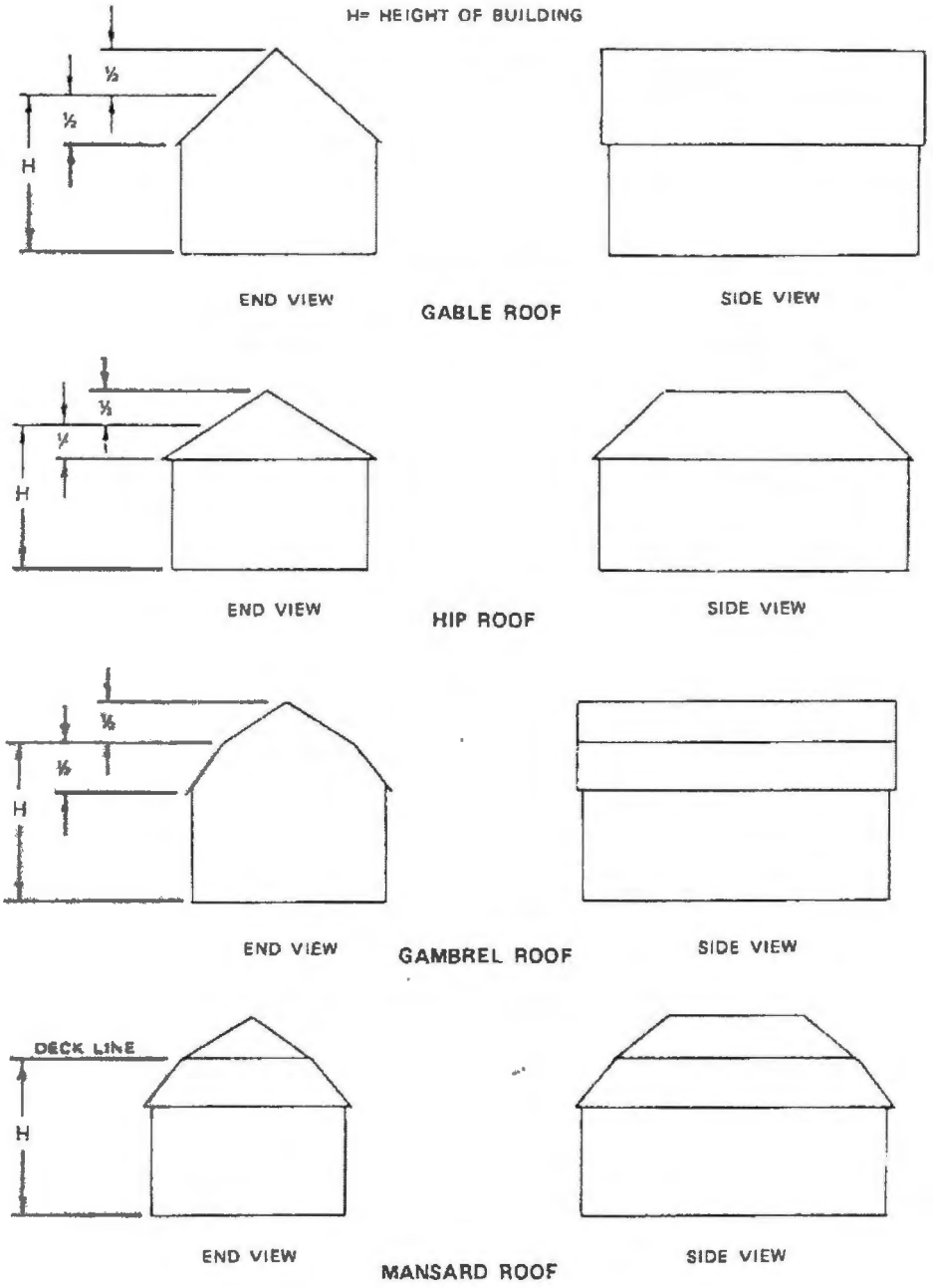
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Depth = 225'
150' of Width x 4 = 600'
Max Depth Allowed = 600'



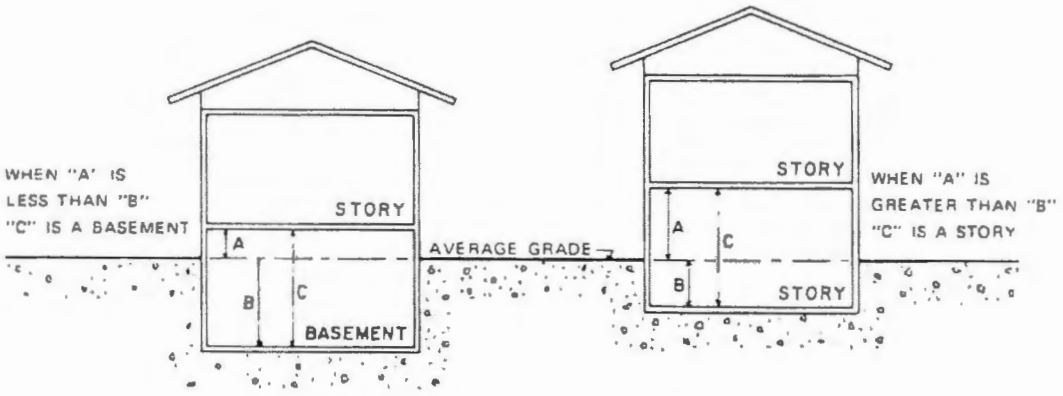
Depth to Width Ratio Calculation
(4:1)



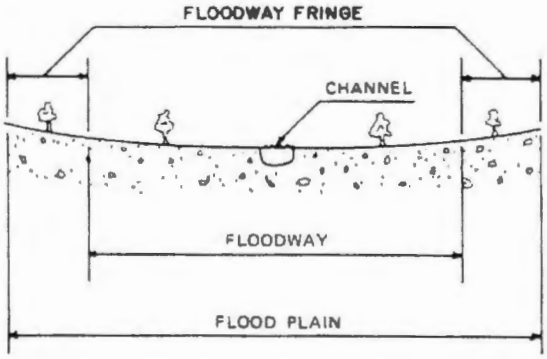
Depth to Width Ratio Calculation
(4:1)



ROOF TYPES AND BUILDING HEIGHT



BASEMENT & STORY



FLOOD PLAIN TERMS