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LIBERTY TOWNSHIP
TRUMBULL COUNTY, OHIO

ZONING
RESOLUTION

ADOPTED
JULY 31, 2000

LIBERTY TOWNSHIP ZONING RESOLUTION

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Amendments:

- 3-1-2004 Section 4:2.3 Accessory Uses (Case # 04-01-2ZCTT)
- 3-1-2004 Section 6:1.4 Prohibited Parking (Case # 04-01-2ZCTT)

ARTICLE 1 AUTHORIZATION, PREAMBLE AND TITLE

Section 1:1 Authorization

A **RESOLUTION** to provide for dividing the unincorporated territory of Liberty Township, County of Trumbull, Ohio into districts (zones) and in such districts to regulate the location, use, height, number of stories and size of buildings and other structures, the percentage of lot areas that may be occupied, set back building lines, size of yards and other spaces, the density of population; to provide for the making of amendments or supplements to such regulations and the boundaries of the districts or zones; to establish a Township Zoning Commission; to provide for a Township Board of Zoning Appeals; to provide for enforcement and administration by appointment of the Township Zoning Inspector.

Whereas, by the provisions of Section 519 et seq. of the Ohio Revised Code, the Board of Trustees of Liberty Township of Trumbull County is empowered to establish districts (zones) within the unincorporated territory of Liberty Township and to provide regulations therein for the purpose of promoting public health, safety, morals, comfort or general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; maintain environmental quality; and to facilitate adequate but economical provision of the public improvements, all in accordance with the comprehensive plan, and

Whereas, the Board of Township Trustees before availing itself of the powers conferred upon it by said sections, passed a Resolution declaring its intention to proceed under the provisions thereof, and

Whereas, a Liberty Township Zoning Commission has been created and established in accordance with the provisions of said sections, to submit a zoning plan, including both text and maps, representing its recommendations for carrying out by the Board of Township Trustees of the powers, purposes and provisions thereof, and

Whereas, the Liberty Township Zoning Commission, after a comprehensive study and mapping of present land uses and the zoning in contiguous political entities, the neighborhood and community boundaries and population trends, the limits of sewerable areas and the major thoroughfares; has prepared and recommended districts (zones), and appropriate regulations to be enforced therein, and public hearings thereon have been held, at which all owners of property in the township affected were given ample opportunity, after public notice as required by law, to file their protest or criticisms, if any and,

Whereas, said districting or zone Resolution has been before the Trumbull County Planning Commission for study and recommendations, and its recommendations have been submitted to the Liberty Township Zoning Commission for consideration and hearings, prior to certification to the Board of Trustees of Liberty Township, Trumbull County, Ohio and,

Whereas, after certification, a public hearing was held, on the districting or zone Resolution by the Board of Township Trustees, notice of which hearing was given by publication in a newspaper of general circulation as required by law,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF LIBERTY TOWNSHIP, OF TRUMBULL COUNTY, OHIO, AS FOLLOWS:

Section 1:2 Purpose

The purpose of this Zoning Resolution is to establish guidelines in order to protect, promote and improve the public health, safety, morals, convenience, order, appearance, prosperity and general welfare of the inhabitants of Liberty Township by protecting and conserving the character and social economic stability of residential, business, commercial, industrial and public use areas; by securing the most appropriate use of land, preventing overcrowding the land and the undue concentration of population; providing adequate light, air and reasonable access; and facilitating adequate and economical provisions of streets, public utility systems, parks and recreation, and other public requirements, and by other means all in accordance with the Comprehensive Plan of Liberty Township, Trumbull County, Ohio, now therefore:

Section 1:3 Short Title

This Resolution shall be known and may be cited as the "Zoning Resolution of Liberty Township, Trumbull County, Ohio," except as referred to herein, where it shall be known as "this resolution."

ARTICLE 2 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Section 2:1 Construction of Language

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

- 2:1.1 The particular shall control the general.
- 2:1.2 In case of any difference of meaning or implication between the text of this Resolution and any caption or illustration, the text shall control.
- 2:1.3 The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- 2:1.4 Words used in the present tense shall include the future; and used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- 2:1.5 A "building" or "structure" includes any part thereof.
- 2:1.6 The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," "occupied for," "constructed for," "altered for," "converted for," or "intended to be used."
- 2:1.7 The word "person" includes an individual, a corporation, a partnership, an association, an organization or any other similar entity.
- 2:1.8 The word "lot" includes the words "plot" or "parcel."
- 2:1.9 Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either....or," the conjunction shall be interpreted as follows:
 - 2:1.9.1 "And" indicates that all connected items, conditions, provisions or events *shall* apply.
 - 2:1.9.2 "Or" indicates that the connected items, conditions, provisions or events *may* apply singly or in any combination.
 - 2:1.9.3 "Either....or" indicates that the connected items, conditions, provisions or events *shall* apply singly *but not* in combination.
- 2:1.10 Terms not herein defined shall have the meaning customarily assigned to them.

Section 2:2 **Definitions**

2:2.1 **ABANDONMENT**

To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

2:2.2 **ACCESSORY BUILDING, STRUCTURE OR USE (See also HOME OCCUPATION)**

A subordinate building, structure or use which is naturally and normally incidental to the main building or use. An accessory building attached to the main building in a substantial manner by a wall or roof shall be considered part of the main building.

2:2.3 **ACRE**

An area of land forty three thousand five hundred and sixty (43,560) square feet in area.

2:2.4 **ADULT ARCADE**

Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where images so displayed are distinguished or characterized by depicting or describing of "specified sexual activities" or "specified anatomical areas."

2:2.5 **ADULT BOOKSTORE OR ADULT VIDEO STORE**

A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration, one or more of the following:

2:2.5.1 Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or

2:2.5.2 Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."

2:2.6 **ADULT CABARET**

A nightclub, bar, restaurant, or similar commercial establishment, which regularly features:

2:2.6.1 Persons who appear in a state of nudity; or

2:2.6.2 Live performances, which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

2:2.6.3 Films, motion pictures, videocassettes, slides, or other photographic reproductions, which are characterized by the depiction or description of "specified sexual activities," or "specified anatomical areas."

2:2.7 ADULT MOTEL

A hotel, motel or similar commercial establishment which:

2:2.7.1 Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

2:2.7.2 Offers a sleeping room for rent for a period of time that is less than ten hours; or

2:2.7.3 Allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten (10) hours.

2:2.8 ADULT MOTION PICTURE THEATER

A commercial establishment where for any form of consideration, films, motion pictures, videocassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

2:2.9 ADULT THEATER

A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

2:2.10 AGRICULTURE

The use of land for farming, dairying, ranching, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry.

2:2.11 ALTERATION

Any change, addition, or modification in construction or occupancy of an existing structure.

2:2.12 APARTMENT

A room or suite of rooms in a multiple dwelling occupied as the home or residence of an individual, a family, or a group of individuals.

2:2.13 APARTMENT HOUSE

A building or multiple family dwelling in a multifamily zoning district containing three or more separate apartments.

2:2.14 APPLICANT

A person or landowner who has submitted an application for review under applicable provisions of this resolution.

2:2.15 ARTERIAL STREET (See also COLLECTOR STREET)

Those streets and highways that are used primarily for fast or heavy traffic.

2:2.16 ATTIC

An area directly beneath the roof of a structure and above the top story. Not considered a story.

2:2.17 BASEMENT

The portion of a building between the floor and ceiling, which is at least partly below ground level, but so located that the vertical distance from grade to the floor below is greater than the vertical distance from grade to ceiling. A basement shall not be considered a story.

2:2.18 BILLBOARD (See also SIGN)

A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

2:2.19 BUFFER

An area designed to limit views and sounds between adjoining land uses or properties of different types and/or intensities of development.

2:2.20 BUILDING

A structure used or intended for supporting or sheltering any use or occupancy.

2:2.21 BUILDING HEIGHT

The vertical distance above the average existing grade measured to the highest point of the building. The height of a stepped or terraced building is the maximum height of the tallest segment of the building.

2:2.22 BUILDING LINE

The perimeter of a building or structure nearest a property line, but excluding open porches, steps, terraces, cornices, window bays, chimneys and other ornamental features projecting from the walls of the building or structure.

2:2.23 CHURCH OR PLACE OF RELIGIOUS WORSHIP

An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

2:2.24 CLUB

An organization of persons for special purposes or for the promulgation of sports, arts, literature, politics, or the like, excluding churches, synagogues, or other houses of worship.

2:2.25 COLLECTOR STREET (See also ARTERIAL STREET)

Those streets that carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.

2:2.26 CONDITIONAL USE

That use having some special uniqueness that requires a careful review of location, design, configuration and special impact to determine against fixed standards, the desirability of permitting its establishment on a specific site. It is considered provisional in nature and approved at the discretion of the Board of Zoning Appeals.

2:2.27 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 a district.

2:2.28 CONDOMINIUM

A single dwelling unit in a development of units, which is separately owned and which is combined with an undivided interest in the common areas and facilities of the property.

2:2.29 CONSERVATION AREAS

Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in cases of overriding public interest. Conservation areas include freshwater marshes, shallow grassy ponds, hardwood swamps, cypress swamps, natural shorelines (other than natural beaches or dunes), sand pinescrub communities, and other areas of significant biological productivity or uniqueness.

2:2.30 CONVENIENCE STORE

Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same, and having a gross floor area of less than 7,500 square feet.

2:2.31 DECK

Any floor structure intended to support persons above the finished grade, attached or unattached to a building.

2:2.32 DENSITY

The number of dwelling units which are permitted on a specific amount of land. Gross density includes dedicated streets contained within a development on a specific amount of land.

2:2.33 DEVELOPER

The legal or beneficial owner or owners of land proposed to be included in a development, including the holder of an option or contract to purchase, or any person having an enforceable propriety in such land.

2:2.34 DEVELOPMENT

The division of land into two or more parcels; or the erection, construction, reconstruction, conversion, material structural alteration, relocation or enlargement of any building or structure; or any excavation or land fill; or any use or change of use of any structure or land, or extension or increase in the use of land.

2:2.35 DISTRICT (See also ZONE)

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

2:2.36 DRIVEWAY

The paved, stone or gravel part of a lot used by motor vehicles to travel over the lot to and from a public or private street.

2:2.37 DUPLEX

A structure containing two dwelling units.

2:2.38 DWELLING (UNIT)

A building wholly or partly used or intended to be used for living or sleeping by one or more persons, existing or built on a site complying with all local and state regulations.

2:2.39 DWELLING, MULTIFAMILY

A residential building designed for occupancy by two (2) or more families with separate living facilities.

2:2.40 DWELLING, SINGLE FAMILY

A detached residential building other than a mobile home or manufactured home, designed for and to be occupied by one family.

2:2.41 EASEMENT

A right to use the land owned by another for a specific purpose, such as a right-of-way for utilities.

2:2.42 EXCAVATION

Any breaking of ground, except agriculture, farming, gardening and ground care.

2:2.43 FACADE

The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

2:2.44 FLOOD PLAIN

Flood plain or flood-prone area means any land area susceptible to being inundated by water from any source.

2:2.45 FLOOR AREA, GROSS (See also FLOOR AREA, NET)

The sum of the horizontal areas of floors of a building measured from the exterior face of exterior walls or, if appropriate, from the centerline of dividing walls between adjacent buildings.

2:2.46 FLOOR AREA, NET

The gross floor area exclusive of basements, attics, garages, porches, breezeways, mechanical rooms, corridors, and similar facilities. For the purpose of minimum square footage, a net floor area will be used.

2:2.47 GARAGE, PRIVATE

An accessory building or portion of building in which only private or pleasure type motor vehicles used by the tenants of the principal building are stored or kept.

2:2.48 GARAGE, SERVICE OR REPAIR

A building used for the following services: general maintenance and repair of vehicles, collision services or body repair, repair or rebuilding of vehicle parts, sale of gasoline or diesel fuels.

2:2.49 GLARE

A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in

visual performance and visibility.

2:2.50 GRADE

The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is more than five feet (5') from the building, between the building and a line five feet (5') from the building.

2:2.51 HAZARDOUS SUBSTANCES

Any substances or materials, that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

2:2.52 HEIGHT

The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip, and gambrel roofs, measured from the curb level if the building is not more than ten feet (10') from the front lot line, or from the grade in all other cases.

2:2.53 HOME OCCUPATION

An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit, which does not alter the exterior of the property or affect the residential character of the neighborhood. (See Section 5:3.6.2 for criteria.)

2:2.54 INDECENT

Anything that the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest. Anything that depicts or describes patently offensive representations or descriptions of specified sexual activities. Nothing herein contained is intended to include or proscribe any matter which, when considered as a whole, and in the context in which it is used, possesses serious literary, artistic, political or scientific value.

2:2.55 JUNK MOTOR VEHICLE

Any motor vehicle as described in ORC 4513.65.

2:2.56 LANDSCAPE SCREENING AREA (See also BUFFER)

An area used to visually screen a commercial or industrial use from a residential zone, and consisting of at least one of the following:

2:2.56.1 Landscaped solid fence or wall of materials compatible with the principal building.

2:2.56.2 A combination of trees and shrubs that is expected to form a six-foot-high (6') screen within one (1) year of planting.

2.2.56.3 A maintained, landscaped earthen mound not less than four feet (4') in height and no more than six feet (6') in height.

2.2.57 LEWD (See INDECENT)

2.2.58 LOT

A single parcel of land occupied or intended to be occupied by a main building or buildings and accessory buildings, or used for the principal use and uses accessory thereto, together with such yards and open spaces as are required for its specific district under the provisions of this Resolution.

2.2.59 LOT AREA

The total horizontal square footage contained in a single lot.

2.2.60 LOT, CORNER

A lot abutting two (2) intersecting or intercepting streets, where the interior angle of intersection does not exceed one hundred thirty-five (135) degrees.

2.2.61 LOT COVERAGE

The part or percentage of the lot covered by buildings, including any accessory buildings.

2.2.62 LOT DEPTH

The horizontal distance between the front and rear lot lines, measured along the mean between the side lot lines.

2.2.63 LOT, DOUBLE FRONTAGE

A lot other than a corner lot abutting two (2) or more streets.

2.2.64 LOT, INTERIOR

A lot other than a corner lot.

2.2.65 LOT LINE

The line describing the limits of a lot as described below:

2.2.65.1 Front Lot Line: is the line separating an interior lot from the street or right-of-way line. On a corner lot or double frontage lot it is the line at either street.

2.2.65.2 Rear Lot Line: is the line opposite the front lot line.

2.2.65.3 Side Lot Line: Is any lot line other than the front or rear lot line.

2:2.66 LOT WIDTH

The horizontal distance between the side lot lines, measured at the two points where the building setback line intersects the side lot lines.

2:2.67 MANUFACTURED HOUSING (MOBILE HOME)

A structure, transportable in one or more sections, which in the traveling mode is eight feet (8') or more in width or forty feet (40') or more in length, or when erected on site is three hundred twenty (320) square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

2:2.68 MASSAGE

The manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping by hand or mechanical device.

2:2.69 MASSAGE BUSINESS

Any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors, which is characterized by emphasis on matters and activities relating to "specified sexual activities" or "specified anatomical areas" as defined herein. This section shall in no way regulate any licensed health professional. (Licensed means state-certified or registered to practice in the state.) This "definition" does not include an athletic club, health club, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

2:2.70 MODULAR HOME

A factory-built home, other than a manufactured home, which meets all of the following requirements:

2:2.70.1 Designed only for erection or installation on a site-built permanent foundation;

2:2.70.2 Not designed to be moved once so erected or installed;

2:2.70.3 Designed and manufactured to comply with a nationally recognized model building code or an equivalent local code, or with a state or a local modular building code recognized as generally equivalent to building codes for site-built homes;

2:2.70.4 To the manufacturer's knowledge, not intended to be used other than on a site-built permanent foundation.

2:2.71 MOUND

A small, earthen, landscaped hill designed to provide a visual screening of undesirable views, and/or decrease noise or glare.

2:2.72 NONCONFORMING BUILDING

A building or structure or portion thereof lawfully existing at the time this Resolution became effective, which was designed, erected or structurally altered for a use that does not now conform to the zoning regulations of the district in which it is located.

2:2.73 NONCONFORMING LOT

A lawful use of land that does not now comply with the use regulations for its zoning district, but which complied with applicable regulations at the time the district was established.

2:2.74 NONCONFORMING USE

A use that lawfully occupied a building or land at the time this Resolution became effective, which has been lawfully continued and which does not now conform with the use regulations of the district in which it is located.

2:2.75 NUDITY OR STATE OF NUDITY

The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.

2:2.76 OBSCENE (See INDECENT)

2:2.77 OFF-STREET PARKING

Any public or private open area providing vehicular parking spaces along with adequate drives and aisles not on a public right-of-way.

2:2.78 OPEN SPACE

Land areas that are not occupied by buildings, structures, parking areas, streets, alleys or required yards. Open space may be devoted to landscaping, preservation of natural features, or recreational areas and facilities.

2:2.79 OPEN SPACE, COMMON

Open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

2:2.80 PLANNED UNIT DEVELOPMENT

"Planned Unit Development" or PUD shall mean an area of land where a variety of housing types and subordinate commercial and business facilities are accommodated in a preplanned environment under more flexible standards, such as lot size and setbacks (including zero lot lines), than those restrictions that would normally apply under these regulations. Densities may be increased over that of the underlying zoning if common open space is provided. The procedure for approval of such development contains requirements in addition to those of standard subdivision, such as building design and landscaping plans. The word PLAN and its other forms shall mean the written and graphic submission for a planned unit development including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, density of development, private streets, parking facilities, landscaped screening, common open space and public facilities.

2:2.81 PRINCIPAL USE

The specific and primary purpose for land or a structure.

2:2.82 RIGHT-OF-WAY

A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

2:2.83 ROAD, PUBLIC

All public property reserved or dedicated for street traffic.

2:2.84 ROAD, PRIVATE

A way open to vehicular ingress and egress established as a separate tract for the benefit of certain, adjacent properties. This definition shall not apply to driveways.

2:2.85 SETBACK

The required minimum horizontal distance between the building line and the related front, side, or rear property line.

2:2.86 SEMI-NUDE

A state of dress in which clothing covers no more than the genitals, pubic region, and areolas of the female breast, as well as portions of the body covered by supporting straps or devices.

2:2.87 SEXUALLY ORIENTED BUSINESS

A business which is designed and used to sell, rent or show sexually explicit materials distinguished or characterized by an emphasis on " Specified Sexual Activities," or "Specified Anatomical Areas" as herein defined and is more particularly, but not exclusively defined as meaning an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theatre or massage business.

2:2.88 SEXUALLY ORIENTED DEVICES

Without limitation, any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities, but shall not mean any contraceptive device.

2:2.89 SIGN (See also BILLBOARD)

Any visual communication display, object, device, graphic, structure, or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.

2:2.89.1 Sign, Development Complex: Any commercial center, institution and/or development which contains one or more separate businesses, enterprises, franchises, or institutions located within or upon single premises.

2:2.89.2 Sign, Illuminated: Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.

2:2.89.3 Sign, Lighting Device: Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.

2:2.89.4 Sign, Off-Premise: 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.

2:2.89.5 Sign, On-Premise: 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.

2:2.89.6 Sign, Portable: A sign that is not permanently affixed to a building, other unmovable structure, or the ground.

2:2.89.7 Sign, Projecting: Any sign that projects from the exterior of a building.

2:2.89.8 Sign, Temporary: A sign intended for use for only a limited period of time.

2:2.90 SIGN, GOVERNMENT

Any signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, or resolution or government regulation. Such signs are excluded from the standards of this Resolution.

2:2.91 SITE PLAN

A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel or parcels of land.

2:2.92 SPECIFIED ANATOMICAL AREA

Human genitals, anus, buttock or female breast.

2:2.93 SPECIFIED SEXUAL ACTIVITIES

Includes any of the following:

2:2.93.1 The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast; or

2:2.93.2 Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy; or

2:2.93.3 Masturbation, actual or simulated; or

2:2.93.4 Excretory functions as part of or in connection with any of the activities set forth in 2:2.70.1 through 2:2.70.3 above.

2:2.94 STORY

The part of a building between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling above it. A basement and attic are not considered a story.

2:2.95 STREET

Any dedicated thoroughfare or public way intended to be used for the passage or travel of motor vehicles.

2:2.96 STREET, PRIVATE

A right-of-way or easement in private ownership or in an association of property owners not dedicated or maintained as a public street, which affords the principal means of access to two (2) or more sites.

2:2.97 STRUCTURE

That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This does not include drives, sidewalks, or portable parking garages.

2:2.98 SUBDIVISION

The division of land, lot, tract, or parcel into two (or three, etc.) or more lots, parcels, plats, or sites, or other divisions of land.

2:2.99 SWIMMING POOL

A receptacle for holding water that exceeds one hundred (100) square feet of water surface, and two feet (2') in depth, intended for the purpose of providing a swimming place.

2:2.100 VARIANCE

A relaxation by the Board of Appeals of the dimensional regulations of the code where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of this code would result in unnecessary and undue hardship.

2:2.101 ZONE (See also DISTRICT)

A portion of the territory of the township, exclusive of streets, alleys, and other public ways, within which certain uses of land, premises, and buildings are not permitted and with which certain yards and open spaces are required and certain height limits are established for buildings.

ARTICLE 3 ESTABLISHMENT OF ZONING DISTRICTS AND MAPS

Section 3:1 Zoning Districts

3:1.1 UNIFORMITY

The unincorporated territory of Liberty Township, Trumbull County, Ohio, is hereby divided into zone districts. All such regulations are uniform for each building, structure, or activities within each specific zone.

3:1.2 SPECIFIC ZONES

The following zoning districts are hereby established for Liberty Township:

Rural Estate	Multifamily	Commercial
Single Family	Professional Office	Industrial
Medium Density	Neighborhood Business	

3:1.3 EXCLUSIONARY NATURE OF ZONING RESOLUTION

This Zoning Resolution shall be deemed to be exclusionary in nature and any use of land not specifically allowed by this Resolution in a zoning district or overlay zoning district shall be deemed to be a use which was intentionally excluded from the zoning district or overlay district.

Section 3:2 Official Zoning Districts Map

3:2.1 ZONING MAP IS PART OF THE ZONING RESOLUTION

The unincorporated territory of Liberty Township is hereby divided into zoning districts as shown on the Official Zoning Districts Map, Liberty Township, Trumbull County, State of Ohio, which accompanies this Resolution, and said map with all notations, references, and other pertinent material shown thereon, is hereby made a part of this Resolution as if fully described herein. The Zoning Districts Map shall be identified by the signatures of the Board of Township Trustees, attested by the Township Clerk, under the following words:

"This is to certify that this is the official Zoning Districts Map referred to in Section 3:2 of the Zoning Resolution of Liberty Township, Trumbull County, Ohio." (include date of adoption)

3:2.2 CHANGES TO THE OFFICIAL ZONING MAP

Wherever changes are made in zoning district or overlay zoning district boundary lines or other matter portrayed on the official Zoning Districts Map, such changes shall be made on the official Zoning Districts Map after the amendment has been approved by the Township Trustees together with an entry on the official Zoning Districts Map as follows:

"On (date), by official action of the Township Trustees, the following change(s) were made. (reference number to Township Trustees proceedings)."

Section 3:3 Interpretation of District Boundaries

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

3:3.1 WHERE BOUNDARIES APPROXIMATELY FOLLOW STREETS, ALLEYS OR HIGHWAYS

Where district boundaries are indicated as approximately following the centerline or right-of-way line of streets, the centerline or alley line of alleys, or the centerline or right-of-way constructed lines of highways, such lines shall be construed to be such district boundaries.

3:3.2 WHERE BOUNDARIES PARALLEL STREET RIGHT-OF-WAY LINES, ALLEY LINES, OR HIGHWAY RIGHT-OF-WAY LINES

Where district boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of streets, the center lines or alley lines of alleys or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such district therefrom as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.

3:3.3 VACATION OF PUBLIC WAYS

Whenever any street or public way is vacated in the manner authorized by law, the Zoning Districts adjoining each side of the street or public way shall be automatically extended to the center of such vacated street or public way. All area included in the vacation shall thereafter be subject to all regulations of the respective extended Districts.

3:3.4 SCALED DIMENSIONS

When the extend of a zoning district boundary is stated by dimensions referenced from characteristics provided on the official Zoning Districts Map, the scale of the map shall be used to determine the location of the zoning district boundary.

ARTICLE 4 ZONING DISTRICT STANDARDS

Section 4:1 Rural Estate

4:1.1 PURPOSE

The purpose of the rural estate zone district is to provide for a lifestyle choice of a low-density rural residential environment. Development in this zone district does not require the public installation of utilities, and water supply source and sewage disposal are permitted on site, as permitted by local and state standards. The residential planned unit development may be permitted in the rural estate district (see Sections 8.1 and 8.2).

4:1.2 PERMITTED USES

4:1.2.1 One single-family residential structure per plotted lot

4:1.2.2 Attached garages

4:1.2.3 The non-commercial raising of fruits and vegetables, or livestock

4:1.2.4 Agricultural uses as permitted in the Ohio Revised Code

4:1.3 ACCESSORY USES

4:1.3.1 Detached garages

4:1.3.2 Barns and stables

4:1.3.3 Tool sheds

4:1.3.4 Home workshops

4:1.3.5 Home greenhouses

4:1.3.6 Riding rings and corrals

4:1.4 CONDITIONAL USES

4:1.4.1 Golf Courses

4:1.4.2 Churches

4:1.4.3 Tennis Courts

4:1.4.4 Home occupations

4:1.4.5 Private commercial parks and recreation facilities

4:1.4.6 Public and private schools

4:1.4.7 Churches

4:1.4.8 Golf Courses

4:1.4.9 Tennis Courts

4:1.5 SPECIFICATION STANDARDS - RURAL ESTATE

Minimum Lot Size	Maximum Lot Coverage for Buildings	Maximum Height of Primary Structure	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Minimum Lot Width at Front Building Line	Minimum Floor Area Per Dwelling Unit
Four (4) acres	None (0%)	Thirty-five ft. (35') from the highest elevation of the building grade line	One hundred fifty ft. (150') from the street right-of-way	Fifty ft. (50') from the property line	One hundred ft. (100') from the property line	One hundred fifty ft. (150')	Two thousand (2,000) sq. ft. exclusive of basement

Section 4:2 **Single Family**

4:2.1 **PURPOSE**

The purpose of this zone district is to provide for single-family residential units in a suburban neighborhood density. Development of this scale would usually require the provision of sewer and water utilities.

4:2.2 **PERMITTED USES**

4:2.2.1 One single-family dwelling unit per plotted lot.

4:2.2.2 One-story attached garages that do not exceed the ground floor area of the residence to which it is attached.

4:2.3 **ACCESSORY USES**

4:2.3.1 Storage sheds that do not exceed two hundred (200) square feet of floor area and ten feet (10') in height. Maximum of one per lot. Shed must be located in the rear yard at least five feet (5') from any property line. A gazebo or pavilion may be substituted for a shed with the same restrictions on size and placement.

4:2.3.2 Single-story detached garages and/or home shops that do not exceed one story in height and seven hundred and sixty eight (768) square feet in area. Maximum of one per lot. Garage may not exceed the front setback of the principle use and must be at least 5 feet (5') from property lines.

4:2.3.3 Swimming pools (see Section 6:3 for pool standards).

4:2.4 **CONDITIONAL USES**

4:2.4.1 Churches

4:2.4.2 Private clubs and parks

4:2.4.3 Public or private schools

4:2.4.4 Home occupations or businesses

4:2.4.5 Golf Courses

4:2.4.6 Tennis Courts

4:2.5 SPECIFICATION STANDARDS SINGLE FAMILY

Minimum Lot Size	Maximum Lot Coverage for Primary Structure	Maximum Height of the Primary Structure	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Minimum Width of Lot at the Front Building Line	Minimum Floor Area Per Dwelling Unit
Fifteen thousand (15,000) sq. ft.	Four thousand (4,000) sq. ft.	Thirty-five ft. (35') from the highest elevation of the building grade line	Fifty ft. (50') from the street right-of-way	Ten ft. (10') from the property line	Forty ft. (40') from the property line	Eighty ft. (80')	One thousand three hundred (1,300) sq. ft. exclusive of basement

Section 4:3 **Medium Density**

4:3.1 **PURPOSE**

The purpose of this zone district is to provide moderate-density residential neighborhoods that would permit a mix of single-family structures, duplexes, and multifamily units of up to six dwelling units.

4:3.2 **PERMITTED USES**

4:3.2.1 One single-family dwelling unit per plotted lot, OR

4:3.2.2 One duplex dwelling unit structure per plotted lot, OR

4:3.2.3 One multifamily dwelling unit structure per plotted lot.

4:3.3 **ACCESSORY USE**

4:3.3.1 Storage sheds that do not exceed two hundred (200) square feet of floor area and ten feet (10') in height. Maximum of one per lot. Shed must be located in the rear yard at least five feet (5') from any property line.

4:3.3.2 Single story detached garages that do not exceed five hundred (500) square feet in area per dwelling unit. Garage must be located in the rear yard and constructed of materials matching the principle building. Garage must be at least five feet (5') from property lines.

4:3.3.3 Swimming pools (see Section 6:3 for pool standards).

4:3.4 **CONDITIONAL USES**

4:3.4.1 Churches

4:3.4.2 Private clubs and parks

4:3.4.3 Public and private schools

4:3.4.4 Home occupations and businesses

4:3.4.5 Tennis Courts

4:3.5 SPECIFICATION STANDARDS MEDIUM DENSITY

Minimum Lot Size	Maximum Lot Coverage for Primary Structure	Maximum Height of the Primary Structure	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Minimum Width of Lot at the Front Building Line	Minimum Floor Area Per Dwelling Unit
Fifteen thousand (15,000) sq. ft. for single-family structures and duplexes. For any structures that exceed two dwelling units, the minimum lot size shall be increased by three thousand (3,000) sq. ft. per unit	Four thousand (4,000) sq. ft. or twenty-five percent (25%) whichever is greater	Thirty-five ft. (35') from the highest elevation of the building grade line	Seventy ft. (70') from the street right-of-way	Fifteen ft. (15') from the property line	Forty ft. (40') from the property line	Eighty ft. (80')	One Bedroom = Six hundred (600) sq. ft. Two Bedroom = Eight hundred (800) sq. ft. Three Bedroom = One thousand (1,000) sq. ft. Single Family dwellings = One thousand three hundred (1300) sq. ft.

Section 4:4 **Multifamily**

4:4.1 **PURPOSE**

The purpose of this zone district is to provide for moderate- to high-density residential neighborhoods made up of multifamily structures. Development of this density shall require the provision of water and sewer utilities.

4:4.2 **PERMITTED USES**

Multifamily structures with more than six units.

4:4.3 **ACCESSORY USES**

4:4.3.1 Storage sheds that do not exceed two hundred (200) square feet of floor area and eight feet (8') in height. Maximum of one per lot. Shed must be located in the rear yard at least five feet (5') from any property line.

4:4.3.2 Single story detached garages that do not exceed five hundred (500) square feet in area per dwelling unit. Garage must be located in the rear yard and constructed of materials matching the principle building. Garage must be at least five feet (5') from property lines.

4:4.3.3 Temporary disposal area. Any time common trash disposal areas are used, said areas shall be situated on a concrete pad of at least four inches (4") thick, located on a gravel base of at least four inches (4") in depth. Said area shall be surrounded by a sight-screened fence or a wall six feet (6') in height, with sight-screened doors.

4:4.3.4 Swimming pools (see Section 6:3 for pool standards).

4:4.4 **CONDITIONAL USES**

4:4.4.1 Churches

4:4.4.2 Private clubs

4:4.4.3 Tennis Courts

4:4.5 SPECIFICATION STANDARDS MULTIFAMILY

Minimum Lot Size	Maximum Lot Coverage for Primary Structure	Maximum Height of the Primary Structure	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Minimum Width of Lot at the Front Building Line	Minimum Floor Area Per Dwelling Unit
Twelve thousand (12,000) sq. ft., plus two thousand five hundred (2,500) sq. ft. per dwelling unit	Twenty-five percent (25%)	Fifty ft. (50') from the highest elevation of the building grade line	Seventy ft. (70') from the street right-of-way	Fifteen ft. (15') from the property line	Sixty ft. (60') from the property line	One hundred fifty ft. (150')	One Bedroom = Six hundred (600) sq. ft. Two Bedroom = Eight hundred (800) sq. ft. Three Bedroom = One thousand (1,000) sq. ft.

Section 4:5 **Professional Office**

4:5.1 **PURPOSE**

The purpose of this zone designation is to establish areas that provide for professional services and administrative offices. This zone designation may also be used as a transition between the Commercial Zone or the Industrial Zone and a Residential Zone.

4:5.2 **PERMITTED USES**

Included but not limited to:

4:5.2.1 Financial institutions

4:5.2.2 Real estate offices

4:5.2.3 Insurance companies

4:5.2.4 Health care providers

4:5.2.5 Legal offices

4:5.2.6 Engineering or architectural design services

4:5.2.7 Accounting or bookkeeping services

4:5.2.8 Corporate offices

4:5.2.9 Consulting

4:5.3 **ACCESSORY USES**

4:5.3.1 Storage sheds that do not exceed two hundred (200) square feet of floor area and ten feet (10') in height.

4:5.3.2 Temporary disposal areas for garbage and refuse. Said areas shall be situated on a concrete pad of at least four inches (4") thick, located on a gravel base of at least four inches (4") in depth. Said area shall be surrounded by a sight-screened fence or a wall six feet (6') in height, with sight-screened doors.

4:5.4 SPECIFICATION STANDARDS PROFESSIONAL OFFICE

Minimum Lot Size	Maximum Lot Coverage for Primary Structure	Maximum Height of the Primary Structure	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Minimum Width of Lot at the Front Building Line	Buffering for Abutting Residential Zones
Fifteen thousand (15,000) sq. ft.	Twenty-five percent (25%)	Thirty-five ft. (35') from the highest elevation of the building grade line	Seventy ft. (70') from the street right-of-way	Fifteen ft. (15') from the property line	Thirty ft. (30') from the property line	Ninety ft. (90')	When the property abuts a residential zone property, a forty-foot (40') buffer shall be provided, which shall include a landscaped screening area

Section 4:6 **Neighborhood Business**

4:6.1 **PURPOSE**

The neighborhood business zone district is designed to provide a location for commercial establishments to sell convenience goods and services for local residents of the immediate community

4:6.2 **PERMITTED USES**

Convenience goods, services, and stores including but not limited to:

4:6.2.1 Grocery stores limited to seven thousand five hundred (7,500) square feet or less

4:6.2.2 Beauty salons and barber shops

4:6.2.3 Dry cleaners

4:6.2.4 Pharmacies

4:6.2.5 Motor vehicle service stations

4:6.2.6 Computer stores

4:6.3 **ACCESSORY USES**

4:6.3.1 Storage sheds that do not exceed two hundred (200) square feet of floor area and ten feet (10') in height.

4:6.3.2 Temporary disposal areas for garbage and refuse. Said areas shall be situated on a concrete pad of at least four inches (4") thick, located on a gravel base of at least four inches (4") in depth. A sight-screened fence or a wall shall surround said area six feet (6') in height, with sight-screened doors.

4:6.4 **CONDITIONAL USES**

4:6.4.1 Motor vehicle repair shops

4:6.4.2 Car washes

4:6.4.3 Day care centers

4:6.4.4 Dog kennels

4:6.5 SPECIFICATION STANDARDS NEIGHBORHOOD BUSINESS

Minimum Lot Size	Maximum Lot Coverage for Primary Structure	Maximum Height of the Primary Structure	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Minimum Width of Lot at the Front Building Line	Buffering for Abutting Residential Zones
Fifteen thousand (15,000) sq. ft.	Twenty-five percent (25%)	Thirty-five ft. (35') from the highest elevation of the building grade line	Seventy ft. (70') from the street right-of-way	Not less than ten ft. (10') each, with not less than twenty-five ft. (25') total for both side yard setbacks	Not less than twenty ft. (20') from the property line	One hundred ft. (100')	When the property abuts a residential zone property, a twenty-five-foot (25') buffer shall be provided, which will include a landscaped screening area

Section 4:7 Commercial

4:7.1 PURPOSE

The purpose of this zone district is to provide for general retail goods and services for a community-scale market.

4:7.2 PERMITTED USES

4:7.2.1 Retail sales and services

4:7.2.2 Professional and administrative offices

4:7.3.3 Churches, hospitals, and clinics

4:7.3.4 Assisted living facilities and nursing homes.

4:7.3 ACCESSORY USES

Temporary disposal areas for garbage and refuse. Said areas shall be situated on a concrete pad of at least four inches (4") thick, located on a gravel base of at least four inches (4") in depth. Said area shall be surrounded by a sight-screened fence, or a wall six feet (6') in height, with sight-screened doors.

4:7.4 CONDITIONAL USES

4:7.4.1 Wholesale distribution

4:7.4.2 Game Rooms/Amusement Centers

4:7.4.3 Sporting complexes

4:7.4.4 Manufacture and assembly ancillary to permitted retail and service uses

4:7.4.5 Dog kennels

4:7.4.6 Day care centers

4:7.4.7 Mini-warehouses

4:7.4.8 Sexually oriented businesses

4:7.5 SPECIFICATION STANDARDS COMMERCIAL

Minimum Lot Size	Maximum Lot Coverage for Primary Structure	Maximum Height of the Primary Structure	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Minimum Width of Lot at the Front Building Line	Buffering for Abutting Residential Zones
Fifteen thousand (15,000) sq. ft.	Seventy-five percent (75%), including parking requirements	Thirty-five ft. (35') from the highest elevation of the building grade line. Exceptions may be approved by the Zoning Inspector for architectural , decorative features that do not exceed ten ft. (10') above the highest point of the roofline	Seventy ft. (70') from the street right-of-way	None	None	Seventy ft. (70')	When the property abuts a residential zone property, a one-hundred-foot (100') buffer shall be provided, which will include a landscaped screening area

Section 4:8 Industrial

4:8.1 PURPOSE

The purpose of this zone district is to provide areas for light, clean industry that do not have potential for producing hazardous risk, environmental impact, or public nuisance.

4:8.2 PERMITTED USES

4:8.2.1 Light manufacturing

4:8.2.2 Processing and assembly

4:8.2.3 Warehousing and freight forwarding

4:8.3 ACCESSORY USES

4:8.3.1 Permitted accessory uses are uses and structures accessory to the primary use.

4:8.3.2 Temporary disposal areas for garbage and refuse. Said areas shall be situated on a concrete pad of at least four inches (4") thick, located on a gravel base of at least four inches (4") in depth. Said area shall be surrounded by a sight-screened fence, or a wall six feet (6') in height, with sight-screened doors.

4:8.4 SPECIFICATION STANDARDS INDUSTRIAL

Minimum Lot Size	Maximum Lot Coverage for Primary Structure	Maximum Height of the Primary Structure	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Minimum Width of Lot at the Front Building Line	Buffering for Abutting Residential Zones
Fifteen thousand (15,000) sq. ft.	Seventy-five percent (75%), including parking requirements	Fifty ft. (50') from the highest elevation of the building grade line	Fifty ft. (50') from the street right-of-way	Ten ft. (10') from the property line	Twenty-five ft. (25') from the property line.	One hundred ft. (100')	When the property abuts a residential zone property, a one hundred foot (100') buffer shall be provided which will include a landscaped screening area

ARTICLE 5 CONDITIONAL USE STANDARDS

Section 5:1 Purpose

Conditional use permits are provided if the proposed use is compatible with the intent of the underlying zoning district where the conditional use would be located.

Section 5:2 General Criteria

To ensure compatibility with the underlying zoning district and the Township community in general, the following general criteria shall be reviewed by the Zoning Inspector upon application for a conditional use permit. Conditional uses shall therefore:

- 5:2.1 Be harmonious and in accordance with the general and specific objective of Liberty Township's Comprehensive Plan and zoning regulations;
- 5:2.2 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.
- 5:2.3 Not be hazardous or disturbing to existing or future neighboring uses.
- 5:2.4 Be served adequately by essential public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- 5:2.5 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.
- 5:2.6 Not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reasons of excessive production of traffic, noise, smoke, fumes, glare or odors.
- 5:2.7 Have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public streets.
- 5:2.8 Not result in the destruction, loss, or damage of any natural, scenic, or historic feature of major importance.

Section 5:3 Criteria for Specific Conditional Uses

5:3.1 CHURCHES AND OTHER PLACES OF RELIGIOUS WORSHIP

Minimum Lot Area	Maximum Building Coverage of Total Lot Area	Minimum Lot Width	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Maximum Building Height
Two (2) acres	25 percent (25%)	One hundred feet (100')	Thirty feet (30')	Fifteen feet (15')	Forty feet (40')	Three (3) stories

5:3.1.1 No loudspeakers shall be allowed outside of any building nor shall they be permitted to be used inside any building in such a manner that they are designed or intended to be used to broadcast outside any building.

5:3.1.2 All exterior lighting shall be shielded so as not to shine onto adjoining properties nor buildings.

5:3.1.3 Points of ingress and egress shall be available only from major or collector thoroughfares and all driveways shall exit onto such streets.

5:3.1.4 All points of ingress and egress shall be located no closer than one hundred feet (100') from the intersection of two streets.

5:3.2 DAY CARE CENTERS, NURSERIES, DAY SCHOOLS

A minimum of one hundred and fifty (150) square feet of outdoor play area shall be provided and maintained for each child, separate from any off-street parking. A total minimum area of five thousand (5,000) square feet of outdoor space shall be provided screened from any adjoining residential property line by a fence or greenbelt, fifteen feet (15') in width and six feet (6') in height. These regulations do not apply to a Type B Day Care Center as described in ORC 5104.054.

5:3.3 DOG KENNELS

5:3.3.1 Any structure used for a kennel shall be located a minimum of twenty-five feet (25') from any property line.

5:3.3.2 A six-foot (6') wide greenbelt, six feet (6') in height shall be located along the outside face of the fence enclosing all outdoor exercise areas.

5:3.3.3 No kennel shall exceed one thousand (1,000) square feet of floor area.

5:3.4 GAS AND OIL WELLS

Exploration for, drilling of, and production of oil or gas wells shall be subject to the following conditions:

5:3.4.1 The owner of the well must hold a valid permit for the well from the Division of Oil and Gas, Ohio Department of Natural Resources.

5:3.4.2 The owner of the well shall submit a completed application together with a site plan, for registration of the well to the Liberty Township Zoning Inspector. The site plan shall include the following:

5:3.4.2.1 The location of all potable water wells, rivers, streams and other bodies of standing water located within one thousand five hundred feet (1,500') of the proposed wellhead.

5:3.4.2.2 The location of the wellhead(s).

5:3.4.2.3 The access road(s) serving the wellhead.

5:3.4.2.4 Surface improvement specifications for the access road(s).

5:3.4.2.5 The boundaries of the activity area to be used for storage tanks, separators, and other facilities.

5:3.4.2.6 The location and construction specifications of the dike. (See 5:3.4.14.3.)

5:3.4.2.7 Proposed location of the chain link fence and greenbelt areas to be constructed on the site.

5:3.4.3 A contingency plan for the containment and cleanup of any spills shall accompany the application where any wellhead is located within one thousand five hundred feet (1,500') of a potable water well, lake, river, stream or other body of standing water

5:3.4.4 All storage tanks, separators, wellheads and other structures shall meet the following minimum yard setback requirements:

5:3.4.4.1 Front Yard: Seventy-five feet (75')

5:3.4.4.2 Each Side Yard: Fifty feet (50')

5:3.4.4.3 Rear Yard: Fifty Feet (50')

5:3.4.5 Activity areas including storage tanks, separators, wellheads, the open or enclosed storage of materials or other appurtenances thereto, shall be screened from view by a chain link fence six feet (6') in height, setback seventy-five feet (75') from any street right-of-way line, side or rear lot line. A six foot (6') wide greenbelt planted with evergreen trees or hedges at least five feet (5') tall, planted three feet (3') on center shall be provided along the outside face of the fence facing any street or residential zoning district.

- 5:3.4.6 Any chain link fence used to enclose a well activity area larger than three hundred (300) square feet shall have two (2) gates providing a clear opening at least twelve feet (12') wide. All gates shall be locked and keyed with the same two (2) keys. Copies of all gate keys shall be provided to the Liberty Township Fire Department.
- 5:3.4.7 A road improvement plan shall be submitted with the site plan to the Zoning Inspector, and approved by the Liberty Township Road Superintendent prior to commencing operations in the well activity area. All access roads shall be no less than twelve feet (12') wide and be paved with eight inches (8") of slag, minimum depth.
- 5:3.4.8 The owner and the Township Road Superintendent shall inspect the township roads providing ingress and egress to the well field to determine the degree of impact well field traffic will have on township roads and to establish the estimated fee to be paid by the owner for the maintenance and service of Township roads. Upon reaching a satisfactory agreement with the Township, the owner shall then post a performance bond or surety bond to assure the annual maintenance and service of Township road(s) providing access to the well site.
- 5:3.4.9 A metal gate shall be provided at the street entrance to any access road to prevent unauthorized use of the access road. The gate shall be at least twelve feet (12') wide with gate posts set in concrete. The gate will be locked and keyed with the same keys used on the locks to control entry into the well activity area as set forth in subsection 5:3.4.6 above.
- 5:3.4.10 A metal sign provided in accordance with the sign regulations set forth in Article 7 shall be posted on the chain link fence enclosing the activity area listing the name of the owner, street address and the twenty-four (24) hour emergency phone number(s).
- 5:3.4.11 No equipment shall be located closer than five hundred feet (500') from any potable water well.
- 5:3.4.12 Noise from any drilling operation shall not exceed eighty-five (85) decibels measured at a distance of two hundred feet (200') from the source of the noise.
- 5:3.4.13 Drilling will be limited to the hours of 6:00 AM to 6:00 PM, Monday through Friday. Fracturing of wells shall only be permitted between 6:00 AM and 6:00 PM, Monday through Friday.
- 5:3.4.14 Drilling operations shall include the following:
- 5:3.4.14.1 Pit liners shall be installed prior to commencing drilling operations. The liner shall consist of two (2) layers of five (5) mil thick impervious material. Fluid shall be removed from the pit before it exceeds two-thirds of its liquid capacity.
 - 5:3.4.14.2 A remote blow-out preventor shall be installed on surface casing sized to control the pressure from the deepest expected pool.

5:3.4.14.3 An earthen dike shall be constructed around any part of the drilling operation containing liquids. This dike shall be so constructed to enclose a volume equal to one and one-half (1½) times any standing liquids within the dike. The construction of the dike shall be approved by the Township Zoning Inspector and the Township Fire Chief before commencing construction.

5:3.4.15 A notice indicating the date when production operations will begin on the site shall be delivered to the Township Zoning Inspector at least seven (7) days prior to commencing production operations. Apparatus not needed for production shall be removed from the site by the date of commencing production operations.

5:3.4.16 The operator shall submit a detailed landscape plan for the restoration of the well site, which shall include the final topography indicated by contour lines at intervals no greater than two feet (2'), and the type and number of trees or shrubs to be planted per acre. The landscape plan shall be approved by the Township Zoning Inspector before commencing construction.

5:3.5 GOLF COURSES, PRIVATE SWIM AND TENNIS CLUBS

5:3.5.1 Minimum Lot Area: Three (3) acres

5:3.5.2 The front, side and rear yards shall be at least eighty feet (80') wide, and shall include a greenbelt fifteen feet (15') in width within the setbacks.

5:3.5.3 Points of ingress and egress will be directly onto a major arterial or collector street, and all driveways shall exit onto such streets.

5:3.5.4 All points of ingress and egress shall enter the street right-of-way at a point that is at least one hundred feet (100') from the intersection of two streets.

5:3.5.5 Exterior lighting shall be shielded so as not to shine onto adjacent residential properties.

5:3.5.6 All structures and activity areas shall be located at least eighty feet (80') from all property lines.

5:3.5.7 All off-street parking lots shall not project into any yard and shall further be screened from adjacent residential areas by a landscaped, screened buffer fifteen feet (15') in width.

5:3.5.8 Development features including principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent house lots. This shall mean that all principal or accessory buildings shall be located not less than one hundred feet (100') from any property line abutting a house lot.

5:3.5.9 All plans for storm sewers, sanitary sewers and water lines shall be reviewed and approved by the Trumbull County Engineer

5:3.6 HOME OCCUPATIONS

5:3.6.1 Purpose

The purpose of this section is to provide for employment in private homes, while, at the same time ensuring that these activities do not become a negative impact on the surrounding neighborhood.

5:3.6.2 Criteria

5:3.6.2.1 Does not employ more than one employee other than family members living in the residence.

5:3.6.2.2 Is clearly incidental and secondary to the use of the property for dwelling purposes, with the floor area devoted to the home occupation not exceeding twenty percent (20%) of the living area of the dwelling unit.

5:3.6.2.3 Has no display or sign visible to the public.

5:3.6.2.4 Has no outside storage nor other exterior indication of the home occupation or variation from the residential character of the property.

5:3.6.2.5 Does not require excessive truck delivery or pickup, or the installation of heavy equipment, large power tools or power sources not common to a residential dwelling.

5:3.6.2.6 Does not create a level of noise, vibration, smoke, dust, odors, heat or glare beyond that which is common to a residential area.

5:3.6.2.7 Does not create a level of parking demand beyond that which is normal to a residential area.

5:3.7 MINI-WAREHOUSES

5:3.7.1 Storage items shall not include volatile liquids or substances such as oil, gasoline or other hazardous materials.

5:3.7.2 Compartmentalized storage units shall not be used for any on-site or offsite business or industry.

5:3.7.3 A landscaping plan showing location and species of vegetation, plus other aesthetic and functional features, shall be required.

5:3.8 PAROCHIAL AND PRIVATE SCHOOLS

5:3.8.1 All structures shall be located at least thirty feet (30') from all side and rear property lines.

5:3.8.2 All points of ingress and egress shall be located no closer than seventy five feet (75') from any intersection of two (2) major thoroughfares, measured from the street right-of-way line.

5:3.8.3 A minimum of one hundred and fifty (150) square feet of outdoor play area shall be provided and maintained for each child, separate from any required off-street parking areas. Total outdoor play space shall have a minimum of one (1) acre.

5:3.8.4 All uses of the property shall comply with the exterior lighting requirements set forth in Article 6, Section 6:2.

5:3.9 PRIVATE CEMETERIES

5:3.9.1 No business or commercial uses of any kind shall be permitted on the cemetery property except for office uses incidental to cemetery operations.

5:3.9.2. All structures and burial grounds shall be located at least one hundred and ten feet (110') from all abutting residential property lines.

5:3.9.3 A greenbelt shall be provided along those sides of the cemetery abutting onto a residential property line.

5:3.9.4 All points of ingress and egress shall be from a major state, county or township road, thoroughfare, etc.

5:3.9.5 All points of ingress and egress shall be located at least seventy-five feet (75') from any intersection of two (2) main county or township roads, measured from the street right-of-way lines.

5:3.10 RESIDENTIAL TENNIS COURTS

A tennis court is a recreation area, finished with concrete, asphalt, clay, etc., with no exception to size other than as specified in location. The tennis court, or courts, shall be maintained primarily for the use of householders, members or guests, and not for the purpose of profit, or in connection with any business operated for profit.

5:3.10.1 No portion of the tennis court shall be located at a distance less than twenty feet (20') from any side property line, or fifteen feet (15') from a rear property line or building lines. Tennis court appurtenant equipment shall not be permitted in front or side yards. Every tennis court hereafter constructed or created must substantially conform to the natural grade of the surrounding land, and no part thereof, with the exception of a fence, shall be higher than three feet (3') above such grade.

5:3.10.2 No private residential tennis court shall be constructed or established unless a conditional use permit has been approved by the Board of Appeals. The application for such permit shall include a plan accurately showing the dimensions, type of construction, all appurtenances, distances to lot lines, details of lighting (if any), plans for storm water disposal; detailed plans of structures and vertical elevations.

5:3.10.3 All private tennis courts shall be completely enclosed by a fence erected along the periphery of the court. The back of the fence or the least desirable side shall face toward the court. The fence shall be at least five feet (5') from all property lines. All fence openings or points of entry into the tennis court shall be equipped with gates. The fence shall be not less than seven feet (7') in height, and not over twelve feet (12') in height above grade level and shall be constructed of not less than No. 9 gauge corrosion-resistant woven wire mesh material, or equivalent material approved by the Zoning Inspector. All gates shall be equipped with self-closing and self-latching devices placed at top of gate and made inaccessible to small children. All fence posts shall be decay or corrosion-resistant and shall be set in concrete bases.

5:3.10.4 Any tennis court that is used after sundown shall be required to have illumination. If flood lights or other artificial light is used to illuminate the tennis court at night, none of the lights shall be used after 11:00 p.m. local time, if the court is located within two hundred feet (200') of any building used for dwelling purposes. The light shall also be shielded in order to direct light only on the tennis court.

5:3.11 SEXUALLY ORIENTED BUSINESS

It is the purpose of this section to regulate sexually oriented businesses, through the institution of a Special Use Permit, to promote the health, safety, morals and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the Township. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials protected by the First Amendment, nor to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. There is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing business around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values.

The Board of Trustees desires to minimize and control these adverse effects and thereby preserve the property values and character of surrounding neighborhoods, deter the spread of suburban blight, protect the citizens from increased crime, preserve the quality of life, and protect the health, safety and welfare of the citizenry.

5:3.11.1 Conditions for Granting Permit

The Board of Zoning Appeals may issue a conditional use permit for a sexually oriented business only in a B-2, Commercial District in each particular instance only on the following conditions:

5:3.11.1.1 The proposed business is located more than one thousand feet (1,000') from a church, a public or private school, the boundary of a residential district as established by the Board of Township Trustees; the lot line of a lot devoted to residential uses; public park or playground; an already existing sexually oriented business or one that has received a special use permit, any social services facility or neighborhood center; any boundary of a residential district in a local government abutting Liberty Township, or any structure that contains

a residence.

5:3.11.1.2 All viewing booths and viewing areas in an Adult Arcade, Adult book store, Adult Video Store, Adult Motion Picture Theater or Adult Theater must be visible from a continuous main aisle and must not be obscured by any curtain, door, wall or other enclosure.

5:3.11.1.3 No sexually oriented activities or materials may be sold, furnished or displayed to any person under the age of eighteen (18) years.

5:3.11.2 Revocation of Conditional Use Permit

The Zoning Inspector shall revoke the special use permit for any sexually oriented business if so determined pursuant to the action of the Board of Zoning Appeals.

The Zoning Inspector shall notify in writing the Board of Zoning Appeals whenever he or she has reason to believe that the operation of an adult entertainment business has resulted in a violation of any provisions of items in 5:3.11.1.1 through 5:3.11.1.3. Within thirty (30) days from said notification the Board of Zoning Appeals shall hold a public hearing to determine whether the conditional use permit should be revoked. Notice of this hearing shall be served on the sexually oriented business at least ten (10) days before hearing and if the Zoning Inspector's referral to the Board of Zoning Appeals originated from a complaint by any resident, similar notice shall be served on the complainant at least ten (10) days before the hearing. The Board of Zoning Appeals may also give such other notice, as it deems appropriate, including notice to property owners and notice in a newspaper of general circulation. The Board of Zoning Appeals shall make a decision within thirty (30) days after the hearing and shall notify the adult entertainment business and, if applicable, the complainant, within ten (10) days after such decision.

5:3.11.3 Conditional Use Permit Fees for Sexually Oriented Business

Fee for conditional use permit for a sexually oriented business shall be two hundred and fifty dollars (\$250.00) for filing, and an annual renewal fee of one hundred twenty-five dollars (\$125.00).

ARTICLE 6 GENERAL PROVISIONS

Section 6:1 Off-Street Parking Standards

6:1.1 PURPOSE

The purpose of this section is to ensure adequate off-street parking appropriate for the activities permitted under the selected use zones.

6:1.2 CRITERIA

6:1.2.1. Paving is prohibited within road right-of-way, except for ingress and egress. Exclusive of right-of way a minimum of ten feet (10'), plus two feet (2') for every one-hundred feet (100') or part thereof of lot depth, shall be maintained as a grass and/or landscaped area along road frontage in commercial and industrial areas. Paving is also prohibited within five feet (5') of side and rear property lines to provide a grass or landscape buffer to abutting properties.

6:1.2.2 Parking lots containing more than ten (10) parking spaces shall require a minimum of ten percent (10%) of the parking area to be landscaped green space. The green space shall contain at least one tree, of a two-inch (2") caliper or larger, and be surrounded by no less than fifty (50) square feet of unpaved pervious landscape area, for each ten parking spaces.

6:1.2.3 A parking space shall be at least one hundred sixty-two (162) square feet and ten feet (10') by eighteen feet (18') in area, exclusive of access thereto.

6:1.2.4 Except for single-family driveways, parking areas must be paved with blacktop or concrete and provide adequate drainage for surface water.

6:1.2.5 All lots containing more than ten (10) parking spaces shall have curbing along all paved areas.

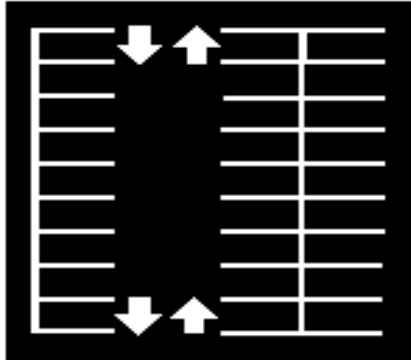
6:1.2.6 Parking shall conform to the following minimum standards as detailed in Figure 6.1.

6:1.3 OFF-STREET PARKING STANDARDS

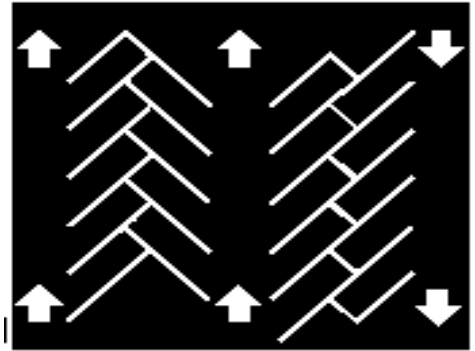
Single-Family and Duplex Structure	Multifamily Structure	Neighborhood Business	Commercial	Professional Office	Industrial
Four (4) spaces per dwelling unit, inclusive of garage spaces	Three (3) spaces per dwelling unit, inclusive of garage spaces	One (1) space per every two hundred (200) square feet of floor area	One (1) space per every two hundred (200) square feet of floor area	One (1) space per every two hundred (200) square feet of floor area	Three (3) spaces per employee, per largest employee shift

FIGURE 6.1 PARKING SPACE LAYOUT

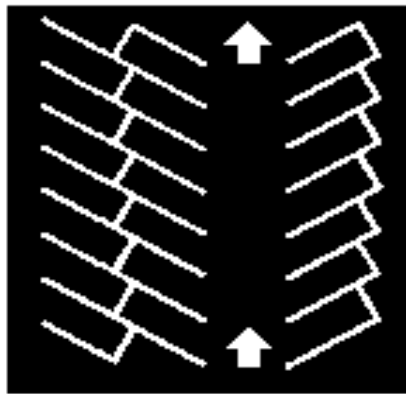
90° Stall Angle 10' x 18' Stall 25' Aisle



45° Stall Angle 10' x 18' Stall 13 1/2' Aisle



60° Stall Angle 10' x 18' Stall, 18 1/2' Aisle



6:1.4 PROHIBITED PARKING

6:1.4.1 In all districts, no parking shall be permitted in any area of a yard except on a concrete, asphalt or gravel driveway, parking lot or parking pad.

6:1.4.2 The following vehicles shall be prohibited from parking on residential or professional business district property unless enclosed in a garage:

Trucks with over one (1) ton capacity	Box/cube trucks and vans	Landscaping equipment	Excavating equipment
Commercial trailers	Dump trucks	Paving equipment	Unlicensed vehicles
Dismantled vehicles	Wrecked vehicles	Inoperable vehicles	Unused vehicles

This does not include any commercial vehicle on the property for the purpose of conducting service to the residence.

6:1.4.3 Trailers, vans or shipping containers, mounted on axles or unmounted, shall not be used for storage purposes.

6:1.4.4 The following vehicles shall be prohibited from parking in a commercial district unless enclosed in a building. Vehicle repair shops may store these vehicles for no more than 30 days, licensed vehicle dealerships are exempt from the unlicensed car regulation.

Dismantled vehicles	Wrecked vehicles	Inoperable vehicles	Unlicensed vehicles
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6:1.5 EMERGENCY HOUSING PARKING

6:1.5.1 Travel trailers, mobile homes, or other portable housing shall not be permitted to be used as a temporary dwelling unit, except in the case of fire damage or natural disaster damage to a home; whereupon, habitation shall be limited to no more than six (6) months' duration.

6:1.5.2 The Zoning Inspector shall issue a permit to the property owner for the approval for all emergency housing.

6:1.5.3 In no case shall a tent or pop-up trailer be permitted to be used as emergency housing.

6:1.6 PARKING FOR BOATS AND CAMPERS

6:1.6.1 Boats and campers that are pulled by another vehicle may be parked on the premises but only on a hard surface of concrete, asphalt or gravel. At no time shall a boat, camper or motorhome be parked on a yard or within ten feet (10') of the paved road. In residential districts from November 1st until March 1st boats and campers must be parked behind the front setback of the dwelling or removed from the property.

6:1.6.2 At no time shall any motorhome or camper be used as living quarters.

Section 6:2 Lighting

6:2.1 PURPOSE

The purpose of this section is to provide standards for outdoor lighting for commercial and industrial zones. It is recognized that lighting is necessary for convenience, safety and aesthetics. At the same time standards need to be employed to prevent lighting from becoming offensive, impacting neighbors, or creating unsafe conditions.

6:2.2 GASOLINE STATION AND CONVENIENCE STORE APRONS AND CANOPIES

6:2.2.1. Lighting levels on gasoline station/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses. Signs allowed under the appropriate section of these regulations shall be used for that purpose.

6:2.2.2 Areas on the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas set forth elsewhere in this section. If no gasoline pumps are provided, the entire apron shall be treated as a parking area.

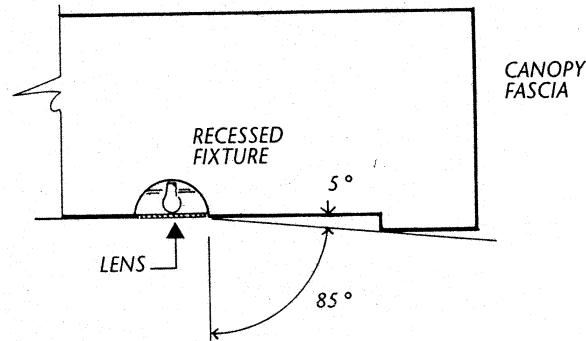
6:2.2.3 Areas around the pump islands and under canopies shall be illuminated so that the illuminance at grade level is adequate for typical night vision needs. There shall be no "hot spots" of excessive lighting.

6:2.2.4 Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical, as shown in Figure 6.2.

6:2.2.5 As an alternative (or supplement) to recessed ceiling lights, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. In this case, light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.

6:2.2.6 Lights shall not be mounted on the top or sides (fascias) of the canopy, and the sides (fascias) of the canopy shall not be illuminated.

FIGURE 6.2
GASOLINE PUMP CANOPY



6:2.3 EXTERIOR DISPLAY AREAS

Lighting levels on exterior display areas shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses. Signs allowed under the appropriate section of these regulations shall be used for that purpose. The applicant shall designate areas to be considered display areas and areas to be used as parking or passive vehicle storage areas. This designation must be approved by the Zoning Inspector.

6:2.3.1 Areas designated as parking or passive vehicle storage areas shall be illuminated in accordance with the requirements for parking areas suggested in Section 6:2.7.

6:2.3.2 Light fixtures shall be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent streets or properties.

6:2.3.3 Fixtures shall be mounted no more than twenty-five feet (25') above grade, and mounting poles shall be located either inside the illuminated area or no more than ten feet (10') away from the outside edge of the illuminated area.

6:2.4 SECURITY LIGHTING

All security lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and not cast on other areas. In no case shall lighting be directed above a horizontal plane through the top of the lighting fixture, and the fixture shall include shields that prevent the light source or lens from being visible from adjacent properties and roadways. The use of general floodlighting fixtures shall be prohibited.

6:2.5 LIGHTING OF BUILDING FACADES AND LANDSCAPING

6:2.5.1 Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the building façade. Lighting fixtures shall not be directed toward adjacent streets, buildings or roads.

6:2.5.2 Lighting fixtures mounted on the building and designed to evenly illuminate the façade with light are preferred.

6:2.5.3 To the extent practicable, lighting fixtures shall be directed downward, rather than upward.

6:2.5.4 When landscaping is to be illuminated, it shall be done in a manner so that the installation will not generate excessive light levels, cause glare, or direct light beyond the landscaping into the night sky.

6:2.6 EXTERNALLY ILLUMINATED SIGNS

6:2.6.1 It is the intent of this section to allow illuminated signs but to ensure that they do not create glare or unduly illuminate the surrounding area. The applicant shall provide the Zoning Inspector with sufficient technical and design information to demonstrate that the following provisions are met.

6:2.6.2 Lighting fixtures illuminating signs shall be carefully located, aimed, and shielded so that light is directed only onto the sign façade. Lighting fixtures shall not be aimed toward adjacent streets, roads, buildings or properties.

6:2.6.3 Light fixtures illuminating signs shall be of a type such that the light source (bulb) is not directly visible from adjacent streets, roads, or properties.

6:2.6.4 To the extent practicable, fixtures used to illuminate signs shall be top mounted and directed downward.

6:2.7 PARKING LOT LIGHTING

Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas, and not to cause glare or direct illumination onto adjacent properties or streets.

6:2.7.1 All lighting fixtures serving parking lots shall be cut-off fixtures (see Figure 6.3) unless fixtures are "period" lighting as defined in 6:2.7.2.

6:2.7.2 Alternatives: The design for an area may suggest the use of parking lot lighting fixtures of a particular "historical period" or architectural style, as either alternatives or supplements to the lighting described above.

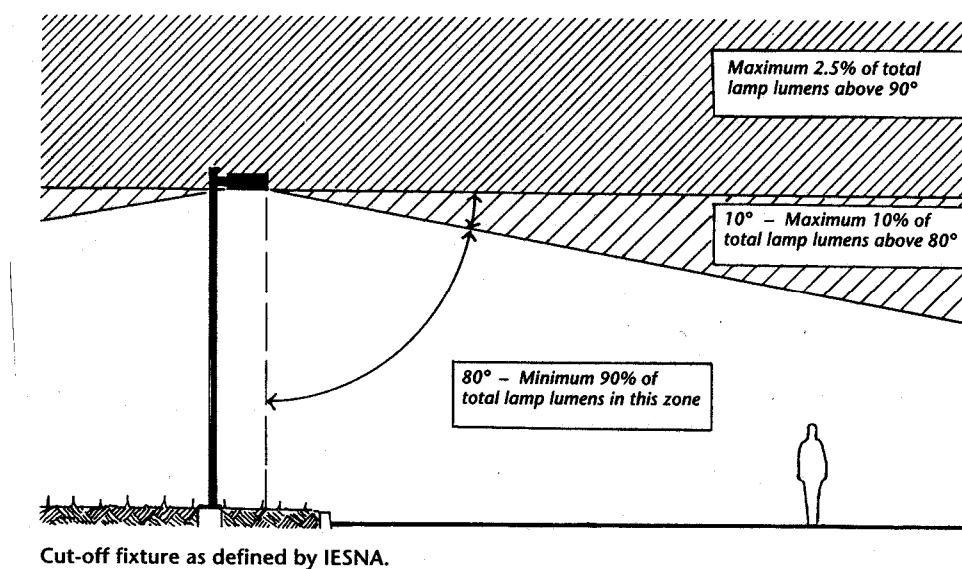
6:2.7.3 The maximum height from grade for cut-off fixtures shall not exceed twenty-five feet (25'), and the maximum height from grade for "period" fixtures shall not exceed fifteen feet (15').

6:2.7.4 Maximum* Allowable Lighting

Location	Foot Candles
Gasoline Station and Convenience Store Aprons and Canopies	30
Exterior Display Area	10
Security Lighting	10
Building Façade and Landscaping	5
Externally Illuminated Signs	10
Parking Lot Lighting	10

*Maximum Light Level is considered the brightest point on the surface of the illuminated area.

FIGURE 6.3



Section 6:3 Private Residential Swimming Pools

6:3.1 PURPOSE

The purpose of this section is to ensure that private swimming pools do not become an unnecessary safety hazard or an unattractive site.

6:3.2 CRITERIA

6:3.2.1 All permanent swimming pools shall require a zoning permit.

6:3.2.2 All permanent outdoor swimming pools shall be enclosed by a fence.

- 6:3.2.3 All fences surrounding swimming pools shall be six feet (6') in height, and be constructed so that a child cannot easily traverse through, under, or over the fence. Maximum gap between balusters or horizontal elements shall be four and one-half inches (4-1/2").
- 6:3.2.4 Temporary or portable pools shall be permitted between May 1 and September 30, and shall be removed by October 1.
- 6:3.2.5 No zoning permit shall be required for a temporary or portable swimming pool.
- 6:3.2.6 Temporary or permanent pool enclosure shall be required to adhere to the yard setback standards.

6:3.3 SPECIFICATION STANDARDS – PERMANENT SWIMMING POOLS*

Front Yard Setback	Side Yard Setback	Rear Yard Setback
Same as the standard for the primary structure of the permitted use	Twenty feet (20')	Fifteen feet (15')

* Temporary or portable pools that extend beyond three feet (3') above the grade surface shall adhere to the setback requirements.

Section 6:4 Fences

6:4.1 PURPOSE

The following standards provide the opportunity for property owners to erect fences for security and privacy, while ensuring a level of aesthetic quality for the community.

6:4.2 CRITERIA

Before a permit is issued for the erection of a fence, the applicant must show evidence that any lot line along which the fence is to be erected is correct and is marked by pins placed by a registered surveyor.

- 6:4.2.1 Fences shall be located a minimum of six inches (6") from all property lines, except for hedges or living fences which will be placed a minimum of two feet (2') from all property lines in order to allow for maintenance and trimming.
- 6:4.2.2 No fence shall extend forward of the setback line prescribed for the building to which the fence is accessory. This section does not apply to chain link fences in Industrial districts where the minimum front set back shall be fifteen feet (15') from the edge of the pavement.
- 6:4.2.3 Fences shall be limited to a maximum of six feet (6') in height measured from the surface of the ground.
- 6:4.2.4 The back of the fence or the least desirable side shall face toward the property to which the fence is accessory.

Section 6:5 Prohibited Domiciles

6:5.1 The establishment of basement and garage dwellings is prohibited in all districts.

6:5.2 Mobile homes shall not be permitted except in approved mobile home parks.

Section 6:6 Conversion of Dwellings to More Than One Unit

A residence may not be converted to accommodate an increased number of dwelling units unless all of the following conditions are met:

6:6.1 The conversion is in compliance with all other local codes and resolutions, and any applicable State or Federal regulations.

6:6.2 The district within which the residence is located is so regulated as to allow such an increase in dwelling units.

6:6.3 The yard dimensions still meet the yard dimensions required by the Zoning Resolution for new structures in that district.

6:6.4 The lot area per family equals the lot area requirements for new structures in that district.

6:6.5 The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.

6:6.6 The conversion is in compliance with all other relevant codes and resolutions.

Section 6:7 Exception to Height Regulations

The height limitations contained elsewhere in this Resolution do not apply to spires, belfries, cupolas, water tanks, ventilators, or chimneys usually required to be placed above the roof line and not intended for human occupancy.

Section 6:8 Nonconforming Lots, Nonconforming Uses, Nonconforming Structures and Nonconforming Uses of Structures and Land

6:8.1 INTENT

Within the districts established by this Resolution or amendments that may later be adopted, there exists lots, uses of land, structures, and uses of structures and land in combination which were lawful before this Resolution was passed or its present amendments adopted, but which would be prohibited, regulated or restricted under the terms of this Resolution or amendments.

It is the intent of this Resolution to permit nonconforming lots, uses of land, structures and premises to continue until they are removed, but not to encourage their expansion or survival. Nonconforming use of land or of structures and land in combination are declared by this Resolution to be incompatible with permitted uses in the zoning districts in which such use is located.

The extension or enlargement of a nonconforming use of land, or a nonconforming use of a structure and land in combination shall require the approval of the Board of Zoning Appeals.

A nonconforming use, which is consistent with the current use and does not increase in any way the nonconformity, may be substituted for an existing use.

Nothing in this Resolution shall be deemed to require a change in 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 in a diligent manner.

6:8.2 SINGLE NONCONFORMING LOTS OF RECORD

In any zoning district in which a one-family detached dwelling unit is permitted, a one-family detached dwelling and customary accessory buildings may be erected on a single lot of record at the effective date of adoption or amendment of this Resolution.

This provision shall apply even though such lot of record fails to meet the lot area and width requirement, or both, generally applicable within the zoning district, provided that yard dimensions and requirements other than those applying to lot area and width, or both, shall conform to the regulations for the zoning district in which the lot is located or the prevailing pattern of yard dimensions in a developed subdivision.

No portion of any lot shall be used or sold in a manner which diminishes compliance with lot area and width requirements established for the zoning district in which the lot is located.

Variances from the requirements of this Resolution other than the required lot area and width shall be obtained only through action by the Board of Zoning Appeals as provided in Article 13.

6:8.3 NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of the adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restriction on lot area, lot coverage, building, height, yards, building location on the lot, bulk, or other requirements concerning the structure, such structure may be continued providing it remains otherwise lawful, subject to the following provisions:

6:8.3.1 The enlargement, increase, or extension of an existing nonconforming structure shall be obtained only through action by the Board of Appeals.

6:8.3.2 Should a nonconforming structure or nonconforming portion of a structure be accidentally damaged, it may be reconstructed as it existed before destruction provided the reconstruction begins within one (1) year and is completed within two (2) years. Such reconstruction shall not result in a larger structure than existed before such destruction. However if the structure is destroyed by any means to an extent of more than fifty percent (50%) of its replacement costs it shall not be reconstructed except in conformity with this Zoning Resolution.

6:8.3.3 Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.

6:8.3.4 An accessory structure not conforming to the requirements of this Resolution shall be declared as a nonconforming structure provided it was lawfully constructed.

6:8.4 NONCONFORMING USES OF STRUCTURES OR STRUCTURES AND PREMISES IN COMBINATION

If a lawful use involving individual structures, or a structure and premises in combination, exists at the effective date of adoption or amendment of this Resolution that would not be allowed otherwise in the zoning 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:

6:8.4.1 The enlargement, increase, or extension of an existing nonconforming structure shall be obtained only through action by the Board of Appeals.

6:8.4.2 Any nonconforming use may be extended throughout any parts of a building which are manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution.

6:8.4.3 Any change of use from one nonconforming use to another shall be obtained only through action by the Board of Appeals.

6:8.4.4 When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for more than two (2) years, the structure or structure and premises in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located.

6:8.4.5 Where nonconforming use status applies to a structure and premises in combination, removal of the structure shall eliminate the nonconforming status of the land.

Normal repair and maintenance may be done on any nonconforming structure provided the work does not increase the nonconformity, the size or the cubic content of the structure. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition a building or part thereof declared unsafe by any official charged with protecting the public safety, upon order of such official.

Section 6:9 Corner Lots

Corner lots in all districts shall be considered as having two (2) front yards, one for each street frontage. On corner lots the setback for the second or non-primary frontage shall require a minimum of half of the required front setback.

Section 6:10 Front Yard Setback for Residential Districts

There shall be a front yard having a depth of not less than the minimum required for the respective district. However, no alignment setback or front yard depth shall be less than the established setback of the lots adjacent to each side. In the event that the two abutting side lots have a varied set back the setback shall be the average of the two existing depths.

Section 6:11 Topsoil Removal

The removal of topsoil from any parcel of land for the purpose of selling the soil is prohibited. Topsoil may only be removed when it is done in the process of a permitted construction project. At no time shall soil be permitted to be processed on the construction site. This includes screening or mixing of the soil.

Section 6:12 Compost Facilities

The commercial process of composting yard wastes is prohibited in any residential district including lands used for agriculture. Any such facilities shall be registered with the OHIO EPA and shall be subject to inspections by the Trumbull County Health Department.

Section 6:13 Transient Vendors

Any person or corporation in the township for the purpose of selling or soliciting sales either at a stationary location or for door-to-door sales shall first obtain a Transient Vendors Permit and meet the following requirements:

- 6:13.1 If locating at a stationary location - a signed and notarized letter from the landowner granting permission to be on the property for such purpose.
- 6:13.2 At a stationary location a minimum setback of 30 feet (30') from the right-of-way shall be required.
- 6:13.3 At no time shall any person enter the roadway to solicit or deliver products.
- 6:13.4 At a stationary location no temporary signs shall be permitted.
- 6:13.5 For door-to-door sales the permitted hours shall be restricted to daylight hours for the safety of the salesperson and local residents.

Section 6:14 Garage Sales

In any residential district, garage sales are limited to two (2) sales per year, not to exceed three (3) days per sale.

ARTICLE 7 SIGNS

Section 7:1 Purpose

The purpose of this Section is to promote and protect the public health, welfare, and safety 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 visually attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising clutter, distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development by permitting signs which are compatible with their surroundings.

Section 7:2 General Requirements and Prohibitions for All Signs and Districts

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

- 7:2.1 Any illuminated sign or lighting device shall employ only light emitting a constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall an illuminated sign or a lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- 7:2.2 No sign shall employ any parts or elements that revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. Subsection 7:2.1 and 7:2.2 of this section shall not apply to signs performing a public service function indicating time, temperature, or similar services.
- 7:2.3 All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local/state/national electrical code in effect.
- 7:2.4 No projecting sign shall be erected or maintained from the front or face of any building a distance of more than two feet (2'), including those projecting from the face of any theater, hotel, or motel marquee. Awnings, canopies or covered walkways are excluded from this section.
- 7:2.5 No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened such that the sign appears to be a continuation of the face of the building.
- 7:2.6 Portable signs and off-premise signs are not permitted.
- 7:2.7 No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape, or any door or window giving access to any fire escape.
- 7:2.8 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 a written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign.

- 7:2.9 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, but are limited to three (3) square feet each.
- 7:2.10 All signs shall be so designed and supported so as to carry the weight of the sign, and shall comply with the local building code in effect.
- 7:2.11 All signs shall be secured in such a manner as to prevent significant movement due to wind.
- 7:2.12 No extraneous advertising signs shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine or public shelter.
- 7:2.13 No sign shall contain words, images, or graphic illustrations of an obscene or indecent nature.
- 7:2.14 No sign shall be attached in such manner that it may interfere with any required ventilation openings.
- 7:2.15 No sign shall be located closer than eight feet (8') vertically or four feet (4') horizontally from any overhead electrical wires, conductors, or guy wires.
- 7:2.16 No vehicle or trailer may be parked on a business premise or a lot for the sole purpose of advertising a business, product, service, event, object, location, organization or the like.

Section 7:3 Signs Authorized in All Districts Which Require a Permit

- 7:3.1 No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions of this Section have been met. To assure compliance with these regulations, a sign permit issued pursuant to this Resolution shall be required for each sign unless specifically exempted in this Section.
- 7:3.2 A sign initially approved for which a permit has been issued shall not be modified, altered or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered or replaced if any such design element constituted a basis for approval of such sign unless a new or amended permit is obtained consistent with these regulations.
- 7:3.3 The repainting, changing of parts and preventive maintenance of signs shall not be deemed alterations requiring a sign permit.

Section 7:4 Signs Authorized in All Districts Which Do Not Require a Permit

- 7:4.1 Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed six (6) square feet in area for the single-family residential district. All other districts' similar signs may not exceed thirty-two (32) square feet in size.
- 7:4.2 Professional name plates shall not exceed two (2) square feet in area in Residential Districts and four (4) square feet in all other districts.
- 7:4.3 Signs denoting the name and address of the occupants of the premises shall not exceed two (2)

square feet in area.

- 7:4.4 All signs must be set back twenty feet (20') from the edge of the road or sidewalk and at least five feet (5') from side property lines (signs cannot be put in the road right-of-way).
- 7:4.5 Temporary signs not exceeding fifty (50) 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 general requirements listed in Section 7:2, the setback requirements in Sections 7:11 to 7:13 and, in addition, such other standards deemed necessary to accomplish the intent of this Article as stated in Section 7:1.

Section 7:5 Signs Authorized in Residential Districts Which Require a Permit

- 7:5.1 All signs greater than six (6) square feet in area require a permit.
- 7:5.2 Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, shall be located on the premises of such institutions.
- 7:5.3 Any sign advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential 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.
- 7:5.4 All signs must be set back at least twenty feet (20') from the edge of the road or sidewalk and at least five feet (5') from the side property line.

Section 7:6 Signs Authorized in Professional Office and Business Districts Which Require a Permit

- 7:6.1 The regulations set forth in this section shall apply to signs in all business and professional districts and such signs shall require a permit.
- 7:6.2 All signage shall be attached to the building. One sign per road frontage. No sign shall exceed ten (10) square feet, maximum height not to exceed eighteen inches (18"). No sign or any portion thereof may project above the parapet wall or top of the exterior wall or building façade upon which it is mounted. No rooftop signs of any type will be permitted. No signs perpendicular to the face of the building or facade will be permitted.

Section 7:7 Signs Authorized in Commercial Districts Which Require a Permit

- 7:7.1 In a Commercial District, all signs greater than six (6) square feet require a permit. Projection of wall signs shall not exceed two feet (2') measured from the face of the main building.
- 7:7.2 In a Commercial District, the maximum area for any billboard shall be three hundred (300) square feet excluding decorative bases and supports. The smallest square, rectangle, circle or combination shall measure the area thereof, which will encompass the entire billboard including border, trim, cutout and extension. Billboards shall not be erected any nearer than two thousand feet (2,000') from each other.
- 7:7.3 A temporary sign may be used at a new business for a period of 30 days. Twice a year a business may use a temporary sign for a period of 2 weeks with a permit. The temporary sign shall not

exceed 25 square feet. Banners are permitted without a permit under the following guidelines. Banners must be mounted flat on the building. The total banner area shall not exceed sixty square feet per business. Mounting must be secure enough to limit the movement in a high wind.

7:7.4 Freestanding, on-premise signs must not be over twenty-five feet (25') in height, and must not be located closer than twenty feet (20') from the edge of the road or sidewalk, and not closer than five feet (5') to any adjoining lot line. There shall be only one freestanding sign per street frontage for each development complex, with a maximum of two (2) freestanding signs. The area of any freestanding sign shall not exceed one hundred twenty-five (125) square feet per side. Stationary signs and billboards shall be regarded as within the meaning of Article 6 of the Zoning Resolution. Advertising displays upon a barn or other building or surface shall be regarded as within the above regulations. The maximum height on all freestanding advertising structures shall be twenty-five feet (25').

Section 7:8 **Signs Pertaining to Industrial Zones**

All requirements specified for Commercial Zones are required for Industrial Zones, except where signs are necessary to control business and employee traffic, security, safety and department designations. These exceptions do not require a permit.

Section 7:9 **Political Signs**

No political sign shall be posted in any place or in a manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way so as to obstruct the view of traffic, nor shall any such sign be posted on a utility pole. No political sign shall be posted more than thirty (30) days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within seven (7) days following Election Day. No other portion of this sign resolution shall apply to political signs. (Billboards with political content are not considered political signs)

Section 7:10 **Garage Sale Signs**

Signs advertising garage or casual sales in a residential district shall be placed on the subject residential property only. Such signs shall not exceed four (4) square feet. Signs shall not be placed on public rights-of-way or on any utility poles. All such signs shall be removed within twenty-four (24) hours of said event.

Section 7:11 **Sign Setback Requirements**

Except as modified in Section 7:13, on-premise signs where permitted shall be set back from the established edge of road a minimum of twenty feet (20'). Signs are not permitted in the right-of-way.

Section 7:12 **Setbacks for Public and Quasi-Public Signs**

Real Estate signs and bulletin boards for a church, school or any other public, religious or educational institution may be erected not less than twenty feet (20') from the established edge of road or sidewalk, provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

Section 7:13 **Special Yard Provisions**

On-premise signs, where permitted, shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district on-premise signs shall not be erected or placed within ten feet (10') of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than twelve feet (12'), the latter shall apply.

Section 7:14 Limitation

For the purpose of this Article, outdoor advertising signs shall be classified as a business use and be permitted in all districts zoned for Industrial or Commercial. In addition, regulation of signs along interstate and primary highways shall conform to the requirement of Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto.

Section 7:15 Maintenance

All signs shall be maintained in safe and sound structural condition at all times and shall be presentable. The Zoning Inspector shall post an "Unsafe Structure Order" on any sign that is found to be unsafe or structurally unsound and issue written notification of same to sign owner.

Section 7:16 Nonconforming Signs and Structures

Advertising signs and structures in existence prior to the effective date of this Resolution which violate or are otherwise not in conformance with the provisions of this Article shall be deemed nonconforming. All such legal nonconforming signs and structures shall be maintained in accordance with this Article. The burden of establishing the legal or conforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

Section 7:17 Loss of Legal Nonconforming Status

A legal nonconforming sign shall immediately lose its legal nonconforming status, and therefore must be brought into conformance with this Article or be removed, if the sign is altered in copy (except for changeable copy signs) or structure; or if it is enlarged, relocated, or replaced; or if it is part of an establishment which voluntarily discontinues operation for two (2) years; or if it is structurally damaged to an extent greater than one half of its estimated replacement value. Similarly, any legal nonconforming advertising structure so damaged must be brought into compliance or be removed. (See Ohio Revised Code 519.19.)

Section 7:18 Violations

If any sign is 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 lessees thereof to alter such sign so as to comply with this Resolution. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable (see Article 16:4). Political or Garage Sales signs posted in violation of Section 7:11 of this Resolution are subject to removal by the Zoning Inspector.

ARTICLE 8 RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD)

Section 8:1 Purpose

The purpose of a residential planned unit development zone is to provide flexibility in housing and community design, achieve economies of scale in construction and maintenance, and provide land conservation and aesthetics that are not as easily achieved through conventional zoning and subdivision.

Section 8:2 Uses Permitted in a PUD District

Residential, business, commercial, public, and quasi-public uses may be combined in PUD Districts, provided that the proposed location of the business or commercial uses will not adversely impact adjacent property or the public health, safety, and general welfare.

Section 8:3 Minimum Project Area

The minimum gross area of the tract to be developed under the Planned Unit Development approach is recommended to be the following:

Residential.....	Five (5) Acres
Residential/Commercial...	Twenty (20) Acres

Section 8:4 Development Standards

- 8:4.1 Central or public sanitary facilities and central or public water facilities shall be required. Underground utility plans shall be required in designated planned unit developments. The Trumbull County Subdivision Regulations must be followed for all sewer, water, drainage and road standards. Additional Township requirements may be added when appropriate.
- 8:4.2 "Common Open Space" is a parcel or parcels of land or any area of water, or a combination of land and water within the site, designed and intended for the use or enjoyment of occupants of the Planned Unit Development. Common Open Space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the occupants.
- 8:4.3 A minimum of twenty percent (20%) of the land in any Planned Unit Development project shall be reserved for common open space and recreational facilities for residents or users of the area being developed.
- 8:4.4 The required amount of Common Open Space land reserved under a planned unit development shall either be held in corporation ownership by owners of the project area for the use of each owner who buys property within the development, or be dedicated to the Township and retained as common open space for parks, recreation, and related uses. All land dedicated to the Township must meet the Planning Commission's requirements as to size, shape, and location. Public utility and similar easements and rights-of-way, for water course and other similar channels, are not acceptable for Common Open Space dedication to the Township, unless such land or right-of-way is usable as a trail or other similar purpose, and approved by the Planning Commission. The advice of the Trumbull County Planning Commission may be sought regarding any additional open space acquisition.
- 8:4.5 The responsibility for the maintenance of all open space shall be specified by the developer before

approval of the development.

Section 8:5 **Lot Requirements**

- 8:5.1 The lot area of the dwelling unit may not be reduced to less than sixty percent (60%) of the minimum lot area required in the official schedule of district regulations, except for attached, clustered, detached or single-family units intended to be conveyed separately, in which case there shall be no required minimum area except that the lot shall wholly contain all of the house and all front, rear and side yards as shown on the approved plan. In no case shall the density of housing exceed six (6) units per acre for the overall tract, including open spaces.
- 8:5.2 Lot widths may be varied to allow for a variety of structural designs. It is also recommended that setbacks be varied.
- 8:5.3 It is recommended every property developed under the Planned Unit Development approach should be designed to abut upon Common Open Space or similar areas. A clustering of dwellings is encouraged.

Section 8.6 **Commercial Area Requirements**

- 8:6.1 Commercial buildings and establishments shall be planned in groupings having common parking areas and common ingress and egress points whenever possible. Plantings, screens, fences, and buffers shall be provided on the sides abutting area occupied by residences. The plan shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas.
- 8:6.2 All areas designed for future expansion or not intended for immediate improvement or development shall be buffered with landscaping or otherwise maintained in a neat and orderly manner.
- 8:6.3 Parking, off-street parking, loading and service areas shall be provided in accordance with applicable commercial parking and area requirements contained in Article 6, Section 6:1 of the Liberty Township Zoning Resolution. However, off-street parking and loading areas abutting a residential use must provide a fifteen foot (15') landscaped screening area as a buffer.

Section 8:7 **Height Requirements**

All residential and commercial buildings and structures shall have a maximum height of thirty-five feet (35').

Section 8:8 **Roadways**

Road systems within the PUD shall be adequate to assure safe and reasonable traffic circulation, access to dwelling units and to commercial establishments, and shall further provide for adequate off-street parking. Any dedicated roadway shall meet all applicable subdivision regulations, cross sections, and width requirements.

Section 8:9 Application for Planned Unit Development (PUD), Zone Change Re-districting, and Zoning Approval Process

An applicant may apply for a Planned Unit Development Zone Change by making application to the Township Zoning Commission at the Township Zoning Office. Concurrently, an applicant must apply to the Trumbull County Planning Commission for review of proposed Planned Unit Development before a Township hearing can be held. In addition to the Application Form for zone change, the application for a Planned Unit Development shall contain the following:

- 8:9.1** An area map showing the applicant's entire holding, that portion of the applicant's property under consideration, and all properties, subdivisions, streets and easements within two hundred feet (200') of applicant's property.
- 8:9.2** Title of drawing, including name and address of applicant.
- 8:9.3** Existing water courses.
- 8:9.4** A survey drawn to scale of the proposed development site, showing:
 - 8:9.4.1** The dimensions and bearings of the property lines.
 - 8:9.4.2** Area in acres.
 - 8:9.4.3** Topography.
 - 8:9.4.4** Existing features of the site, including major wooded areas, structures, streets, easements, utility lines, and land use.
- 8:9.5** A site plan showing the following:
 - 8:9.5.1** The proposed density of dwelling units and uses.
 - 8:9.5.2** Nonresidential building intensity and uses.
 - 8:9.5.3** Proposed open space design and function.
 - 8:9.5.4** A schedule for the development of units to be constructed in progression.
 - 8:9.5.5** A description of the design principles for buildings and streetscapes.
 - 8:9.5.6** A tabulation of the number of acres for various uses in the proposed project.
 - 8:9.5.7** The number of housing units proposed by type.
 - 8:9.5.8** Estimated residential population by type of housing.
 - 8:9.5.9** Anticipated construction timing for each unit.
 - 8:9.5.10** Standards for height, open space, building density, parking, and public improvements.
- 8:9.6** Engineering feasibility studies and plans showing:

- 8:9.6.1 Water.
- 8:9.6.2 Sewer.
- 8:9.6.3 Drainage.
- 8:9.6.4 Utilities.
- 8:9.6.5 Street improvements.
- 8:9.6.6 Nature and extent of earthwork required for site preparation and development.
- 8:9.7 Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas commonly owned and maintained.
- 8:9.8 Recommendation for proposed zoning.
- 8:9.9 Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization structures and traffic controls.
- 8:9.10 Location, arrangement, appearance and sufficiency of off-street parking and loading.
- 8:9.11 Proposed location, arrangement and placement of buildings, lighting and signs.
- 8:9.12 Arrangement of landscape features.
- 8:9.13 Adequacy of storm water and sanitary waste disposal facilities.
- 8:9.14 Adequacy of structures and roadways, in areas with moderate to high susceptibility to flooding, ponding and/or erosion. If the application is approved as submitted or approved with conditions, the Trustees shall direct the Zoning Inspector to issue zoning permits in accordance with the approved plan and conditions thereto attached, subject to final approval by the Trumbull County Engineer, Trumbull County Sanitary Engineer, and the Trumbull County Planning Commission.

Section 8:10 Phasing and Changes of Approved Development Plan

Any plan that requires more than twenty-four (24) months to complete shall be constructed in phases and a phasing plan must be developed. In a phased PUD, it is expected that changes in the approved development plan will be required from time to time. In order to preserve the flexibility, which is fundamental to a PUD, plan changes to permit adjustments to a phasing program are permitted with the limitations listed below:

- 8:10.1 The changed plan must meet the basic objectives and all regulations and requirements of the Resolution.
- 8:10.2 All plan changes must be submitted to the Township Trustees for reapproval.

Section 8.11 Expiration and Extension of Approval Period

The approval of a development plan for a residential Planned Unit Development shall be based on the size of the project and the estimated schedule of development. If a plan is more than fifty percent (50%) behind schedule, the Trustees may initiate public hearings to EITHER consider rezoning the PUD to the original zoning district classification, OR they may approve an extension of the time limit. An extension of the time limit or modification of the approved plan may be approved if the Township Trustees find that such an extension or modification is not in conflict with the public interest.

ARTICLE 9 INDUSTRIAL PARK OVERLAY

Section 9:1 Purpose

The purpose of this district is to provide the opportunity to develop industrial parks in a high-quality, campus-type environment that will represent a visual and economic asset to the community.

Section 9:2 Permitted Location

Industrial parks shall be permitted in the commercial district that parallels SR193, north of SR304.

Section 9:3 Permitted Uses

- 9:3.1 Manufacturing and assembly facilities
- 9:3.2 Warehouses and distribution centers
- 9:3.3 Truck terminals
- 9:3.4 Manufacturers' service centers
- 9:3.5 Construction firms
- 9:3.6 Lumber and building materials centers

Section 9:4 Accessory Uses

- 9:4.1 Offices ancillary to permitted uses
- 9:4.2 Maintenance facilities ancillary to permitted uses
- 9:4.3 Storage areas ancillary to permitted uses

Section 9:5 Prohibited Uses

- 9:5.1 Any process of assembly, manufacture, treatment or any other use constituting a nuisance by reason of odor, noise, dust or smoke, and including, but not limited to: asphalt; the manufacture or processing of cork, fertilizer, linoleum, oilcloth, glue or gelatin; the tanning of hides and skins; slaughterhouses; and the manufacture of paint, oil or varnish.
- 9:5.2 Any process of assembly, manufacture or treatment constituting a hazardous use, including, but not limited to, such activities as: the manufacture or bulk storage of fireworks and explosives, and the manufacture of illuminating gas or poisonous gas except as may be incidental to a permitted industrial process.

- 9:5.3 The storage of crude oil or any of its volatile products or other highly inflammable liquids in above-ground tanks, except in accordance with pertinent state regulations, and provided further that all above-ground tanks having a capacity of ten thousand (10,000) gallons or more shall be securely contained by dikes having a capacity equal to one and one-half (1-1/2) times the capacity of the tank or tanks thus contained.
- 9:5.4 Junkyards, motor vehicle wrecking yards or storage yards for secondhand materials for resale.
- 9:5.5 The storage, baling or treatment of junk, iron, rags, bottles or scrap paper except within a building.
- 9:5.6 Any manufacture, assembly, storage or treatment of any nuclear product, or toxic or hazardous waste.
- 9:5.7 The manufacture, storage or processing of any materials which are hazardous to the environment and a public health nuisance because of ignitability, corrosivity, reactivity or toxicity.

Section 9:6 Minimum Lot Size

The minimum lot size shall be twenty (20) acres.

Section 9:7 Setback

- 9:7.1 Setback from SR193 shall be one hundred twenty-five feet (125') from the highway right-of-way line.
- 9:7.2 Side yard and rear yard setback shall be twenty-five feet (25').

Section 9:8 Height Limitation

There shall be no height limitation in this district.

Section 9:9 Maximum Lot Coverage

There shall be no lot coverage restriction in this district (see Section 9:10).

Section 9:10 Landscaping

- 9:10.1 A landscaping plan shall be prepared for the approval of the Zoning Commission that shall include the following:
 - 9:10.1.1 The location, size, and species of vegetation to be used.
 - 9:10.1.2 The location and specifications of drainage and irrigation.
 - 9:10.1.3 A maintenance plan.
- 9:10.2 The setbacks shall be considered buffers and part of the landscaping plan.

- 9:10.3 The buffers shall be designed and maintained to include mature trees in the side yard setbacks and the rear yard setback. The front yard setback may include mature trees.
- 9:10.4 The buffers shall be designed to protect the adjacent district or roadways from unsightliness or visual distraction, on a year-round basis. The design shall be encouraged to utilize native vegetative species or non-native species that have a demonstrated suitability for Trumbull County. In addition, the design may be required to incorporate effective noise-reducing features.
- 9:10.5 Implementation of said buffers shall commence prior to building occupancy, and shall be guaranteed by a performance bond or similar means of insuring implementation and maintenance, as approved by the Zoning Administrator, for an amount of one-hundred fifty percent (150%) of the estimated screen cost for a period of five (5) years after initial occupancy.

Section 9:11 Performance Standards

- 9:11.1 Each industry is required to continuously employ the best pollution control and nuisance abatement technology when reasonable and practicably available; provided that where federal, state, or regional laws or regulations provide for the level of technology to be employed, the appropriate standards shall apply.
- 9:11.2 All operations and facilities producing heat, light, or glare, including exterior lighting, shall be constructed, screened or used so as to not unreasonably infringe upon the use and enjoyment of property beyond the boundaries of the industrial park.
- 9:11.3 Other than that caused by highway vehicles or construction activity, no ground vibration shall be permitted which is discernible without instruments, at or beyond the property line for the use concerned.
- 9:11.4 No odors shall be emitted that are detectable at or beyond the property line for the use concerned, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use and enjoyment of property beyond the boundaries of the industrial park.

Section 9:12 Ingress and Egress

No ingress/egress to and from an industrial park shall connect with SR193 within one-half mile of another industrial park ingress/egress point or a public road.

Section 9:13 Design Review

- 9:13.1 The Zoning Commission shall have the responsibility of recommending the approval of site designs for industrial parks.
- 9:13.2 The site design review shall include, but not be limited to the following:
 - 9:13.2.1 The location of all new and existing buildings and storage areas.
 - 9:13.2.2 Buffers, screening, and fencing.

9:13.2.3 Internal circulation and parking.

9:13.2.4 The landscaping plan.

9:13.2.5 Ingress and egress points

9:13.2.6 Aesthetic appearance.

9:13.2.7 Safety issues.

9:13.2.8 Signage and exterior lighting.

9:13.3 Prior to the submission of a site plan to the Zoning Commission, the developer shall complete the following:

9:13.3.1 A topography map based on one-foot (1') contours prepared by a registered land surveyor, which shows the location of all development, drainage, utilities, circulation and signage.

9:13.3.2 Approved copies of all required state and local permits.

ARTICLE 10 SITE PLAN REVIEW

Section 10:1 Purpose

It is the purpose of this article to insure that all developments are reviewed for compatibility with the regulations and intent of this Zoning Resolution, Township policies, Comprehensive and other Plans, and professional site planning practice.

Section 10:2 Applicability

Site plan review and approval is required for the following:

- 10:2.1 Any zoning map amendment, except any zoning map amendment initiated by the Township; or
- 10:2.2 Any development in a Professional Office, Neighborhood Business, Commercial or Industrial district
- 10:2.3 Any development in an overlay district or Planned Unit Development.

Section 10:3 Site Planning Guidelines

In reviewing the site plan, the Township Zoning Inspector shall determine whether the proposed development meets all requirements of the Zoning Resolution, including, but not limited to, those of the particular zoning district in which the development would be located, and those presented below in Sections 10:3.1 through 10:3.9.

10:3.1 GENERAL

10:3.1.1 The proposed development shall reflect all Township plans and policies affecting the site, including the Liberty Township Comprehensive Plan, and any concept plans, planned development plans, or planned business plans previously adopted for adjacent properties.

10:3.1.2 The proposed development shall be consistent with the statement of intent for the zoning district in which it is located or proposed.

10:3.2 OPEN SPACE AND GREEN AREAS

10:3.2.1 To the extent possible, the natural topographic and significant landscape features of the site shall be incorporated into the development in order to preserve the site's natural resources and enhance its visual character.

10:3.2.2 Where appropriate, the design of green areas should incorporate plant materials to define space, provide screening and privacy, develop views, serve as focal points, and soften the appearance of buildings and pavement.

10:3.3 GRADING AND DRAINAGE

10:3.3.1 Grading should be performed with sensitivity to existing topography and other natural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts.

10:3.3.2 Drainage shall be designed and constructed so as not to detrimentally affect adjacent properties. These systems shall provide for the safety and convenience of occupants and the protection of dwellings, other development, and usable lot areas from water damage, flooding, and erosion.

10:3.3.3 The site plan shall conform to the requirements of the Trumbull County Engineer for storm water management.

10:3.4 CONSTRUCTION FILL

10:3.4.1 Whenever construction and demolition debris is used to change the grade of a property the following requirements shall be met:

10:3.4.2 Construction and demolition debris shall only consist of reinforced or non-reinforced concrete, asphaltic concrete, brick, block, tile, and/or stone that can be reutilized as construction material.

10:3.4.3 Clean, hard fill does not include materials contaminated with hazardous wastes, solid wastes, or infectious wastes.

10:3.4.4 At no time will the fill be allowed to sit ungraded or uncovered for more than 72 hours.

10:3.4.5 The person responsible for causing clean, hard fill to be used to change the grade on a site shall provide a written notice of intent to fill with the Trumbull County Health Department.

10:3.5 STORM WATER MANAGEMENT

10:3.5.1 The process of development increases the storm water runoff rate and volume of water leaving a site. In order to insure adequate runoff control, any person proposing to develop land for any purpose, other than a one or two family dwelling on an existing lot of record, shall be required to submit a storm water management plan, prepared and stamped by a licensed engineer, for review and approval by the Trumbull County Engineer and/or other appropriate agencies prior to receiving a zoning certificate.

10:3.5.2 The increase in the rate of site surface runoff shall be controlled so that the peak rate of post development runoff resulting from a fifty-year frequency storm does not exceed the peak rate of predevelopment runoff resulting from a ten-year frequency storm.

10:3.5.3 During the course of development and construction, sediment and erosion control measures shall be required for all development sites.

10:3.6 CIRCULATION

10:3.6.1 The street, access and parking system shall provide for the smooth, safe, convenient and functional movement of vehicles, bicycles and pedestrians both on and off site.

10:3.6.2 Circulation shall:

- 10:3.6.2.1 Minimize the conflict between pedestrian and vehicular traffic; and
- 10:3.6.2.2 Minimize the number of vehicular turning movements and points of vehicular conflict, particularly at access points.

10:3.6.3 Vehicular Access:

- 10:3.6.3.1 Acceleration, deceleration and/or left turn lanes may be required if the Township finds that they are necessary to preserve safety and/or the traffic-carrying capacity of the existing street.
- 10:3.6.3.2 The Township may require a traffic impact study by the Trumbull County Engineer, the Trumbull County Planning Department, the Ohio Department of Transportation or some other recognized and qualified traffic engineer if one or more of the following conditions exist:
 - 10:3.6.3.2.1 If the proposed development or redevelopment may increase the number of trips entering or leaving the property by ten percent (10%) or more;
 - 10:3.6.3.2.2 If the proposed development or redevelopment may adversely change the type of traffic generated within the property, for example, addition of truck traffic;
 - 10:3.6.3.2.3 The scale or use of the proposed development might cause deterioration of service levels on the street and/or deterioration of safety or service levels at intersections in the vicinity;
 - 10:3.6.3.2.4 The proposed development is in the vicinity of a street or intersection with a history of safety and/or accident problems; and
 - 10:3.6.3.2.5 The geometry of existing conditions or proposed improvement might cause a safety hazard. Any fee for this study shall be paid directly to the agency conducting the study.

10:3.6.4 Visibility

All sites shall be designed so that plants and structures on the site do not interfere with the safe movement of motor vehicle traffic, bicycles or pedestrians.

10:3.7 PEDESTRIAN CIRCULATION

Sidewalks and/or pedestrian paths shall be so constructed and located to provide a convenient, safe, and visible pedestrian path between parking area and building entrance. Whenever a pedestrian path or a bike path traverses a parking lot, a safe and efficient pedestrian system shall be clearly designated.

10:3.8 LIGHTING

10:3.8.1 On-site exterior lighting should provide illumination adequate to permit safe nighttime activities.

10:3.8.2 All roadway, street, parking lot, and walkway lights shall be shielded so that substantially all the directly emitted light falls within the property line.

10:3.9 SCREENING AND BUFFERING

10:3.9.1 Screening areas shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of new development.

10:3.9.2 Where vegetative and/or topographic conditions that provide a natural screening and buffer exist prior to development of properties in question, every effort shall be made to retain such conditions. In such cases, additional screening may not be required, provided that provision is made for maintenance of such areas.

Section 10:4 Site Plan Review Procedures

The Township shall review all required site plans using the procedures, standards, limitations and guidelines set forth in this Article. Site plans submitted for review shall demonstrate that the proposed development meets the guidelines and performance standards set forth in the Zoning Resolution. The site plan shall contain sufficient detailed information about existing and proposed site conditions to allow an informed decision to be made by the Zoning Inspector, Zoning Commission, Township Trustees, the Trumbull County Engineer and/or the Trumbull County Planning Commission as may be required concerning the general acceptability of the proposed development.

10:4.1 All applications for site plan review shall be accompanied by a completed application form, provided by the Zoning Department of Liberty Township.

10:4.2 To be considered complete, a site plan shall identify and provide all the information required under this section:

10:4.2.1 Legend

- 10:4.2.1.1 Date Plan created/modified
- 10:4.2.1.2 Scale (appropriate for review)
- 10:4.2.1.3 Vicinity map
- 10:4.2.1.4 North arrow
- 10:4.2.1.5 Development name
- 10:4.2.1.6 Development address
- 10:4.2.1.7 Property owner name and address
- 10:4.2.1.8 Plan creator name and address

10:4.2.2 Parcel Data

- 10:4.2.2.1 Auditor's parcel number
- 10:4.2.2.2 Parcel lines
- 10:4.2.2.3 Directional bearings and distances (if parcel split or consolidation involved)
- 10:4.2.2.4 Legal description (if parcel split or consolidation involved)
- 10:4.2.2.5 Net acreage and square footage (acreage/square footage less right-of-way area)
- 10:4.2.2.6 Adjacent parcels
- 10:4.2.2.7 Zoning, Existing
- 10:4.2.2.8 Adjacent parcel zoning

- 10:4.2.2.9 Adjacent land uses
- 10:4.2.2.10 Adjacent street names
- 10:4.2.2.11 Names of streets forming nearest intersection
- 10:4.2.2.12 Distance from nearest intersection

10:4.2.3 Development Data

- 10:4.2.3.1 Description of all proposed uses
- 10:4.2.3.2 Existing structures to be retained
 - 10:4.2.3.2.1 Gross floor area
 - 10:4.2.3.2.2 Setback distances from adjoining parcels
 - 10:4.2.3.2.3 Setback distances from rights-of-way
- 10:4.2.3.3 Proposed structure
 - 10:4.2.3.3.1 Number of floors
 - 10:4.2.3.3.2 Structure height
 - 10:4.2.3.3.3 Gross floor area
 - 10:4.2.3.3.4 Location
 - 10:4.2.3.3.5 Setback distances from adjoining parcels
 - 10:4.2.3.3.6 Setback distances from right-of-ways
- 10:4.2.3.4 Structure addition/modification
 - 10:4.2.3.4.1 Number of floors
 - 10:4.2.3.4.2 Addition/modification height
 - 10:4.2.3.4.3 Gross floor area
 - 10:4.2.3.4.4 Location
 - 10:4.2.3.4.5 Setback distances from adjoining parcels
 - 10:4.2.3.4.6 Setback distances from rights-of-way
- 10:4.2.3.5 Flood plain identification of any structure that lies or will lie within a 100-year flood plain
- 10:4.2.3.6 Parking and circulation
 - 10:4.2.3.6.1 Curb cut locations
 - 10:4.2.3.6.2 Drive aisle locations and dimensions
 - 10:4.2.3.6.3 Off-street parking space locations and dimensions
 - 10:4.2.3.6.4 Off-street parking space count
 - 10:4.2.3.6.5 Parking lot screening locations
 - 10:4.2.3.6.6 Parking upright barrier locations
 - 10:4.2.3.6.7 Off-street loading/unloading locations and dimensions
 - 10:4.2.3.6.8 Loading/unloading screening locations
 - 10:4.2.3.6.9 Street locations
 - 10:4.2.3.6.10 Right-of-way line locations
 - 10:4.2.3.6.11 Measurements from center line to right-of-way line
 - 10:4.2.3.6.12 All parking, loading, and circulation areas marked paved
 - 10:4.2.3.6.13 Pedestrian walkway locations
- 10:4.2.3.7 Storm water system and location
- 10:4.2.3.8 Outdoor lighting
 - 10:4.2.3.8.1 Locations
 - 10:4.2.3.8.2 Note: All lighting marked inward (or downward), directed and shielded, and notation of maximum and minimum ratios.
- 10:4.2.3.9 Sign location (subject to separate approval)
- 10:4.2.3.10 Vegetative screening
 - 10:4.2.3.10.1 Locations

- 10:4.2.3.10.2 Description of vegetation used
- 10:4.2.3.11 Fencing
 - 10:4.2.3.11.1 Locations
 - 10:4.2.3.11.2 Description of fencing used
- 10:4.2.3.12 Landscaping
 - 10:4.2.3.12.1 Locations
 - 10:4.2.3.12.2 Description of landscaping
- 10:4.2.3.13 Solid waste disposal
 - 10:4.2.3.13.1 Waste/dumpster location
 - 10:4.2.3.13.2 Description and location of screening used
- 10:4.2.3.14 Estimated construction schedule
- 10:4.2.3.15 Rendering of structure face (Elevation or Perspective)
- 10:4.2.3.16 Additional information necessary to determine compliance

10:4.3 At the time of the filing of an application for site plan review, the applicant shall pay the required site plan review fee in accordance with the Township's effective schedule of fees.

Section 10:5 Zoning Map Amendment Review Procedure

10:5.1 PREAPPLICATION MEETING

An informal meeting among applicant, Township Zoning Inspector and County Planning Commission staff members shall be held to discuss the proposed project before it is officially submitted for review. The developer shall prepare a "sketch" plan to be used as a basis for discussion.

10:5.2 APPLICATION

The applicant shall submit fifteen (15) sets of the zoning map amendment application and site plan to the Zoning Inspector by the application deadline. The Zoning Inspector shall transmit copies of both to the Township Administrator and the appropriate county and state review agencies.

10:5.3 REVIEW

10:5.3.1 The Township Zoning Inspector shall within thirty (30) days of the application deadline, review the site plan and shall recommend for or against the zone change or some modification thereof.

10:5.3.2 The Township Zoning Inspector shall collect reports from the appropriate review agencies and transmit those reports and his own recommendation to the applicant, Township Administrator, and Township Zoning Commission within ten (10) days of receipt of all reports.

10:5.4 DECISION

The Township Zoning Commission shall then take all steps necessary to complete the zone change process as set forth in Revised Code Section 519.12 and Article 10 of this Resolution.

Section 10:6 Waiver of Site Plan Requirements

Depending on the nature of the site plan review application, one or more of the aforementioned site plan requirements may be waived by the Township Zoning Inspector. To obtain a waiver the applicant must submit a statement to the Zoning Inspector indicating reasons why the requirements should be waived. The Zoning Inspector may grant waivers only when the material supplied by the applicant clearly demonstrates that the required information is unnecessary for a full and adequate review of the impact the proposed development shall have on the existing character of the neighborhood and/or the spirit of the Zoning Resolution. The decision of the Zoning Inspector with respect to the waiver is subject to review upon appeal to the Board of Zoning Appeals.

Section 10:7 Revisions of Site Plan After Approval

No changes, erasures, modifications or revisions shall be made to any site plan after approval has been given unless said changes, erasures, modifications or revisions are first submitted to and approved by the Zoning Inspector.

Section 10:8 Compliance and Enforcement

It shall be incumbent upon the Township Zoning Inspector, or a duly authorized representative, to make all inspections and certifications necessary to ensure that development occurs in accordance with the approved site plan.

In the event that the Zoning Inspector finds that construction is not in accordance with the site plan, a "stop-work" order shall be issued. It shall be incumbent upon the contractor or developer to correct those items that are in violation before construction may resume. All action required to bring development into compliance with the approved site plan shall be at the developer's, builder's, contractor's, or owner's expense.

Article 11 ADMINISTRATION AND ENFORCEMENT

Section 11.1 Enforcement

The provisions of this Resolution shall be administered and enforced by the Zoning Inspector or such other official or officials as may be appointed by the Board of Township Trustees.

Section 11:2 Duties of the Zoning Inspector

11:2.1 CREATION AND APPOINTMENT

There is hereby created the position of Zoning Inspector for Liberty Township, Trumbull County, Ohio. The Board of Township Trustees shall appoint the Zoning Inspector. He or she shall be paid such compensation as the Board of Township Trustees shall direct.

11:2.2 POWERS AND DUTIES OF THE ZONING INSPECTOR

11:2.2.1 Serve as the Zoning Inspector for the Township pursuant to Ohio Revised Code 519.16.

11:2.2.2 Serve as the Code Enforcement Officer for the Township pursuant to Ohio Revised Code 505.73.

11:2.2.3 Enforce the provisions of this Resolution and interpret the meaning and application of its provisions.

11:2.2.4 Enforce the provisions of the Property Maintenance Code and interpret the meaning and application of its provisions.

11:2.2.5 Respond to questions concerning applications for amendments to the Zoning Resolution text and the official Zoning District Map.

11:2.2.6 Issue zoning permits and certificates of occupancy as provided by this Resolution, keep a record of same with a notation of any special conditions involved.

11:2.2.7 Act on all applications upon which authorized to act by the provisions of this Resolution within the specified time, or notify the applicant in writing of the refusal or disapproval of such application and the reason therefor.

11:2.2.8 Conduct inspections of buildings and uses of land to determine compliance with this Resolution and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.

11:2.2.9 Maintain in current status the Official Zoning Map, which shall be kept on permanent display in the Township offices.

- 11:2.2.10 Maintain permanent and current records required by this Resolution, including but not limited to zoning permits, zoning variances, inspection documents, violation records and all amendments and special uses.
- 11:2.2.11 Make such records available for the use of the Township Trustees, the Zoning Commission, the Board of Zoning Appeals and the public.
- 11:2.2.12 Review and approve site plans pursuant to this Resolution.
- 11:2.2.13 Determine the existence of any violations of this Resolution, and cause such notifications, revocation notices, or stop-work orders to be issued, or initiate such other administrative or legal action as needed, to address such violations.
- 11:2.2.14 Delegate any of the aforementioned tasks to any and all assistants that might be provided to the Inspector by the Board of Trustees.
- 11:2.2.15 Act as principal liaison with any and all planning or other consultants retained by the Board of Trustees for any purposes or tasks pertaining to this resolution.

Section 11:3 Zoning Certificates

No person shall locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure within Liberty Township without obtaining a zoning certificate, if required under section 519.16 of the Ohio Revised Code, and no such zoning certificate shall be issued unless the plans for the proposed building or structure fully comply with the zoning regulations then in effect. A zoning certificate and zoning permit will be considered the same for this purpose.

Section 11:4 Application Procedure for a Zoning Certificate

11:4.1 PREAPPLICATION MEETING

An informal meeting among applicant, Township Zoning Inspector and County Planning Commission staff members may be held to discuss the proposed project before it is officially submitted for review. The developer shall prepare a "sketch" plan to be used as a basis for discussion.

11:4.2 APPLICATION

For an official submission, the applicant shall submit three (3) sets of the zoning certificate application and site plan to the Zoning Inspector. The Zoning Inspector shall transmit copies of both to the Township Administrator and the appropriate county and state review agencies.

11:4.2.1 The three (3) sets of plans shall include the following:

- 11:4.2.1.1 A complete site plan including all driveways, parking areas and any piping of ditches. All driveway and piping requirements may be obtained from the Township Road Superintendent.
- 11:4.2.1.2 A complete set of plans for the structure including building elevations and floor plans.

11:4.2.1.3 Prints and documentation for storm water control for review by the Trumbull County Engineer and the Township Road Superintendent. Additional information may be required regarding storm water plans.

11:4.2.2 A completed application for zoning certificate.

11:4.2.3 Payment of zoning certificate fee.

11:4.3 REVIEW

The Township Zoning Inspector and appropriate county and state review agencies shall review the site plan and prepare a report with a recommendation for or against the development or some modification thereof.

11:4.4 DECISION

11:4.4.1 The Township Zoning Inspector shall within ten (10) days of receipt of the reports and recommendations, either issue or deny application for a zoning certificate and in so doing state the reasons for the action taken.

11:4.4.2 If the application is denied, the applicant may submit a new site plan for review in accordance with Section 11:4, or the applicant may appeal the decision to the Board of Zoning Appeals in accordance with Article 13 of this Resolution.

Section 11:5 Occupancy Permit

No building hereinafter constructed, erected or altered, shall be occupied or used in whole or in part for any use whatsoever, and no change of use of any building or part thereof, or of any land, shall hereafter be made, until an occupancy permit has been issued by the Township Zoning Inspector, certifying that the building or use complies with the provisions of this Resolution. An occupancy permit shall be granted and provided by the Township, or denied within ten (10) days from the date a written application for an occupancy permit was filed with the Township Zoning Inspector. At completion of construction, see the Zoning Inspector for final review by the Zoning Inspector.

Any person failing to obtain an occupancy permit prior to occupying a building shall be assessed a compliance charge equal to twice the amount of the fee adopted for an occupancy permit by the Board of Township Trustees.

Section 11:6 Filing Fees

The Township Trustees shall by resolution establish a schedule of fees for zoning certificates, amendments, appeals, variances, conditional use certificates and other matters relating to this Zoning Resolution. The schedule of fees shall be posted at the Township Zoning Department and a copy kept on file with the Clerk of the Township. No action will be taken on any application without applicant first paying all fees in advance.

ARTICLE 12 TOWNSHIP ZONING COMMISSION

Section 12:1 Authority, Compensation and Appointment

There is hereby created a Township Zoning Commission consisting of five (5) members appointed by the Board of Township Trustees. The Commission shall include five (5) residents of the unincorporated area of Liberty Township. Each member shall be appointed for such length and so arranged that the term of one (1) member will expire each year. The Board of Trustees will determine and set any compensation to be paid Commission Board members. Commencement and length of member's term shall comply with respective designations in the Ohio Revised Code.

The Zoning Commission shall, within the limits of the money appropriated in the annual budget, purchase such supplies and equipment necessary to carry out its duties.

Section 12:2 Organization and Proceedings

The Zoning Commission shall elect a chairman and vice-chairman and set the regular meeting schedule each year at a public reorganization meeting. The board shall also appoint a secretary who will record the minutes and keep all records of proceedings.

Section 12:3 Quorum

At least three (3) members must be in attendance at any meeting of the Commission before any official business can be conducted. A majority vote is needed to carry any motion.

Section 12:4 Meetings

The Zoning Commission shall meet monthly or at the call of the Chairman when advised by the Zoning Inspector of any applications for hearing. The Zoning Commission shall keep minutes of all proceedings including all motions and votes. A copy of the minutes shall be kept on file at the Township Administration building and are a matter of public record. All meetings shall be open to the public.

Section 12:5 Vacancies and Removal

Each member of the Zoning Commission shall serve until his/her successor is appointed and qualified. In the event of the resignation or death of a member of the Commission, the Board of Trustees shall appoint another resident for completion of the unexpired term.

Members of the Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Board of Township Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member at least ten (10) days prior to the hearing. The member shall be permitted to be heard and have opportunity to answer such charges.

Section 12:6 Powers and Duties

The Zoning Commission shall have the following duties:

- 12:6.1 Act upon any request by the Township Board of Trustees requesting review of any area of the Zoning Resolution. The Commission shall recommend approval, disapproval or modification of the original request to the Township Board of Trustees according to the procedures set forth in Section 12:7 of this Resolution.
- 12:6.2 Review from time to time any provisions of this Resolution and recommend to the Board of Trustees such changes as it deems necessary in order to promote the intent of this Resolution, according to the procedures set forth in Section 12:7 of this Resolution.
- 12:6.3 Act upon all requests for rezoning of the Official Zoning District Map and recommend approval, disapproval or modification of the original request to the Board of Township trustees following the procedures set forth in Section 12:7 of this Resolution.

Section 12:7 Amendments

The regulations, restrictions and boundaries set forth in this resolution and other provisions of this resolution may from time to time be amended, supplemented, changed or repealed; provided, however, that no such action may be taken until all the requirements of Section 519.12 of the Ohio Revised Code have been complied with, including particularly the requirements for notice and hearing.

12:7.1 AMENDMENT PROCEDURE

- 12:7.1.1 Upon receipt of an application to amend the Township Zoning Resolution or the adoption of a motion by Board of Township trustees to amend such Zoning Resolution, the application or motion shall be referred to the Zoning Commission.
- 12:7.1.2 The Township Zoning Commission shall, at its next regular meeting or at a special meeting called for this purpose, schedule a date for a public hearing, which date shall not be less than twenty (20) days nor more than forty (40) days from the date the proposed amendment was certified to the Commission.
- 12:7.1.3 The Township Zoning Commission shall provide notification of the public hearing in one or more newspapers of general circulation in the Township at least ten (10) days before the date of the public hearing.
- 12:7.1.4 If the proposed amendment involves the rezoning of ten (10) or less parcels of land, as listed on the county auditor's tax duplicate, written notice of the public hearing will be mailed by the Township Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to the addresses of all owners of property adjacent to, contiguous to, and directly across the street from the area proposed to be rezoned, setting forth the time, date and location of the public hearing. The failure of delivery of such notice shall not invalidate the action taken on any such proposed amendment.

12:7.1.5 Within five (5) days after the adoption of such motion or the filing of such application the Township Zoning Commission shall transmit a copy of the proposed amendment, together with a copy of the text and map, to the Trumbull County Planning Commission for their review and recommendation. The recommendation of the Trumbull County Planning Commission on the proposed amendment shall be considered at the public hearing held by the Township Zoning Commission.

12:7.1.6 Upon review and consideration of the proposed amendment the Zoning Commission shall submit their report on the proposed amendment to the Board of Township Trustees within thirty (30) days after the public hearing. The report shall:

12:7.1.6.1 Recommend that the rezoning to the map or amendment to the text be adopted in accordance with the application or Board of Township Trustees motion; or

12:7.1.6.2 Recommend that the rezoning to the map or amendment to the text be adopted in a form modified by the Zoning Commission from the application or motion originally submitted to the Zoning Commission; or

12:7.1.6.3 Recommend that the application for the rezoning to the map or amendment to the text be denied.

12:7.1.6.4 Include a copy of the amendment together with the part of the text and map pertaining to the proposed amendment and the report of the Trumbull County Planning Commission.

12:7.1.7 Failure by the Zoning Commission to make a recommendation in the time provided herein shall be deemed to be a recommendation in favor of the rezone or amendment application.

12:7.2 PUBLIC HEARING

Upon receipt of a recommendation on an amendment from the Zoning Commission, the Board of Township Trustees shall set a public hearing date within thirty (30) days from the date of receipt of such recommendation from the Township Zoning Commission. The Board of Township Trustees shall provide one (1) publication of the public hearing in one (1) or more newspapers of general circulation within the Township at least ten (10) days before the scheduled date of the hearing. Such hearing may be held at either a regular or special Board of Township Trustee's meeting.

12:7.3 NOTICE TO PROPERTY OWNERS

In the event a proposed amendment involves no more than ten (10) parcels of land, as listed on the Trumbull County Auditor's current tax duplicate, the Township Clerk shall also give notice of the time and place of the public hearing by first class mail at least fifteen (15) days before such hearing to all owners of property within, contiguous to, and directly across the street from the parcel or parcels involved. The notice shall be mailed to the address listed on the current Trumbull County Auditor's tax duplicate. The failure of delivery of such notice shall not invalidate any subsequent action with respect to the proposed amendment. During the thirty (30) day period specified above, the Resolution containing the proposed amendment along with the application and any map and the report of the Zoning Commission along with any other documents related thereto shall be on file in the office of the Township Clerk for public inspection.

12:7.4 ACTION BY THE BOARD OF TOWNSHIP TRUSTEES

Within twenty (20) days following the date of the public hearing the Board of Township Trustees shall either adopt or deny the recommendation of the Township Zoning Commission or adopt some modification thereof. Any amendment which differs in any respect from the recommendation of the Zoning Commission shall require the unanimous vote by the Board of Township Trustees. Any amendment which is in all respects in accordance with the recommendations of the Zoning Commission may be adopted by a majority vote of the Board of Township Trustees. All amendments shall go into effect thirty (30) days after adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of registered electors residing in Liberty Township representing not less than eight percent (8%) of the total vote cast for all candidates in the last general election for Governor. The Board of Township Trustees shall submit the amendment to the electors of the township for approval or rejection at a special election to be held on the day of the next primary or general election.

ARTICLE 13 BOARD OF ZONING APPEALS

Section 13:1 Authority, Compensation and Appointment

There is hereby created a Township Board of Zoning Appeals consisting of five (5) members appointed by the Board of Township Trustees. The Board shall include five (5) residents of the unincorporated area of Liberty Township. Each member shall be appointed for such length and so arranged that the term of one (1) member will expire each year. The Board of Trustees will determine and set any compensation to be paid Board of Appeals members.

The Board shall, within the limits of the money appropriated in the annual budget, purchase such supplies and equipment necessary to carry out its duties.

Section 13:2 Organization and Proceedings

The Board of Zoning Appeals shall elect a chairman and vice-chairman each year at a public reorganization meeting. The Board shall also appoint a secretary who will record the minutes and keep all records of proceedings.

Section 13:3 Quorum

A quorum of three (3) members is required at all meetings or hearings. A majority vote is required to carry any motion.

Section 13:4 Powers and Duties

The Board of Zoning Appeals shall have the following powers and duties:

- 13:4.1 Administrative Review – To hear and decided appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this resolution.
- 13:4.2 Conditional Uses – To grant conditional zoning certificates for use of land, buildings or other structures within a zoning district if such conditional use is allowed in this resolution.
- 13:4.3 Variances – To authorize upon appeal, in specific cases, such variance from the terms of the zoning resolution as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the resolution would result in unnecessary hardship.

Section 13:5 Notice of Appeal

Appeals to the Board of Zoning Appeals may be taken by any person, firm, or corporation, or by any officer of the township affected by any decision of the Zoning Inspector regarding the interpretation of this resolution. Such appeal shall be taken within twenty (20) days after the original decision by filing, with the Zoning Inspector and the Board of Appeals, a Notice of Appeal on forms provided by the Zoning Inspector, specifying the grounds of appeal. It shall be filed along with a filing fee set and posted by the Board of Trustees.

Section 13:6 Conditional Uses

An appeal for a conditional use may be taken by any person, firm or corporation provided the proposed use is allowed in this resolution. The person applying shall file for the conditional use with the Zoning Inspector on forms provided by the Township. A filing fee set and posted by the Board of Trustees shall be paid upon filing.

Section 13:7 Hearing Procedure

13:7.1 All appeals and applications for a variance or conditional use made to the Board of Appeals shall refer to the specific provision of the Zoning Resolution involved and shall clearly state the applicant's request and the grounds on which it should be granted.

13:7.2 When a request is filed in the proper form, the Chairman of the Board of Zoning Appeals shall:

13:7.2.1 Set a hearing date within a reasonable time.

13:7.2.2 Give at least ten (10) days' notice in writing to the parties of interest including, but not limited to, abutting property owners.

13:7.2.3 Give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing.

13:7.2.4 Decide the appeal within a reasonable time after it is submitted.

13:7.3 All procedures shall be in compliance with the Ohio Revised Code.

ARTICLE 14 RELATIONSHIP TO OTHER LEGISLATION

The provisions of this Resolution shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, morals, convenience or general welfare. This Resolution is intended to be comprehensive legislation with respect to the use and regulation of land in Liberty Township, Trumbull County, Ohio. It is intended to repeal and supersede all prior Zoning Resolutions. This Resolution shall not be deemed to repeal any other Resolutions, Codes or Rules of Liberty Township presently in effect. In the event of any inconsistency between this Resolution, and any existing Resolution or Rule, this Resolution shall prevail.

ARTICLE 15 VESTED RIGHT

Nothing in this Resolution should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, zoning district, zoning classification or any permitted uses therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of the public health, safety and welfare.

ARTICLE 16 ENFORCEMENT, PENALTIES AND ADDITIONAL REMEDIES

Section 16:1 Violations

16:1.1 No person shall build or remodel any structure so as to change its exterior dimensions, including the building or remodeling of accessory buildings, or change any use of a structure, or change the use of land within Liberty Township without first obtaining a Zoning Certificate or Conditional Zoning Certificate as required by this Resolution. No person shall fail to comply with all terms and conditions of any Zoning Certificate or Conditional Zoning Certificate issued hereunder.

16:1.2 Any person who commences any building, remodeling or change in the use of any structure or land without first obtaining the appropriate certificate under this Resolution, shall upon discovery be given a written notice by the Zoning Inspector to apply for the appropriate certificate or cease the violation of such provision within seven (7) days.

Section 16:2 Inspection

The Zoning Inspector shall inspect each alleged violation, and shall in writing order correction of all conditions that are found to be in violation of this Resolution.

Section 16:3 Correction Period

All violations shall be corrected within ten (10) days after the written order is issued or for a longer period of time as approved by the Zoning Inspector in the written order. Any violations not corrected within the specified period of time shall be reported to the Township Trustees who shall initiate prosecution, injunction or other appropriate proceedings.

Section 16:4 Penalties

The owner or owners of any building, premises, site or part thereof, where anything in violation of this Resolution shall be placed or shall exist, any tenant or occupant of such building or premises, and any architect, engineer, builder or contractor who shall assist in the commission of any such violation, and any persons who shall violate any of the provisions of this Resolution or fail to comply therewith shall, for each violation or non-compliance, be deemed guilty of a misdemeanor and upon conviction shall be assessed a fine in accordance with the Ohio Revised Code.

Section 16:5 Additional Remedies

16:5.1 Any landowner who will be particularly damaged by any violation of this Resolution may proceed by way of injunction, declaratory relief or other appropriate remedy against the violator to abate or prevent the violation. The failure of the Township to commence such proceedings shall not preclude such landowner from commencing such action. Demand upon the Township or the County Prosecutor shall not be required as a prerequisite to the commencement of such action nor shall the Township be a necessary part thereto.

16:5.2 In any action whether criminal or civil brought in respect to this Resolution, either the landowner or the person or corporation actually violating this Resolution shall be a proper party defendant.

Section 16:6 **Each Day a Separate Offense**

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

Section 16:7 **Rights and Remedies are Cumulative**

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

ARTICLE 17 VALIDITY AND SEVERABILITY CLAUSE

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

ARTICLE 18 EFFECTIVE DATE

This Resolution shall be in full force and take effect from and after the earliest date allowed by law.

Adopted by the Board of Trustees of Liberty Township, Trumbull County, Ohio, on this

The thirty first (31st) day of July in the year 2000

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|----|--|-----------------|
| 1. | Date of Public Hearing by Zoning Commission | June 5, 2000 |
| 2. | Date of Publication | May 22, 2000 |
| 3. | Date of Public Hearing by Board of Township Trustees | July 31, 2000 |
| 4. | Date of Adoption by Board of Township Trustees | July 31, 2000 |
| 5. | Date and Time Resolution shall take effect 8 a.m. | August 31, 2000 |

Township Trustee

Township Trustee

Township Trustee

Attest by Township Clerk:

TO: Mr. Jim Rodway
FROM: Secretary, Center for Urban Studies
DATE: April 27, 2000
RE: Liberty Township Zoning Resolution

Here is the latest version of this zoning resolution.

Please let me know if it is changed or updated, because I think Dr. Peterson wants to keep a copy in our library.

Thank you.

Kathy Globeck
Center for Urban Studies
Youngstown State University
One University Plaza
Youngstown, OH 44555-3355

Phone: 742-3355, or 742-1946

Fax: 742-1527

E-mail: urban-studies@cc.ysu.edu, or klglobec@cc.ysu.edu