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## ARTICLE 1: GENERAL PROVISIONS

### 1.1 TITLE

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This resolution shall be known and may be cited and referred to as the “Liberty Township, Butler County, Ohio, Zoning Resolution.”

### 1.2 PURPOSE

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This resolution is enacted for the purpose of promoting public health, safety, morals, comfort and general welfare; conserving and protecting property and values; securing the most appropriate use of land, and facilitating adequate and economical provisions for public improvement, all in accordance with a comprehensive plan for the desirable future development of the township, and providing a method of administration and prescribing penalties for the violations of provisions hereafter described all as authorized by the provisions of Chapter 519 and the Sections thereunder of the Ohio Revised Code (ORC).

### 1.3 APPLICABILITY

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This resolution has been passed under the authority granted to the township under Section 519.01 et seq. of the ORC and embraces the provisions thereof regarding enforcement and penalties for violations.

### 1.4 JURISDICTION

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The provisions of this resolution shall apply to all land, land development, use of all structures, and uses of land within the unincorporated areas of Liberty Township, Butler County, Ohio.

### 1.5 INTERPRETATION AND CONFLICTS

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- 1.5.1 For purposes of interpretation and application, the provisions of this Zoning Resolution shall be held to be the minimum requirements required to promote the purpose of this resolution.
- 1.5.2 When provisions of this Zoning Resolution are inconsistent with one another or with the provisions found in another adopted resolution, the more restrictive provisions shall govern.
- 1.5.3 Where this Zoning Resolution imposes a greater restriction than imposed or required by other provisions of law or by other rules, regulations, or resolutions, the provisions of this Zoning Resolution shall control provided it complies with the ORC.

### 1.6 RELATIONSHIP WITH THIRD PARTY PRIVATE AGREEMENTS

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- 1.6.1 This Zoning Resolution is not intended to interfere with or abrogate any third-party private agreements including, but not limited to, easements, covenants, or other legal agreements between third parties. However, wherever this Zoning Resolution proposes a greater restriction upon the use of buildings or land, upon the location or height of buildings or structures, or upon requirements for open areas than those imposed or required by such third-party private agreements, the provision of this Zoning Resolution shall govern.
- 1.6.2 In no case shall the township be obligated to enforce the provisions of any easements, covenants, or agreements between private parties, which includes Home Owners Association rules and regulations.

## 1.7 COMPLIANCE REQUIRED

---

- 1.7.1** Except as hereinafter specified, no land, building, structure, or premises shall hereafter be used, and no building or part thereof, or other structure, shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the zoning district in which it is located.
- 1.7.2** It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter erected, created, changed, converted or enlarged, wholly or partly, until a Zoning Certificate is issued by the Zoning Inspector in accordance with Section 3.4 (Zoning Certificate and Site Plan Review).
- 1.7.3** Such Zoning Certificate shall state that such building, premises or a part thereof, and the proposed use thereof, are in conformity with the provisions of this Zoning Resolution.
- 1.7.4** Uses, lots, buildings, and structures that do not comply with this resolution will be subject to the nonconforming uses provisions of Section 4.14 (Nonconformities).

## 1.8 SEVERABILITY

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- 1.8.1** If any court of competent jurisdiction invalidates any provision of this Zoning Resolution, then such judgment shall not affect the validity and continued enforcement of any other provision of this Zoning Resolution.
- 1.8.2** If any court of competent jurisdiction invalidates the application of any provision of this Zoning Resolution to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other building, structure, or situation not specifically included in that judgment.
- 1.8.3** If any court of competent jurisdiction judges invalidate any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.
- 1.8.4** Whenever a condition or limitation is included in an administrative action authorizing regulatory activity, then it shall be conclusively presumed that the authorizing officer, commission, or board considered such condition or limitation necessary to carry out the spirit and intent of this Zoning Resolution, and that the officer, commission, or board would not have granted the authorization to which the condition or limitation pertained except in belief that the condition or limitation was lawful.

## 1.9 TRANSITIONAL RULES

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### 1.9.1 Effective Date

- (1) This resolution became effective on November 23, 1992.
- (2) Any amendments to this Zoning Resolution shall be in full force and effect as provided in Section 519.12 of the Ohio Revised Code.

### 1.9.2 Violations Continue

Any violation under previous Zoning Resolutions that applied to the township prior to the adoption of this Zoning Resolution shall continue to be a violation under this Zoning Resolution and is subject to penalties and enforcement under Article 10 (Violations and Penalties), unless the use, development, construction, or other activity complies with the provisions of this Zoning Resolution.

### **1.9.3 Nonconformities Continue**

- (1) Any legal nonconformity under any previous Zoning Resolutions that applied to the township prior to the adoption of this Zoning Resolution shall continue to be a legal nonconformity under this Zoning Resolution, as long as the situation that resulted in the nonconforming status under the previous resolutions continues to exist.
- (2) If a legal nonconformity under any previous resolutions that applied to the township prior to the adoption of this Zoning Resolution becomes conforming because of the adoption of this Zoning Resolution, then the situation will be considered conforming and shall no longer be subject to the regulations pertaining to nonconformities.

### **1.9.4 Approved Projects**

- (1) Any building, structure, or development for which a building permit was issued prior to the effective date of this Zoning Resolution may, at the applicant's option, be completed in conformance with the issued permit and any other applicable permits and conditions, even if such building, structure, or development does not fully comply with provisions of this Zoning Resolution. Such building, structure, or development shall be considered a legal nonconforming use upon the issuance of a certificate of occupancy from the Butler County Building Department or final Zoning Certificate from Liberty Township.
- (2) If the building, structure, or development is not completed within the time allowed under the original building permit or any extension granted thereof, then the building, structure, or development may be constructed, completed, or occupied only in compliance with this Zoning Resolution.
- (3) Any application for a project where the Zoning Certificate has expired shall meet the standards in effect at the time the application is resubmitted.

### **1.9.5 Vested Rights**

The transitional rule provisions of Sections 1.9.1 through 1.9.4 of this resolution are subject to Ohio's vested rights laws.

## **1.10 RESTORATION OF UNSAFE BUILDINGS**

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Except as provided in Section 4.14 (Nonconformities), nothing in this resolution shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

## **1.11 REPEAL**

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This Zoning Resolution may be repealed in accordance with the provision established in ORC Section 519.25.

## **1.12 USE OF TABLES, GRAPHICS, ILLUSTRATIONS, FIGURES, AND CROSS-REFERENCES**

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- 1.12.1** Tables, graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.
- 1.12.2** In some instances, cross-references between articles, sections, and subsections are provided that include the article, section, or subsection number along with the name of the reference in parenthesis. Where a conflict may occur between the given cross-reference number and name, the name shall control.

# ARTICLE 2: ADMINISTRATIVE ROLES AND AUTHORITY

## 2.1 PURPOSE

The purpose of this article is to identify the roles and responsibilities of various elected and appointed boards, and the duties of township staff, in the administration of this Zoning Resolution.

## 2.2 SUMMARY TABLE OF REVIEW BODIES

**2.2.1** Table 2.2-A summarizes the review and decision-making responsibilities of the entities that have roles in the procedures set forth in Article 3 (Development Review Procedures). Other duties and responsibilities of the entities are set forth in subsequent sections of this article.

**2.2.2** Even though not referenced in this article, other boards, commissions, government agencies, and non-government agencies may be asked by the Zoning Inspector, the Liberty Township Zoning Commission, the Liberty Township Board of Zoning Appeals, or the Liberty Township Board of Trustees, to review some applications, including, but not limited to, map amendments (rezones), text amendments, appeals, variances, conditional uses, and planned unit developments.

Table 2.2-A: Summary Table of Review Bodies					
H = Hearing (Public Hearing Required) M = Meeting (Public Meeting Required) R = Review and/or Recommendation			D = Decision (Responsible for Final Decision) A = Appeal (Authority to Hear/Decide Appeals)		
Procedure	Section	Board of Township Trustees	Zoning Commission	Board of Zoning Appeals (BZA)	Zoning Inspector or Asst. Zoning Inspector
Zoning Text or Map Amendment	3.6	H-D	H-R		R
Planned Unit Development – Preliminary PUD Plan	4.11.3	H-D	H-R		R
Planned Unit Development – Final PUD Plan	4.11.3		H-D		R
Planned Unit Development – Combined Review of the Preliminary/Final PUD Plan	4.11.3	H-D	H-R		R
Conditional Use	3.7			H-D	R
Appeals	3.7			H-A	R [1]
Variance	3.7			H-D	R
Zoning Certificate	3.4				R-D
Site Plan Review	3.4 and 3.5		H-D		R-D [2]

**NOTES:**  
 [1] Staff shall forward all records of their decision to the BZA including any staff report or summary that provides a history of actions and decisions made in relation to the appealed action.  
 [2] The Zoning Inspector shall have the ability to submit any application to the Zoning Commission if the Zoning Inspector determines that the application does not meet the requirements of Article 5 (Overlay District Development Standards) or as otherwise deemed necessary.

## 2.3 BOARD OF TOWNSHIP TRUSTEES

For the purpose of this Zoning Resolution, the Liberty Township Board of Trustees shall have the following duties:

- 2.3.1** Initiate proposed amendments to this Zoning Resolution and/or the official Zoning Map;
- 2.3.2** Review and decide on all proposed zoning text and map amendments to this Zoning Resolution;
- 2.3.3** Review and decide on Preliminary PUD Plans or combined Preliminary/Final PUD Plans as they relate to a proposed PUD; and

- 2.3.4** Perform all other duties as specified in Chapter 519 of the ORC and as specified in this Zoning Resolution.

## 2.4 ZONING COMMISSION

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The Board of Trustees, for the purpose and intent of this Zoning Resolution, has hereby created and established the Liberty Township Zoning Commission, hereafter referred to as the Zoning Commission.

### 2.4.1 Appointment and Organization

- (1) The Zoning Commission shall be composed of five (5) members who reside in the unincorporated area of Liberty Township, Butler County, Ohio, to be appointed by the Board of Trustees.
- (2) Members shall serve five (5) year terms with the term of one (1) member expiring each year.
- (3) Each member shall serve until his or her successor is appointed and qualified.
- (4) Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause, by the trustees.
- (5) Vacancies shall be filled by appointment by the trustees and shall be for the time remaining in the unexpired term.

### 2.4.2 Roles and Powers

The Zoning Commission shall have the following roles and powers:

- (1) Initiate proposed amendments to this Zoning Resolution and/or the official Zoning Map;
- (2) Serve as the architectural review authority, as granted by Section 519.171 of the ORC in such cases as may be defined in this resolution.
- (3) Review all proposed Zoning Text and Map Amendments to this Zoning Resolution and make recommendations to the Board of Township Trustees;
- (4) Review and make recommendations to the Board of Township Trustees regarding Preliminary PUD Plans and combined Preliminary/Final PUD Plans as they relate to a proposed PUD;
- (5) Review and make decisions on Final PUD Plans as they relate to a proposed PUD where the Final PUD Plan is not part of a combined Preliminary/Final PUD Plan application; and
- (6) Perform all other duties as specified for township Zoning Commissions in Chapter 519 of the ORC and as specified in this Zoning Resolution.

### 2.4.3 Alternates

- (1) The Board of Trustees may appoint two (2) alternate members to the Zoning Commission for a term of five (5) years each.
- (2) An alternate member shall take the place of an absent regular member at any meeting of the Zoning Commission.
- (3) An alternate member shall meet the same appointment criteria as a regular member.
- (4) When attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized to vote.

**2.4.4 Bylaws**

The Zoning Commission may organize and adopt bylaws for its own governance provided they are consistent with law or with any other resolution of the township. Such bylaws shall be approved, by resolution, by the Board of Trustees.

**2.4.5 Meetings**

- (1) Meetings shall be held at the call of the chair, or the acting chair, and at such other times as the Zoning Commission may determine.
- (2) All meetings shall be open to the public, except as exempted by law.
- (3) The Zoning Commission shall keep minutes of its proceedings showing the vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record, unless exempted by law, and be immediately filed in the office of the Zoning Commission.

**2.4.6 Quorum and Decisions**

- (1) Any combination of three (3) or more regular or alternate members of the Zoning Commission shall constitute a quorum.
- (2) The Zoning Commission shall act when at least three (3) members concur.
- (3) Administrative decisions of the Zoning Commission made pursuant to its roles and powers conferred by Subsections 2.4.2 (1), (2), (3), and (6) shall be accompanied by a written resolution specifying the reason for granting or denying the application or making its recommendation.
- (4) Administrative recommendations and decisions of the Zoning Commission made pursuant to its roles and powers conferred by Subsections 2.4.2 (4), and (5) shall be accompanied by written findings of fact, based on testimony and evidence and specifying the reason for granting or denying the application, or making its recommendation.

## 2.5 BOARD OF ZONING APPEALS

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The Board of Trustees, for the purpose and intent of this Zoning Resolution, has hereby created and established the Liberty Township Board of Zoning Appeals, hereafter referred to as the BZA.

**2.5.1 Appointment and Organization**

- (1) The BZA shall be composed of five (5) members who reside in the unincorporated area of Liberty Township, Butler County, Ohio, to be appointed by the Board of Trustees.
- (2) Members shall serve five (5) year terms with the term of one (1) member expiring each year.
- (3) Each member shall serve until their successor is appointed and qualified.
- (4) Members of the BZA shall be removable for non-performance of duty, misconduct in office, or other cause, by the trustees.
- (5) Vacancies shall be filled by appointment by the trustees and shall be for the time remaining in the unexpired term.

**2.5.2 Roles and Powers**

The BZA shall have the following roles and powers:

- (1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant, or refusal made by the Zoning Inspector, other township official, or administrative body of the township in the interpretation or enforcement of the provisions of this Zoning Resolution.
- (2) To hear and decide, in accordance with the provisions of this Zoning Resolution, applications filed for conditional uses, for interpretation of the Zoning Map, or for decisions upon other special questions on which the BZA is authorized by this Zoning Resolution to pass.
- (3) In considering an application for a conditional use, the BZA shall have the power to impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Zoning Resolution for the particular conditional use, as the BZA may deem necessary for the protection of adjacent properties and the public interest.
- (4) The BZA shall have the power to authorize upon appeal in specific cases, filed as herein provided, such variances from the provisions or requirements of this Zoning Resolution as will not be contrary to the public interest, but only in such cases where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this Zoning Resolution would cause unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done. The BZA may attach thereto such conditions regarding the location, character and other features of the proposed structure or use, as it may deem necessary in the interest of the furtherance of the purposes of the Zoning Resolution and in the public interest.
- (5) To review and provide an interpretation of the Zoning Map whenever there is a question of how the zone districts are applied on the map.
- (6) To permit the substitution of a nonconforming use existing at the time of enactment of this resolution in compliance with Section 4.14 (Nonconformities).
- (7) All other powers conferred upon township boards of zoning appeals in Section 519.14 of the Ohio Revised Code, or as authorized by the Board of Trustees in compliance with state law.

### **2.5.3 Alternates**

- (1) The Board of Trustees may appoint two (2) alternate members to the BZA for a term of five (5) years each.
- (2) An alternate member shall take the place of an absent regular member at any meeting of the BZA.
- (3) An alternate member shall meet the same appointment criteria as a regular member.
- (4) When attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized to vote.

### **2.5.4 Bylaws**

The BZA may organize and adopt bylaws for its own governance provided they are consistent with law or with any other resolution of the township. Such bylaws shall be approved, by resolution, by the Board of Trustees.

### **2.5.5 Meetings**

- (1) Meetings of the BZA shall be held at the call of the chair, or the acting chair, and at such other times as the BZA may determine.

- (2) The chair, or in their absence, the acting chair, may administer oaths and the BZA may compel the attendance of witnesses per Section 519.15 of the ORC.
- (3) All meetings of the BZA shall be open to the public, except as exempted by law.
- (4) The BZA shall keep minutes of its proceedings showing the vote, indicating such fact and shall keep records of its examinations and official actions, all of which shall be filed in the office of the Liberty Township Fiscal Officer and shall be a public record, unless exempted by law.
- (5) The BZA may call upon any township department for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the BZA as may reasonably be required.

### 2.5.6 Quorum and Decisions

- (1) Any combination of three (3) regular or alternate members of the BZA shall constitute a quorum.
- (2) The BZA shall act by resolution when at least three (3) members concur. Every decision shall be accompanied by written findings of fact, based on testimony and evidence and specifying the reason for granting or denying the application.

## 2.6 ZONING INSPECTOR

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### 2.6.1 Roles and Powers

The Board of Township Trustees shall appoint a Zoning Inspector who shall have the following roles and powers:

- (1) To serve as the Zoning Inspector within the Liberty Township Planning & Zoning Department.
- (2) To serve as the architectural review authority, as granted by Section 519.171 of the ORC, unless otherwise noted in this resolution where the Zoning Commission shall have such authority.
- (3) To enforce this Zoning Resolution. It shall also be the duty of all officials and employees of the township to assist the Zoning Inspector by reporting to him/her upon new construction, reconstruction, land uses, or upon seeing violations.
- (4) It shall be the duty of the Zoning Inspector, or his/her designee, to review applications for Zoning Certificates and to ensure compliance with this Zoning Resolution in accordance with Section 3.4 (Zoning Certificate and Site Plan Review).
- (5) After written request from the owner or tenant, the Zoning Inspector shall issue a Zoning Certificate for any building or premises existing at the time of enactment of this resolution, certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this resolution.
- (6) It shall be the duty of the Zoning Inspector to keep adequate records of all applications and decisions on said applications.
- (7) It shall be the duty of the Zoning Inspector, or his/her designee, to issue citations of zoning violations and keep adequate records of all violations.
- (8) The Board of Township Trustees may also appoint additional Zoning Inspector personnel to assist the Zoning Inspector in such roles and powers.

**2.6.2 Decisions**

- (1) A decision of the Zoning Inspector may be appealed to the BZA.
- (2) The Zoning Inspector shall have appropriate forms available at the time of denial.

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## ARTICLE 3: DEVELOPMENT REVIEW PROCEDURES

### 3.1 PURPOSE

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The purpose of this chapter is to identify the development review procedures used in the administration of this Zoning Resolution.

### 3.2 AGRICULTURAL EXEMPTION

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**3.2.1** Agricultural uses, and buildings or structures that are incident to agricultural uses, located on lots with a lot area of five (5) acres or more shall be exempt from the requirements of this Zoning Resolution and property owners shall not be required to obtain a Zoning Certificate per such uses in accordance with Section 519.21 of the ORC.

**3.2.2** For any platted subdivision approved under Section 711.05, 711.09 or 711.10 of the ORC, or in any area consisting of 15 or more lots approved under Section 711.131 (711.13.1) of the ORC that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, the township shall require a Zoning Certificate for:

- (1) Agriculture uses on lots of one (1) acre or less;
- (2) Setbacks, heights and sizes of buildings or structures incidental to the use of land for agricultural purposes on lots greater than one acre but not greater than 5 acres.
- (3) Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five (5) acres when at least 35% of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under Section 4503.06 of the ORC. After 35% of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to Section 519.19 of the ORC.

**3.2.3** Structures that are exempt from the provisions of the Zoning Resolution pursuant to this section shall not be exempt from any applicable special flood hazard area regulations established and enforced by Butler County.

### 3.3 COMMON REVIEW REQUIREMENTS

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The requirements of this section shall apply to all development review applications and procedures subject to development review under this Zoning Resolution, unless otherwise stated.

#### 3.3.1 Authority to File Applications

- (1) The person having legal authority to take action in accordance with the approval sought shall file an application for any review in accordance with this Zoning Resolution. The person having legal authority shall be the record owner or the duly authorized agent of the record owner and may be required to provide proof of such authority at the time of application.
- (2) The Zoning Commission or Board of Township Trustees may initiate zoning text and map amendments under this Zoning Resolution with or without an application from the property owner who may be affected.

### 3.3.2 Application Contents

#### (1) Submittal Requirements

Applications required under this Zoning Resolution shall be submitted in a form and in such numbers as established by the Zoning Inspector and made available to the public.

#### (2) Submission of Fees

(a) Applications shall be accompanied by a fee as established by resolution of the Board of Township Trustees.

(b) The township shall charge appropriate fees for the review or issuance of Zoning Certificates, conditional use certificates, appeals, variances, zoning amendments, nonconforming use certificates, and other applicable certificates to cover the costs of inspection, investigation, legal notices and other expenses incidental to the enforcement of this Zoning Resolution. Such fees shall be paid to the Liberty Township Zoning Department, or its designee, and shall be paid in accordance to the Official Zoning Fee Schedule as established by the Board of Township Trustees.

#### (3) Complete Application Determination

(a) The Zoning Inspector shall only initiate the review and processing of applications submitted under this article if such application is determined to be complete.

(b) The Zoning Inspector shall make a determination of application completeness within seven (7) business days of the application filing.

(c) If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this resolution.

(d) If an application is determined to be incomplete, the Zoning Inspector shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected.

(e) If the applicant fails to re-submit a complete application within 60 days of the notice provided by the Zoning Inspector pursuant to Subsection 3.3.2 (3)(d), the incomplete application shall not be reviewed, the applicant's original filing fee shall be forfeited, and the incomplete application shall be deemed withdrawn. No reconsideration of an incomplete application shall occur after expiration of the 60-day period and an applicant in need of further development approval under the Zoning Resolution shall, pursuant to all of the original requirements of 3.3.2 (Application Contents), submit a new application and filing fee.

(f) If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

#### (4) Refund of Fees

Application or review fees are not refundable except where the Zoning Inspector determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.

### 3.3.3 Constructive Notice

The following shall apply to all public notice requirements established in each development review procedure:

- (1) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct the agency having responsibility for notification to make a formal finding as to whether there was substantial compliance with the notice requirements of this Zoning Resolution, and such finding shall be made available to the decision-making body prior to final action on the request.
- (2) When the records of the township document the publication, mailing, and/or posting of notices as required by this article, it shall be presumed that notice of a public hearing was given as required by this section.

#### **3.3.4 Continuation of Public Hearings**

A public hearing for which proper notice was given may be continued to a later date without again complying with the written notice requirements of this Zoning Resolution, provided that the continuance is set for a date within 60 days and the date and time of the continued hearing are announced at the time of the continuance.

#### **3.3.5 Computation of Time**

- (1) In computing any period of time prescribed or allowed by this Zoning Resolution, the date of the application, act, decision, or event, from which the designated period of time begins shall not be included. The last date of the period of time to be computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday as observed by Liberty Township where the township offices are closed for the entire day.
- (2) When the township offices are closed to the public for the entire day which constitutes the last day of the period of time, then such application, act, decision, or event may be performed on the next succeeding day which is not a Saturday, a Sunday, or a legal holiday observed by Liberty Township in which the township administrative offices are closed for the entire day.

### **3.4 ZONING CERTIFICATE AND SITE PLAN REVIEW**

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#### **3.4.1 Zoning Certificate Applicability**

A Zoning Certificate shall be required for any of the following:

- (1) New construction or structural alteration of any building or structure, including accessory buildings;
- (2) Change in use or occupancy of an existing building (including tenant finishes), accessory building, lot, or portion thereof, excluding changing to any agricultural use;
- (3) Change in the use of land to a use of a different classification;
- (4) Occupancy and use of vacant land or building, excluding agricultural land or buildings;
- (5) Decks and porches;
- (6) Fences and development entrance walls;

- (7) Retaining walls that require a building permit from Butler County;
- (8) All pools with a water depth greater than 18 inches except for temporary pools that are removed or emptied within 24 hours;
- (9) Home occupations, accessory uses, and temporary uses;
- (10) Any change in the use of a nonconforming use;
- (11) Permanent or temporary signs unless exempted in Section 9.3 (Signs Not Requiring a Permit);
- (12) Basement finishes;
- (13) Interior alterations that require a building permit from Butler County;
- (14) Any structure or improvement that is required to obtain a Zoning Certificate prior to the issuance of a Butler County Building Permit; or
- (15) Any other structure or use not listed as determined by the Zoning Inspector.

#### **3.4.2 Exemptions for Essential Services and Railroads**

Essential services, public utilities, and railroads shall be permitted as authorized and regulated by law and other resolutions of the township and county, it being the intention to exempt such essential services and railroads from the application of this Zoning Resolution.

#### **3.4.3 Site Plan Review Required Prior to Issuance of Zoning Certificate**

- (1) Development that requires a Zoning Certificate and is also regulated by Article 5 (Overlay District Development Standards) shall be subject to Site Plan Review pursuant to Section 3.5 (Site Plan Review).
- (2) The Zoning Inspector shall have the authority to forward an application to Zoning Commission for review as part of a Site Plan Review if the Zoning Inspector cannot make a determination that the application meets the requirements of Article 5 (Overlay District Development Standards).

#### **3.4.4 Zoning Certificate Review Procedure**

##### **(1) Preapplication Meeting**

- (a) Applicants for multi-family residential and nonresidential developments may be required to meet with the Zoning Inspector for a preapplication meeting prior to submitting a formal application for a Zoning Certificate.
- (b) The purpose of the preapplication meeting is to informally discuss application requirements, review procedures, and details of the proposed development.
- (c) One or more preapplication meetings between the applicant and township staff may be required unless specifically waived by the Zoning Inspector.
- (d) Applicants are encouraged to bring a preliminary site plan to the preapplication meeting.
- (e) No formal application is required to facilitate a preapplication meeting. The applicant need only contact the Zoning Inspector to set up a meeting date.
- (f) Discussions that occur during a preapplication meeting with township staff are not binding on the township and do not constitute official assurances or representations by Liberty Township or its officials regarding any aspects of the plan or application discussed.

**(2) Step 1 – Application**

The applicant shall submit the required number of copies of the following to the Zoning Inspector prior to submitting for a building permit from the Butler County Building Department:

- (a) Zoning Certificate application and applicable forms available from the township offices;
- (b) All such forms, maps, and information as may be prescribed for that purpose by the Liberty Township Zoning Department to assure the fullest practicable presentation of the facts for the permanent record; and
- (c) All required fees as established in the Liberty Township fee schedule.

**(3) Step 2 – Review**

The Zoning Inspector shall review the application for conformance with the provisions of this Zoning Resolution.

**(4) Step 3 – Decision**

- (a) The Zoning Inspector shall review each complete application and either approve and issue the Zoning Certificate or deny the application within 30 days of the application (Step 2).
- (b) Zoning Certificate applications submitted for a site subject to an approved moratorium shall not be reviewed, and no decision made, within the period of time that the moratorium is in place.
- (c) Upon approval, the Zoning Inspector shall issue a signed Zoning Certificate and maintain a copy of the application for township records.
- (d) If the Zoning Inspector denies an application, the inspector shall state in writing the reasons for the action taken.
- (e) If the application is denied, the applicant may submit a revised application and sketch plan for review in accordance with this review procedure, or the applicant may appeal the decision to the BZA in accordance with Section 3.7 (Appeals, Variances, and Conditional Uses) of this Zoning Resolution.

**3.4.5 Review Criteria**

- (1) All applications for a Zoning Certificate shall demonstrate conformity with the provisions of this Zoning Resolution.
- (2) No Zoning Certificate shall be issued to any applicant or for any property that is in violation of any provision of this resolution until such violation is corrected or eliminated to the satisfaction of the Zoning Inspector unless said application is being made to bring the property into conformance with this resolution.

**3.4.6 Amendments or Modifications**

- (1) Insignificant changes from an approved Zoning Certificate are permissible and the Zoning Inspector may grant changes, provided such change has no discernible impact on neighboring properties or the general public. Amendments or modifications to an approved Zoning Certificate may require the payment of a fee as established in the township's fee schedule.
- (2) All other requests for changes will be processed as a new application, which require the resubmittal of a new fee.
- (3) An applicant or property owner requesting changes shall submit a written request to the Zoning Inspector, itemizing the proposed changes.

### 3.4.7 Expiration

- (1) Construction shall commence within 12 months and shall be substantially completed within 24 months of the date upon which the Zoning Certificate was issued unless the owner of the property has established a vested right under the laws of Ohio to the use for which the original Zoning Certificate was issued.
- (2) Construction shall not be required to comply with the time limits established in Subsection 3.4.7 (1) above if the Zoning Inspector has authorized an alternative commencement or substantial completion date as part of the Zoning Certificate application review process. If the Zoning Inspector has authorized an alternative commencement or substantial completion date as part of the Zoning Certificate application review process, construction shall commence and be substantially completed within those time limits established by the Zoning Inspector.
- (3) For the purposes of Subsection 3.4.7 (1) and (2) above, construction shall not be deemed to have commenced until the excavation necessary for placement of the structure's foundation is no less than 100% complete, as determined by the Zoning Inspector.
- (4) Failure to commence construction within 12 months and substantially complete construction within 24 months or any alternative time limits established by the Zoning Inspector shall result in the expiration of the Zoning Certificate unless the applicant requests and receives an extension from the Zoning Inspector. Applications shall be required to apply for an extension no later than 30 days prior to the date of expiration of the original Zoning Certificate. Factors to be considered by the Zoning Inspector when determining whether to grant an extension shall include:
  - (a) The length of additional time necessary to complete construction;
  - (b) The reason for the delay;
  - (c) Good faith on the part of the applicant;
  - (d) The existence of or potential for any substantial detriment to adjoining property as a result of the extension; and
  - (e) Conformance with this Zoning Resolution.
- (5) Upon expiration of a Zoning Certificate, a new Zoning Certificate application, including all applicable fees, shall be required before construction or resumption of construction can begin.

### 3.4.8 Temporary Zoning Certificates

The Zoning Inspector may issue a temporary Zoning Certificate in accordance with the temporary use provisions of this resolution and the Zoning Certificate review procedure established above.

### 3.4.9 Revocation of a Zoning Certificate

The Zoning Inspector shall hereby have the authority to revoke an approved Zoning Certificate if the information submitted as part of the application is found to be erroneous or fraudulent after the certificate has been issued.

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## 3.5 SITE PLAN REVIEW

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### 3.5.1 Site Plan Review Applicability

Site Plan Review shall be required for all development that requires a Zoning Certificate (See Section 3.4 (Zoning Certificate and Site Plan Review)), where such development is regulated by Article 5 (Overlay District Development Standards), and where the Zoning Inspector has determined that the application does not meet the requirements of Article 5 (Overlay District Development Standards) or as otherwise deemed necessary.

### 3.5.2 Site Plan Review Procedure

#### (1) Preapplication Meeting

- (a) Applicants for multi-family residential and nonresidential developments are required to meet with the Zoning Inspector for a preapplication meeting prior to submitting a formal application for a Zoning Certificate.
- (b) The purpose of the preapplication meeting is to informally discuss application requirements, review procedures, and details of the proposed development.
- (c) One or more preapplication meetings between the applicant and township staff may be required unless specifically waived by the Zoning Inspector.
- (d) Applicants are encouraged to bring a preliminary site plan to the preapplication meeting.
- (e) No formal application is required to facilitate a preapplication meeting. The applicant need only contact the Zoning Inspector to set up a meeting date.
- (f) Discussions that occur during a preapplication meeting with township staff are not binding on the township and do not constitute official assurances or representations by Liberty Township or its officials regarding any aspects of the plan or application discussed.

#### (2) Step 1 – Application

The applicant shall submit the required number of copies of the following to the Zoning Inspector prior to submitting for a building permit from the Butler County Building Department:

- (a) Zoning Certificate application and applicable forms available from the township offices;
- (b) All such forms, maps, and information as may be prescribed for that purpose by the Liberty Township Zoning Department to assure the fullest practicable presentation of the facts for the permanent record; and
- (c) All required fees as established in the Liberty Township fee schedule.

#### (3) Step 2 – Review by the Zoning Inspector and/or Zoning Commission

- (a) The Zoning Inspector shall review the application for conformance with the provisions of this Zoning Resolution and Article 5 (Overlay District Development Standards).
- (b) Should the Zoning Inspector determine that the application does not meet the requirements of Article 5 (Overlay District Development Standards), or as otherwise deemed necessary the application shall be forwarded to the Liberty Township Zoning Commission for review. The Zoning Commission shall review the application within 30 days of the submission of an application (Step 1). Notification shall be given in accordance with the Ohio Revised Code.

**(4) Step 3 – Decision**

- (a)** In the case that the Zoning Inspector has the authority to render a decision on the application, the Zoning Inspector shall review each complete application and either approve and issue the Zoning Certificate or deny the application within 30 days of the application (Step 2).
  - (i)** Applications submitted for a site subject to an approved moratorium shall not be reviewed, and no decision made, within the period of time that the moratorium is in place.
  - (ii)** Upon approval, the Zoning Inspector shall issue a signed Zoning Certificate, which serves as Site Plan Review approval, and maintain a copy of the application and Zoning Certificate for township records.
  - (iii)** If the Zoning Inspector denies the application, the inspector shall state in writing the reasons for the action taken.
  - (iv)** If the application is denied, the applicant may submit a revised application and sketch plan for review in accordance with this review procedure, or the applicant may appeal the decision, or request the appropriate variance and/or waiver to the Zoning Commission in accordance with the procedures of this Zoning Resolution.
- (b)** In the case that the Zoning Commission has the authority to render a decision on the application, the Zoning Commission shall review each complete application and either approve the issuance of a Zoning Certificate or deny the application. The Zoning Commission may also table the decision for up to 30 additional days to allow for additional time to review the application.
  - (i)** Upon approval by the Zoning Commission, the Zoning Inspector shall be authorized to issue a signed Zoning Certificate and maintain a copy of the application for township records.
  - (ii)** If the application is denied, the applicant may submit a revised application and sketch plan for review in accordance with this review procedure, or the applicant may appeal the decision to the court system having jurisdiction.
- (c)** Zoning Certificate applications submitted for a site subject to an approved moratorium shall not be reviewed, and no decision made, within the period of time that the moratorium is in place.

**3.5.3 Review Criteria**

- (1)** All applications for a Site Plan Review shall demonstrate conformity with the provisions of this Zoning Resolution.
- (2)** Where applications for Site Plan Review indicate that the development and/or use proposed therein, or the manner in which they are proposed to be conducted, do not meet the standards and requirements of this resolution and could not practically and reasonably be made to do so by the attachment of reasonable conditions and safeguards, such applications shall be denied.
- (3)** No Zoning Certificate shall be issued in cases where Site Plan Review is required unless a site plan has been approved by the Zoning Commission and the applicant has supplied revised plans illustrating the approved conditions.

**3.5.4 Amendments or Modifications**

- (1) Insignificant changes from an approved site plan are permissible and the Zoning Inspector may grant changes, provided such change has no discernible impact on neighboring properties or the general public. Amendments or modifications to an approved Zoning Certificate may require the payment of a fee as established in the township's fee schedule.
- (2) All other requests for changes will be processed as a new application, which require the resubmittal of a new fee.
- (3) An applicant or property owner requesting changes shall submit a written request to the Zoning Inspector, itemizing the proposed changes.

**3.5.5 Expiration**

- (1) Construction shall commence within 12 months of site plan approval and shall be substantially completed within 24 months of the date upon which the Zoning Certificate was issued unless the owner of the property has established a vested right under the laws of Ohio to the use for which the original Zoning Certificate was issued.
- (2) Construction shall not be required to comply with the time limits established in Subsection 3.5.5 (1) above if the Zoning Inspector has authorized an alternative commencement or substantial completion date as part of the Zoning Certificate application review process. If the Zoning Inspector has authorized an alternative commencement or substantial completion date as part of the Zoning Certificate application review process, construction shall commence and be substantially completed within those time limits established by the Zoning Inspector.
- (3) For the purposes of Subsection 3.5.5 (1) and (2) above, construction shall not be deemed to have commenced until the excavation necessary for placement of the structure's foundation is no less than 100% complete, as determined by the Zoning Inspector.
- (4) Failure to commence construction within 12 months and substantially complete construction within 24 months or any alternative time limits established by the Zoning Inspector shall result in the expiration of the Zoning Certificate unless the applicant requests and receives an extension from the Zoning Inspector. Applications shall be required to apply for an extension no later than 30 days prior to the date of expiration of the original Zoning Certificate. Factors to be considered by the Zoning Inspector when determining whether to grant an extension shall include:
  - (a) The length of additional time necessary to complete construction;
  - (b) The reason for the delay;
  - (c) Good faith on the part of the applicant;
  - (d) The existence of or potential for any substantial detriment to adjoining property as a result of the extension; and
  - (e) Conformance with this Zoning Resolution.
- (5) Upon expiration of a Zoning Certificate, a new Zoning Certificate application, including all applicable fees, shall be required before construction or resumption of construction can begin.

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## 3.6 ZONING TEXT AND MAP AMENDMENTS

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### 3.6.1 Amendment Initiation

- (1) Amendments or supplements to the Zoning Resolution may be initiated by:
  - (a) Motion of the Zoning Commission;
  - (b) Passage of a resolution by the Board of Township Trustees; or
  - (c) By the filing of an application by the owners (or their agents) of property within the area proposed to be changed or affected by the proposed amendment.
- (2) If the Board of Township Trustees initiate the amendment, the board shall, upon the passage of such resolution, certify it to the Zoning Commission.

### 3.6.2 Review Procedure

#### (1) Step 1 – Preapplication Conference

- (a) If initiated by the property owners, the applicant is required to meet with the Liberty Township Zoning Inspector to discuss the initial concepts of the proposed amendment and general compliance with applicable provisions of this Zoning Resolution prior to the submission of the application.
- (b) Discussions that occur during a preapplication conference or a preliminary meeting with township staff are not binding on the township and do not constitute official assurances or representations by Liberty Township or its officials regarding any aspects of the plan or application discussed.

#### (2) Step 2 – Application

- (a) Applications for any change of district boundaries, classifications of property as shown on the Zoning Map, or changes to the Zoning Resolution text shall be submitted to the Zoning Commission at the township offices.
- (b) The application shall include all such forms, maps, and information, as may be prescribed for that purpose by the Zoning Inspector to assure the fullest practicable presentation of the facts for the permanent record.
- (c) Each application initiated by property owners shall be signed by at least one of the owners, or the owner's authorized agent of the property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications.
- (d) Applications for amendments initiated by the Zoning Commission or the Board of Township Trustees shall be accompanied by the initiating board's motion or resolution pertaining to such proposed amendment.
- (e) All applications shall be submitted with the required fees as established in the Liberty Township fee schedule.

#### (3) Step 3 – Referral to the Butler County Planning Commission

- (a) Pursuant to Ohio Revised Code 519.12(E)(1)(b), referral to the Butler County Planning Commission is optional for limited home rule townships. Therefore, referral to the Butler County Planning Commission is not required. However, the Zoning Inspector may elect to refer an amendment to the Butler County Planning Commission for review, which shall follow the process defined in paragraphs (b) thru (d) below.
- (b) Within five (5) days after the adoption of a motion, certification of a resolution, or the filing of an application (Step 2), the township shall transmit a copy thereof to the Butler County Planning Commission.

(c) The Butler County Planning Commission shall recommend the approval, approval with modifications, or denial of the proposed amendment and shall submit such recommendation to the Zoning Commission.

(d) Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment.

**(4) Step 4 – Public Hearing with the Zoning Commission**

(a) Upon adoption of a motion, certification of a resolution, or the filing of an application for an amendment (Step 2), the Zoning Commission shall set a date for a public hearing regarding the proposed amendment.

(b) The public hearing shall not be less than 20 or more than 40 days after the date the application (Step 2) was submitted.

(c) Notification shall be given in accordance with Section 519.12 of the ORC.

**(5) Step 5 – Recommendation by the Zoning Commission**

Within 30 days after the Zoning Commission’s public hearing (Step 4), the Zoning Commission shall recommend the approval or denial of the proposed amendment and submit such recommendation together with such application or resolution, the text and map pertaining thereto, and the recommendation of the Butler County Planning Commission to the Board of Township Trustees.

**(6) Step 6 – Public Hearing with the Board of Township Trustees**

(a) Upon receipt of the recommendation from the Zoning Commission (Step 5), the Board of Township Trustees shall set a time for a public hearing on such proposed amendment.

(b) The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the Zoning Commission.

(c) Notification shall be given in accordance with Section 519.12 of the ORC.

**(7) Step 7 – Decision**

Within 20 days after its public hearing (Step 6), the Board of Township Trustees shall either adopt or deny the recommendations of the township Zoning Commission or adopt some modification of them. If the board denies or modifies the commission’s recommendations, the majority vote of the board shall be required.

**3.6.3 Effective Date and Referendum**

(1) Any amendment adopted by the Board of Township Trustees shall become effective 30 days after the date of such adoption.

(2) A referendum of any amendments may be undertaken within the 30 days after the date of the Board of Trustees decision in accordance with ORC Section 519.12.

**3.6.4 Review Criteria**

The following criteria shall be used in decisions regarding zoning amendments:

(1) The amendment is in accordance with this resolution as adopted by the Board of Township Trustees;

(2) The amendment has been reviewed to determine the consistency with the Liberty Township Comprehensive Vision Plan; and

(3) Where more than one zoning district is available to implement the land use designation, the applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon the policies of the township.

### 3.6.5 Planned Unit Developments

Planned Unit Developments (PUDs) shall be subject to the review procedure established in Section 4.11 (Planned Unit Development (PUD) Districts).

## 3.7 APPEALS, VARIANCES, AND CONDITIONAL USES

### 3.7.1 Review Procedure

The review procedure for appeals, variances, and conditional uses shall be as follows:

#### (1) Step 1 – Application

An application for variances, conditional uses, or other review over which the BZA has original jurisdiction under Section 2.5 (Board of Zoning Appeals) may be made by any property owner, including an authorized agent, or by a governmental officer, department, board or bureau.

##### (a) Special Application Requirements for Appeals

- (i) An appeal to the BZA may be taken by any person aggrieved by a decision of the Zoning Inspector or by any administrative officer of the township in interpreting or applying the provisions of this Zoning Resolution. Such appeal shall be taken within 20 days of receipt of notification of the decision in question, by filing with the Zoning Inspector and with the BZA, a notice of appeal specifying the grounds thereof including applicable sections of the Liberty Township Zoning Resolution.
- (ii) The Zoning Inspector shall transmit to the BZA all the papers constituting the record upon which the action appealed from was taken.
- (iii) The filing of an appeal shall stay all proceedings unless the Zoning Inspector or any affected person certifies to the BZA that, by reason of facts pertaining to the matter in question, a stay, in their opinion, would cause imminent peril to life or property. When such certification is made, proceedings shall not be stayed except by order granted by the BZA.

(b) The Zoning Inspector shall transmit a copy of the application to the BZA.

(c) All applications shall be submitted with the required fees as established in the Liberty Township fee schedule.

#### (2) Step 2 – Public Hearing with the Board of Zoning Appeals

(a) Upon application (Step 1), the BZA shall fix a reasonable time for the public hearing on any application or appeal, give at least 10 days of notice in writing to the parties in interest, and give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least 10 days before the date of such hearing.

(b) Any party may appear in person or by an appointed representative at a hearing for an appeal or application.

(c) Upon the day for hearing any application or appeal, the BZA may adjourn the hearing in order to obtain additional information or to cause further notice, as it deems proper, to facilitate the discussion and decision on said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the BZA so decides.

**(3) Step 3 – Decision**

- (a) Within 30 days after the hearing concludes (Step 2), the BZA shall make a decision on the application or appeal.
- (b) A decision of the BZA shall not become final until the expiration of 30 days from the date of such decision unless the BZA shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.
- (c) A certified copy of the BZA's decision shall be transmitted to the applicant or appellant at the applicant's address as shown on the records of the BZA and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him and he shall incorporate the terms and conditions of the decision in the permit to the applicant or appellant, whenever the BZA authorizes a Zoning Certificate.
- (d) For appeals, the BZA may, in conformity with the provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken.
- (e) In authorizing a variance or conditional use, the BZA may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as the BZA may deem necessary in the interest of the furtherance of the purposes of this resolution. In authorizing a variance or conditional use with attached conditions, the BZA may require such evidence and guarantee or bond as it may deem to be necessary, that the applicant is and will comply with the attached conditions.
- (f) Failure to comply with the conditions of a decision shall be deemed a violation of this Zoning Resolution.
- (g) Any party adversely affected by a decision of the BZA may appeal the decision to the Butler County Court of Common Pleas.

**3.7.2 Appeal Review Criteria**

An order, decision, determination, or interpretation shall not be reversed or modified by the BZA unless there is competent, material, and substantial evidence in the record that the order, decision, determination, or interpretation fails to comply with either the procedural or substantive requirements of this Zoning Resolution, state law, or federal law.

**3.7.3 Variance Review Criteria**

- (1) The BZA shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the provisions or requirements of this resolution as will not be contrary to the public interest. Where an applicant seeks a variance, said applicant shall be required to establish to the satisfaction of the BZA that unnecessary hardship will prevail unless the variance is granted.
- (2) The BZA shall not possess the power to grant a variance to permit a use of any land, building, or structure, which is not permitted by this resolution in the zone in question, or to alter the density of dwelling unit requirements of the zone in question unless otherwise specifically stated in this resolution.
- (3) No variance shall be considered or granted by the BZA, which would allow a change in use of a parcel, building or structure where such change of use could be accomplished by a redistricting of the subject property.

- (4) The BZA shall not grant a variance as authorized in this resolution unless it can determine that there is an unnecessary hardship encountered by the applicant in complying with this resolution and/or orders of administrative officials related thereto. This evaluation shall include, but is not limited to, the following criteria:
- (a) Whether the property will yield a reasonable return without the variance or whether there can be beneficial use of the property;
  - (b) Whether the variance is substantial;
  - (c) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
  - (d) Whether the variance would adversely affect the delivery of governmental services;
  - (e) Whether the property owner purchased the property with knowledge of the zoning restrictions;
  - (f) Whether the problem can feasibly be addressed through some method other than variance;
  - (g) Whether the variance preserves the spirit and the intent behind the resolution and whether substantial justice would be done by granting the variance; and
  - (h) The potential impact on property tax revenue and the potential tax impact on established tax-increment financing (TIF) or joint economic development districts (JEDD).
- No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.
- (5) The BZA shall not grant a variance unless the BZA finds that special conditions or circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same district

#### 3.7.4 Conditional Use Review Criteria

- (1) In reviewing conditional uses, the BZA shall consider the following:
- (a) The use is a conditional use, permitted with approval by the BZA, in the district where the subject lot is located;
  - (b) The use is in accordance with the objectives of the Liberty Township Comprehensive Vision Plan and Zoning Resolution; and
  - (c) The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare.
- (2) The BZA shall also consider the following as applicable to the application:
- (a) The comparative size, floor area and mass of the proposed structure(s) in relationship to adjacent structures and buildings in the surrounding properties and neighborhood;
  - (b) The frequency and duration of various indoor and outdoor activities and special events and the impact of these activities on the surrounding area;
  - (c) The number of transit movements generated by the proposed use and relationship to the amount of traffic on abutting streets and on minor streets in the surrounding neighborhood;
  - (d) The capacity of adjacent streets to handle increased traffic in terms of traffic volume;
  - (e) The added noise level created by activities associated with the proposed use and the impact of the ambient noise level of the surrounding area and neighborhood;

- (f) The requirements for public services where the demands of the proposed use are in excess of the individual demand of adjacent land uses in terms of police and fire protection, and the presence of any potential or real fire or other hazards created by the proposed use;
- (g) The general appearance of the neighborhood will not be adversely affected by the location of the proposed use on the parcel;
- (h) The impact of night lighting in terms of intensity and duration and frequency of use as it impacts adjacent properties and in terms of presence in the neighborhood;
- (i) The impact of the landscaping of the proposed use in terms of maintained landscaped areas versus areas to remain in a natural state, and the openness of landscape versus the use of buffers and screens;
- (j) The impact of a significant amount of hard-surfaced areas for building, sidewalks, drives, parking areas and service areas in terms of noise transfer, water runoff and heat generation;
- (k) The potential for the proposed use to remain in existence for a reasonable period of time and not become vacant or unused. Consideration should also be given to unusual single purpose structures or components of a more temporary nature.
- (l) Any other physical or operational feature or characteristic that may affect the public health, safety and welfare; and
- (m) The potential impact on property tax revenue and the potential tax impact on established tax-increment financing (TIF) or joint economic development districts (JEDD).

### 3.7.5 Expiration

- (1) For conditional uses, the applicant shall have three (3) years from the date of approval to receive an approved Zoning Certificate or the conditional use shall be deemed null and void.
- (2) For variances, the applicant shall have one year from the date of approval to receive an approved Zoning Certificate or the variance approval shall be deemed null and void.
- (3) Applicants may submit one request for an extension of one (1) year to the BZA.

# ARTICLE 4: ZONE DISTRICTS AND USE REGULATIONS

## 4.1 PURPOSE

The purpose of this Article is to establish zoning districts in order to:

- 4.1.1 Realize the general purpose set forth in Article 1 (General Provisions) of this Zoning Resolution;
- 4.1.2 Classify, regulate and restrict the location of industries, residences, recreation, trades, and other land uses and the location of buildings designated for specified uses;
- 4.1.3 Regulate and limit the percentages of lot areas which may be occupied;
- 4.1.4 Establish building setback lines, sizes of yards, and other open spaces within and surrounding such buildings; and
- 4.1.5 Regulate the density of population within Liberty Township to the fullest extent allowed by law.

## 4.2 GENERAL PROVISIONS RELATED TO USE REGULATIONS

### 4.2.1 Limitation on Principal Structures

- (1) In any residential district or on any lot used for residential purposes, unless otherwise provided, no more than one principal structure may be constructed per lot.
- (2) In nonresidential districts, one or more principal structures for the same permitted use may be constructed on a single lot provided the structures meet all of the requirements of this resolution.

### 4.2.2 Sale of Alcoholic Beverages

Nothing contained in this resolution shall confer any power or prohibit the sale or use of alcoholic beverages in the areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.

### 4.2.3 Public Sewer and Water Service

All uses on lots with an area of less than five (5) acres shall be served either by centralized water and sewer or, where centralized water and sewer service is not available, by private methods that are approved by the Butler County Board of Health and/or other appropriate agencies having jurisdiction.

## 4.3 ESTABLISHMENT OF ZONING DISTRICTS

For the purposes stated above, the unincorporated territory of Liberty Township is hereby divided into the following zoning districts:

Table 4.3-A: Zoning Districts	
District Designation	District Name
<b>Base Zoning Districts</b>	
A-1	Agricultural District
RA-1	Residential-Agricultural District
R-E	Residential Estate District
R-RE	Residential Rural Estate District
R-SE	Residential Suburban Estate District
R-1	Suburban Residence District
R-2	Single-Family Residence District

Table 4.3-A: Zoning Districts	
District Designation	District Name
R-3	One and Two-Family Residence District
R-4	Multiple Family Residence District
B-1	Neighborhood Business District
B-2	General Business District
O-1	Office District
O-2	Office/Limited Industrial District
M-1	Light Industrial District
<b>MID</b>	<b>Millikin Innovation District</b>
R-PUD	Residential Planned Unit Development District
B-PUD	Business Planned Unit Development District
MU-PUD	Mixed-Use Planned Unit Development District
R-CO	River Recreation District
Overlay Districts	
CRC-OD	Cox Road Corridor Overlay District
CDBD-O	Cincinnati-Dayton Business District Overlay
BDBD-O	Bethany Downtown Business District Overlay
YRWBD-O	Yankee Road West Business District Overlay
HCED-O	Highway Commercial / Entertainment District Overlay
PGBD-O	Princeton-Glendale Business District Overlay

## 4.4 OFFICIAL ZONING MAP

**4.4.1** The boundaries of the zoning districts are shown upon the official Zoning Map of the township, which map and all notations thereon are incorporated herein and are made a part of this resolution. The Zoning Map and all notations, references, and other matters shown thereon constitute a part of this resolution and have the same force and effect as if fully described or illustrated herein. The official Zoning Map shall remain on file with the Liberty Township Fiscal Officer.

### 4.4.2 Zoning District Boundary Interpretation

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

- (1) Where the districts designated on the Zoning Map are bounded approximately by street or alley center lines, such lines shall be construed to be the boundary of the districts;
- (2) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines. Where the districts on the Zoning Map are bounded approximately by lot lines, such lines shall be construed to be the boundary of districts unless the boundaries are otherwise indicated on the Zoning Map.
- (3) In unsubdivided property, the district boundary lines on the Zoning Map shall be determined by dimensions or the use of the scale appearing on the Zoning Map.
- (4) The Zoning Inspector shall make the determination with respect to measuring district boundary lines. The decision of the zoning district may be appealed to the BZA.

#### 4.4.3 Street Vacation

Whenever any road, alley, or other public way is vacated by official action as provided by law, the zoning districts adjoining each side of said public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts. A certified survey of the area being vacated, showing all new property lines shall be prepared and on file with the township fiscal officer. If the vacation is at the request of a property owner(s), such survey costs shall be borne by the property owner(s). If the Township initiates the vacation, then it shall have prepared a survey showing all new property lines.

#### 4.4.4 Property Not Included; Subdividing

- (1) In every case where property has not been specifically included with a zoning district, the determination shall be that the property is zoned as the A-1 Agricultural District. Such zoning shall be temporary, and the Zoning Commission shall initiate a Zoning Map amendment pursuant to Section 3.6 (Zoning Text and Map Amendments) within a period not to exceed six (6) months from the date the Board of Township Trustees were notified, at a regularly scheduled meeting, a final zoning of such property. All rezoning requirements and procedures, as set forth in this resolution, shall be followed.
- (2) Where a tract of land may hereafter be divided into lots, the division of the tract shall be such that no lot lies in more than one zoning district with the exception that it may be located in one or more overlay districts.

#### 4.4.5 Relationship of Overlay Districts to Base Districts

Where land is classified into an overlay zoning district as well as a base zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations governing the underlying base district. In the event of an express conflict between the standards of the overlay zoning district and the base district, the standards governing the overlay district shall control.

## 4.5 BASE ZONING DISTRICT PURPOSE STATEMENTS

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The following are the statements of purpose for each of the base zoning districts established in this resolution.

#### 4.5.1 "A-1" Agricultural District

The purpose of this Agricultural District (A-1) is to reserve land exclusively for agricultural uses, very low-density residential development and other activities that are basically rural in character.

#### 4.5.2 "RA-1" Residential-Agricultural District

The purpose of this Residential-Agricultural District (RA-1) is to provide for special areas in the township, which would be reserved for very low-density residential that allows for agriculture uses. These areas should be reserved for locations that provide a transition between large agricultural tracts and land used exclusively for single family houses.

#### 4.5.3 "R-E" Residential Estate District

The purpose of this Residential Estate District (R-E) is to provide for special areas in the township, which would allow for certain agricultural uses, very low-density residential development and other activities that are basically rural in character. These areas should be reserved for locations that provide a transition between large agricultural tracts and land used exclusively for single family homes.

**4.5.4 "R-RE" Residential Rural Estate District**

The purpose of this Residential Rural Estate District (R-RE) is to provide for special areas in the township, which if public water and sewerage facilities are available can accommodate areas which are transitional in nature, but otherwise should be developed for very low-density residential development and other activities that are basically rural in character to create and preserve a rural atmosphere while providing some of the advantages of suburban development.

**4.5.5 "R-SE" Residential Suburban Estate District**

The purpose of this Residential Suburban District (R-SE) is to reserve land exclusively for low-density residential development and other activities that are compatible with such development and to provide for a variety of rural and suburban housing types and densities.

**4.5.6 "R-1" Suburban Residence District**

The purpose of this Suburban Residence District (R-1) is to reserve certain land areas for one-family homes on lots containing a minimum of 20,000 square feet. These areas constitute residential development and will remain semi-rural in character.

**4.5.7 "R-2" Single-Family Residence District**

The purpose of this Single-Family Residential District (R-2) is to regulate certain land areas for one-family homes on lots containing a minimum of 15,000 square feet. These areas constitute residential development at higher densities.

**4.5.8 "R-3" One and Two-Family Residence District**

The purpose of this One- and Two- Family Residential District (R-3) is to reserve certain land areas for one-family homes on lots containing a minimum of 12,000 square feet and two-family homes on lots containing a minimum of 15,000 square feet. These areas constitute residential development at high densities.

**4.5.9 "R-4" Multiple Family Residence District**

The purpose of this Multiple-Family Residence District (R-4) is to regulate certain land areas for multiple-family residential development. These areas are designated for residential development at the highest permitted densities.

**4.5.10 "B-1" Neighborhood Business District**

The purpose of this Neighborhood Business District (B-1) is to reserve certain land areas for convenience and personal uses. These areas will constitute concentrations of neighborhood business uses located in convenient and close relationship to areas of surrounding residential development.

**4.5.11 "B-2" General Business District**

The purpose of the General Business District (B-2) is to reserve certain land areas for a broader range of retail, service, and office uses serving a greater population than those uses permitted in the B-1 District. These areas shall accommodate the most intensive commercial and office development.

**4.5.12 "O-1" Office District**

The purpose of this Office District (O-1) is to provide space in the township for primarily small to medium scale office development and limited commercial uses. These areas shall accommodate development that may require access to a primary thoroughfare.

**4.5.13 "O-2" Office/Limited Industrial District**

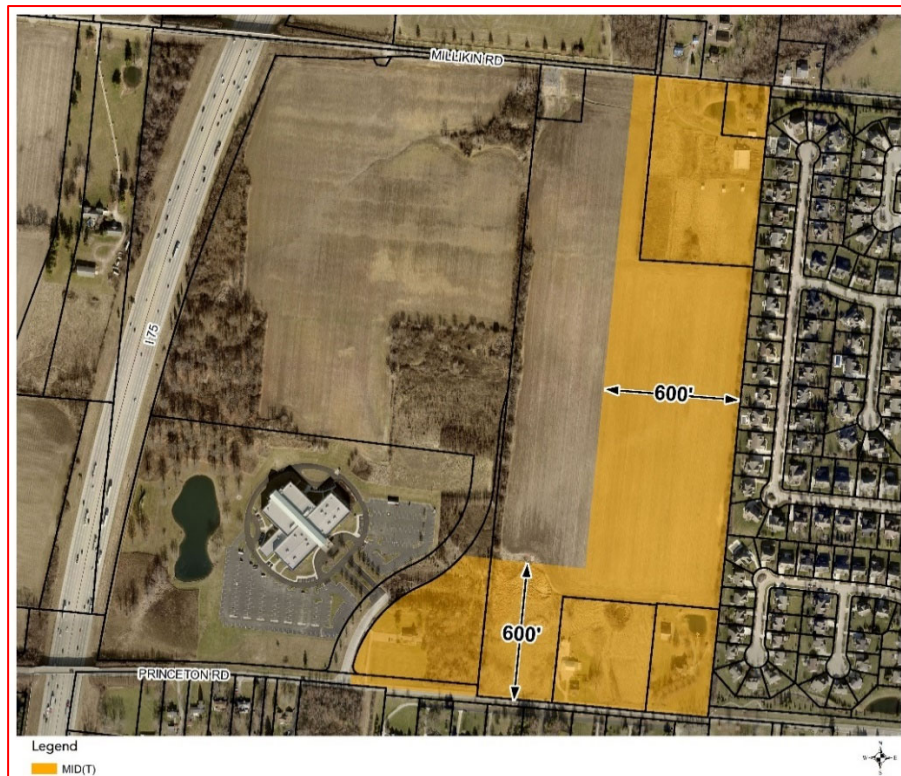
The purpose of this Office/ Limited Industrial District (O-2) is to provide space in the township for more intensive office development, research facilities, and limited commercial and industrial activity, provided it is compatible with the more intensive office development. It is also intended to provide space for larger employment centers without traffic congestion and for certain community facilities. Large-scale office/ industrial developments should be clustered, open settings with adequate access to a primary thoroughfare.

**4.5.14 "M-1" Light Industrial District**

The purpose of this Light Industrial District (M-1) is to reserve certain land areas for industrial development, wholesaling, and warehousing uses, and limited commercial use, which will not adversely affect their surroundings. These areas must have the necessary utilities and access to major thoroughfares linking them to the interstate highway system.

**4.5.15 "MID" Millikin Innovation District**

The purpose of the Millikin Innovation District (MID) is to provide space in the township for high quality office, medical, research, technology, advanced manufacturing, light industrial and other similar uses along the I-75 corridor with a focus on jobs and commerce. Additional commercial uses may be considered as employment amenities, but should be restricted to those that will provide support to the employees of the targeted industries in the same district on a limited basis. It is intended that this district will provide space for larger scale uses closer to I-75 while also providing uses of a lesser scale and intensity as a transition to adjacent residential subdivisions. Within a portion of this zoning district is a transitional subarea [MID(T)] with limited uses. As a subarea of the MID, any regulations applicable to the MID shall also apply to the MID(T). Any development that crosses into the MID(T) shall be subject to the standards of the MID(T).



**Figure 4.5-1: Map of the MID(T) transitional subarea of the Millikin Innovation District (MID)**

**4.5.154.5.16 "R-PUD" Residential Planned Unit Development District (Residential)**

The Residential Planned Unit Development District (R-PUD) is intended permissive and alternative zoning procedure for residential development in the Township when accomplished under an approved overall Preliminary PUD Plan for each section of the total landholding. The planning and development of the PUD shall be carried out in such a manner as to have minimum adverse effects on the natural features and environment of the planned unit tract and its surrounding areas. One of the primary purposes of the R-PUD is to safeguard as much greenspace as possible. The use of the PUD is encouraged, with each PUD application to be reviewed on its own merits. Based on greenspace preservation, architectural and other features to be established during the review and approval stage of the PUD, the allowable number of residences may exceed that permitted under conventional zoning. PUDs typically feature varied setback lines, dwelling types and "cluster" type site planning whereby provisions for maximum overall "gross" density are established to permit creation of usable common space without jeopardizing the overall intent of the Zoning Resolution or the public health, safety, and welfare.

**4.5.164.5.17 "B-PUD" Business Planned Unit Development District**

The Business-Planned Unit Development District (B-PUD) is intended to provide a permissive and alternative zoning procedure for commercial and/or industrial development in the Township. The B-PUD shall be used as an option in areas of the township with access to a primary or secondary thoroughfare. These projects are allowed to take advantage of shared parking, cluster building sites, reduced curb cuts and unified signage. The B-PUD shall be developed in accordance with an approved overall Preliminary PUD Plan and subsequently detailed Final PUD Plan for each section of the total landholding. The planning and development of the PUD shall be carried out in such a manner as to have minimum adverse effects on the natural features and environment of the planned unit track and its surrounding areas. PUDs typically feature varied setback lines and "cluster" type site planning whereby provisions for maximum overall lot coverage are established to permit creation of usable common space without jeopardizing the overall intent of the Zoning Resolution or the public health, safety and welfare.

**4.5.174.5.18 "MU-PUD" Mixed-Use Planned Unit Development District**

The Mixed-Use Planned Unit Development (MU-PUD) is intended to provide for areas that develop with a mix of uses (office, retail, recreational and residential) which maintain a more vibrant, walkable, and economical development. Neo-traditional street and pedestrian patterns shall be maximized to achieve a community oriented lifestyle. The development of mixed uses shall be part of a unified development plan. Within the planned development, selected residential uses can be integrated with commercial, retail, and office uses, or developed as a sub area with residential neighborhood characteristics. This district provides for flexibility in locating uses, allows for utilization of the site more efficiently than standard zoning regulations, allows for advantageous use of natural features of the site. The district is intended to promote the utilization of different land uses that may act as a transition between conflicting uses in a planned development taking advantage of unified landscaping, buffering, access, and parking.

**4.5.184.5.19 "R-CO" River Recreation District**

The purpose of this River Recreation District (R-CO) is to permit those types of uses that are oriented toward the Great Miami River.

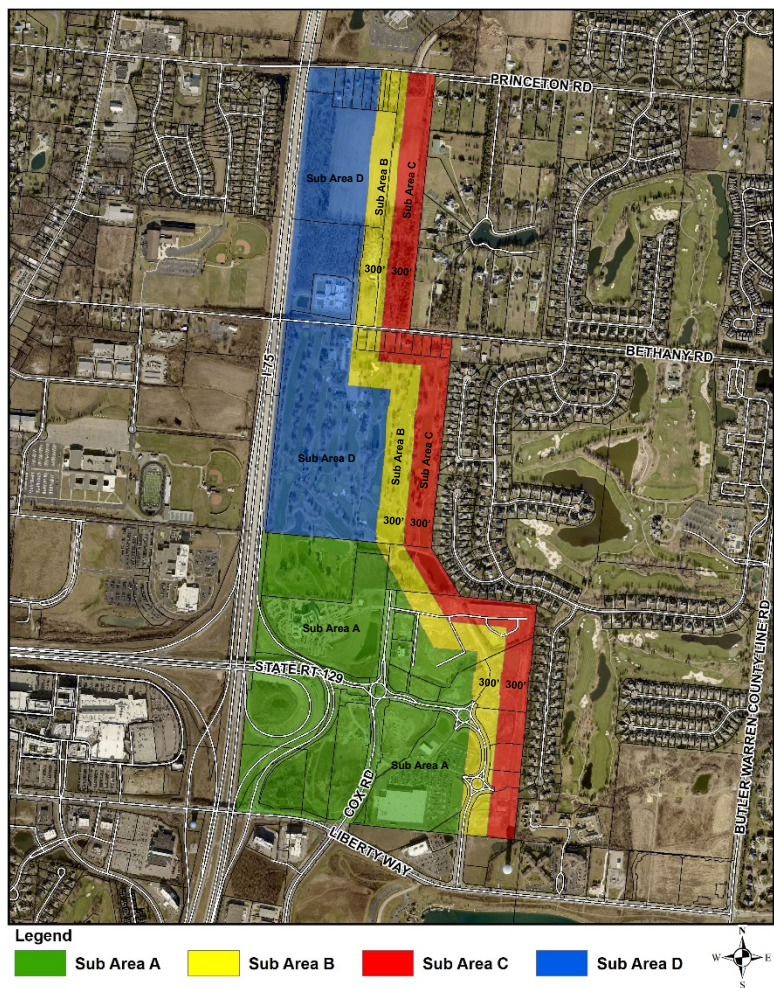
## 4.6 OVERLAY ZONING DISTRICT PURPOSE STATEMENTS

The following are the statements of purpose for each of the overlay zoning districts established in this resolution.

### 4.6.1 "CRC-OD" Cox Road Corridor Overlay District

The purpose of the Cox Road Corridor Overlay District (CRC-OD) (See Figure 4.6-1.) is to establish special design standards that are unique to the Cox Road commercial corridor. The standards are created specifically to address the unique existing and desired physical and architectural characteristics that are inherent to this particular area in order to:

- (1) Improve the compatibility between residential and non-residential uses;
- (2) Mitigate the detrimental effects concerning intensity of use within the Corridor concerning the safety of residents and the use and enjoyment of their property;
- (3) Preserve the streetscape along the roadways, maintaining the character and promoting safe pedestrian movement;
- (4) Reduce traffic congestion; and
- (5) Improve the appearance, usefulness, and signage.

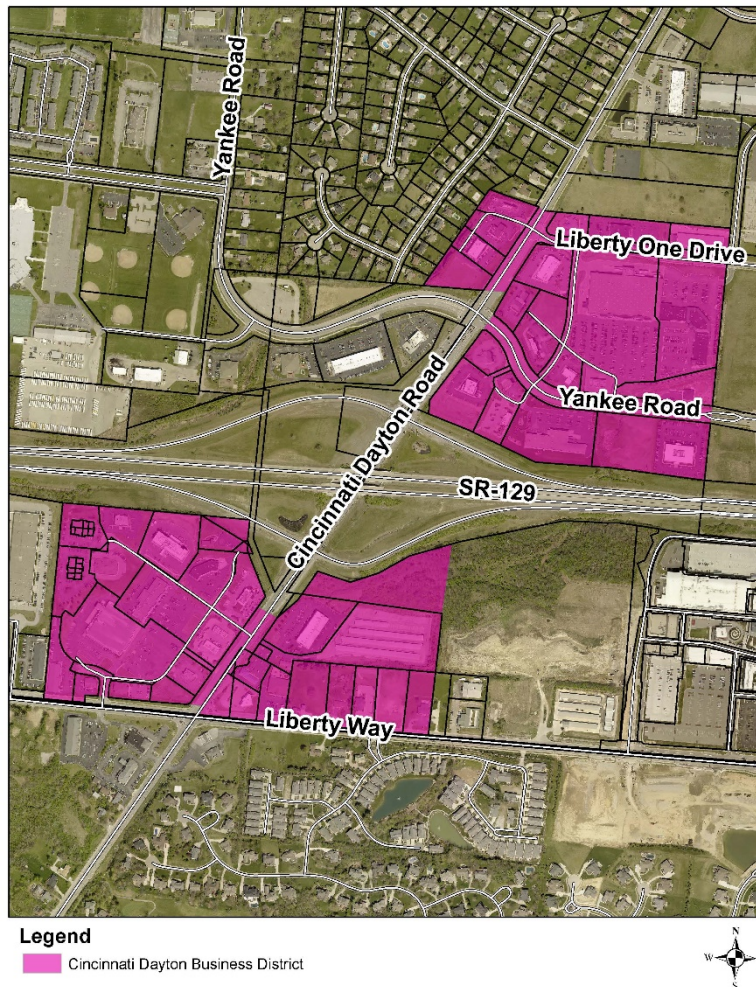


**Figure 4.6-1: Map of the CRC-OD, Cox Road Corridor Overlay District**

**4.6.2 "CDBD-O" Cincinnati-Dayton Business District Overlay**

The purpose of the Cincinnati-Dayton Business District Overlay (CDBD-O) (See Figure 4.6-2.) is to establish special design standards that are unique to the section of the Cincinnati Dayton Road corridor adjacent to State Route 129. The standards are created specifically to address the unique existing and desired physical and architectural characteristics that are inherent to this particular area in order to:

- (1) Benefit the property owners within and adjacent to the district;
- (2) Provide for the long-term sustainability of the business district and the character of the community;
- (3) Guide appropriate change that will enhance the character and business climate; and
- (4) Promote redevelopment of the corridor in a coordinated manner.

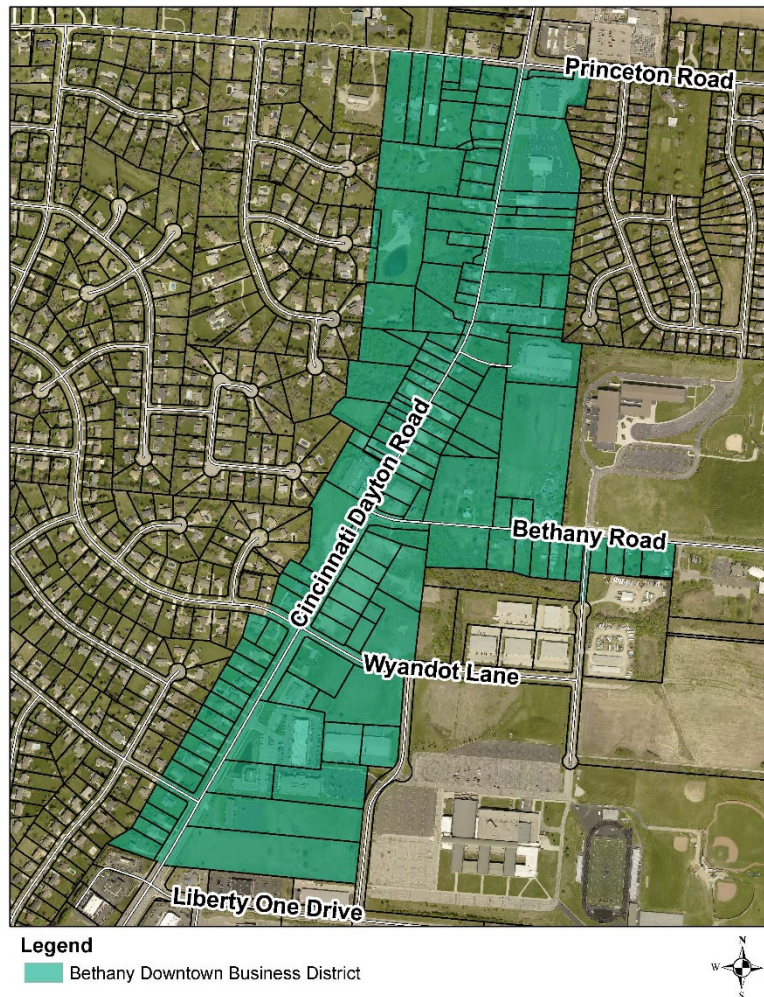


*Figure 4.6-2: Map of the CDBD-O, Cincinnati-Dayton Business District Overlay District.*

**4.6.3 "BDBD-O" Bethany Downtown Business District Overlay**

The purpose of the Bethany Downtown Business District Overlay (BDBD-O) (See Figure 4.6-3.) is to establish special design standards that are unique to the Downtown Bethany corridor. The standards are created specifically to address the unique existing and desired physical and architectural characteristics that are inherent to this corridor in order to:

- (1) Establish an identity for Downtown Bethany and promote that identity through a cohesive vision or aesthetic;
- (2) Provide for proper transitions between the commercial corridor and adjacent residential uses;
- (3) Create a connective and walkable Downtown Bethany; and
- (4) Find ways to promote business sustainability within the Downtown Bethany area.



*Figure 4.6-3: Map of the BDBD-O, Bethany Downtown Business District Overlay District.*

**4.6.4 “YRWBD-O” Yankee Road West Business District Overlay**

The purpose of the Yankee Road West Business District Overlay (YRWBD-O) (See Figure 4.6-4.) is to establish special design standards that are unique to this particular section of Yankee Road. The standards are created specifically to address the unique existing and desired physical and architectural characteristics that are inherent to a particular area in order to:

- (1) Benefit the property owners within and adjacent to the district;
- (2) Provide for proper transition between the commercial corridor and adjacent residential uses;
- (3) Guide appropriate change that will enhance the character and business climate; and
- (4) Promote redevelopment of the corridor in a coordinated manner that provides for long-term sustainability of the district and the character of the community.



**Figure 4.6-4:** Map of the YRWBD-O, Yankee Road West Business District Overlay District.

#### 4.6.5 "HCED-O" Highway Commercial / Entertainment District Overlay

The purpose of the Highway Commercial / Entertainment District Overlay (HCED-O) (See Figure 4.6-5.) is to establish special design standards that are unique to properties with visibility from Interstate 75 (I-75). The standards are created specifically to address the unique existing and desired physical and architectural characteristics that are inherent to this particular area in order to:

- (1) Benefit the property owners within and adjacent to the district;
- (2) Allow for uses that serve the community, as well as the region.
- (3) Guide appropriate change that will enhance the character and sustainability of the business climate; and
- (4) Promote development of the area adjacent to the interstate in a coordinated manner.

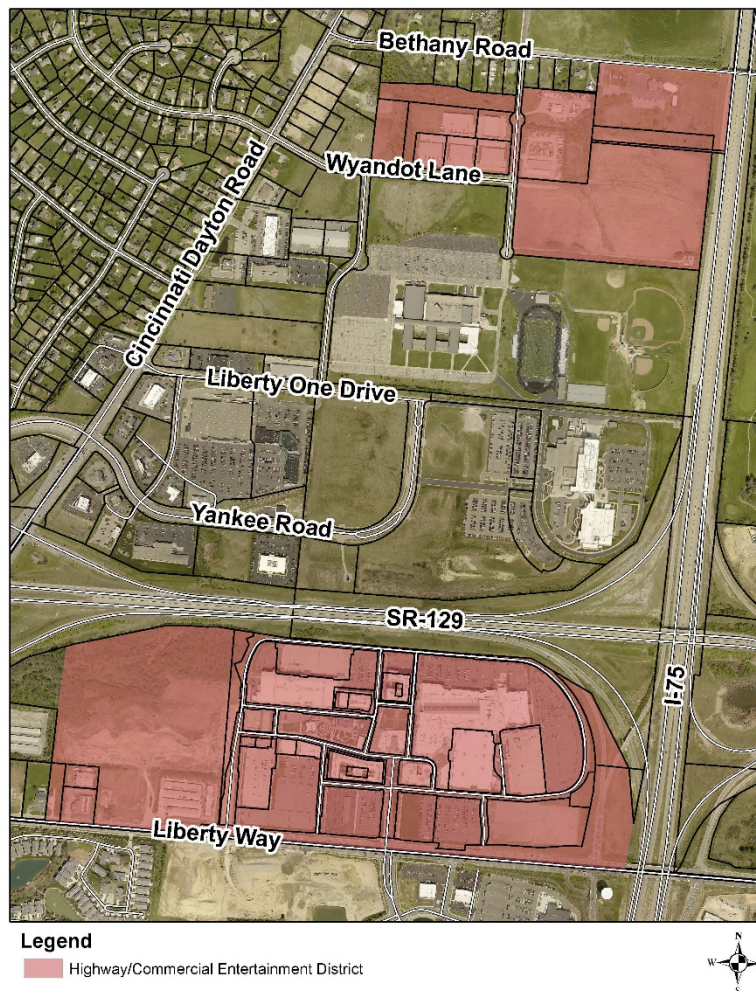
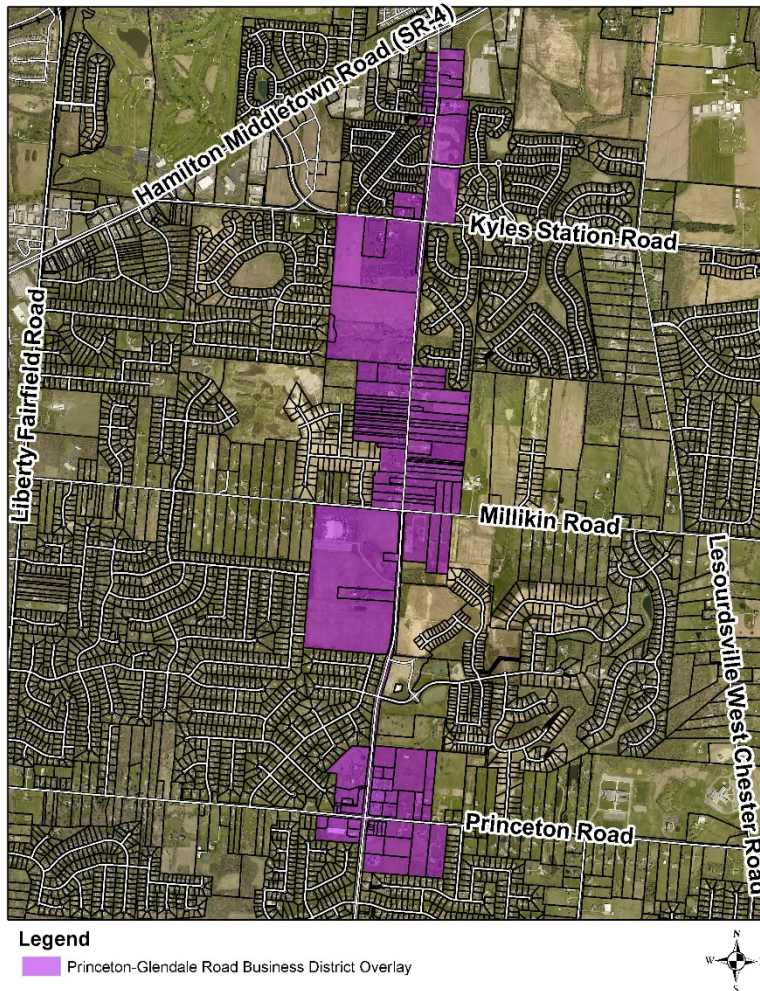


Figure 4.6-5: Map of the HCED-O, Highway Commercial/Entertainment District Overlay District.

**4.6.6 "PGBD-O" Princeton Glendale Business District Overlay**

The purpose of the Princeton Glendale Business District Overlay (PGBD-O) (See Figure 4.6-6.) is to establish special design standards that are unique to the desired commercial and planned community mixed use of the Princeton Glendale Road corridor. The standards are created specifically to address the unique existing and desired physical and architectural characteristics that are inherent to the corridor:

- (1) Benefit the property owners within and adjacent to the district;
- (2) Provide for proper transitions between the commercial uses within the corridor and adjacent residential uses.
- (3) Provide for the long-term sustainability of the business district and the character of the community;
- (4) Promote redevelopment of the corridor in a coordinated manner.



**Figure 4.6-6: Map of the PGBD-O, Princeton Glendale Business District Overlay District.**

## 4.7 PRINCIPALLY PERMITTED USES

### 4.7.1 Principally Permitted Use Table

Table 4.7-A sets forth the principally permitted uses within the base zoning districts and overlay zoning districts. The abbreviations used in the table are described as follows:

#### (1) Permitted By-Right Uses (P)

- (a) A “P” in a cell indicates that a use category is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations.
- (b) Uses permitted with conditions under this category are approved administratively by the Zoning Inspector pursuant to the Zoning Certificate review procedure.

#### (2) Permitted Uses with Conditions (P/C)

- (a) A “P/C” in a cell indicates that a use category is allowed by-right in the respective zoning district if it meets the additional standards set forth in the numerically referenced sections. Permitted uses with conditions are subject to all other applicable regulations of this resolution.
- (b) Uses permitted with conditions under this category are approved administratively by the Zoning Inspector pursuant to the Zoning Certificate review procedure.

#### (3) Conditional Uses (C)

A “C” in a cell indicates that a use category is allowed only if reviewed and approved as a conditional use by the BZA in accordance with Section 3.7 (Appeals, Variances, and Conditional Uses). Conditional uses are subject to all other applicable regulations of this resolution including the use-specific standards referenced in the “Additional Regulations” column.

#### (4) Allowed Uses (A)

An “A” in a cell indicates that the listed use is an allowed use in the respective PUD zoning district subject to compliance with the use-specific standards set forth in the final “additional requirements” column of Table 4.7-A and approval requirements for the applicable district. The Zoning Commission and Township Trustees may limit the uses allowed within a PUD district as part of the approval of a Preliminary PUD Plan. Allowed uses are subject to all other applicable regulations of this resolution including the use-specific standards referenced in the “Additional Regulations” column.

#### (5) Prohibited Uses

A shaded or blank cell indicates that a use is prohibited in the respective zoning district. However, Prohibited Uses may be considered in a PUD Zoning District, which should only be allowed if it is demonstrated to be a good fit with limited impacts on surrounding properties. Additionally, any use that is not listed is considered prohibited unless the Zoning Inspector makes a determination that the use is similar to an existing use in accordance with Section 4.8 (Similar Use Determination).

#### (6) Numerical References

The numbers contained in the “Additional Regulations” column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the “Additional Regulations” column apply in all zoning districts unless otherwise expressly stated.

#### (7) Use Hierarchy

Where uses are regulated differently in the underlying base zoning district and an overlay district, the overlay district shall control.

Table 4.7-A: Principally Permitted Uses																												
Use	Base Zoning Districts													PUDs			Overlay Zoning Districts							Additional Regulations				
	A-1	RA-1	R-E	R-RE and R-SE	R-1 and R-2	R-3	R-4	B-1	B-2	O-1	O-2	M-1	MID	MID(D)	R-PUD [1]	B-PUD [1]	MU-PUD [1]	R-CO	CRC-OD Cox Road Sub-Areas A and D	CRC-OD Cox Road Sub-Areas B and C	CRC-OD Cox Road Sub-Areas E	CDBD-O Cin-Day Business District Overlay	BBD-O Bethany Downtown Business District Overlay		YRWBD-O Yankee Road West Business District Overlay	HCED-O Highway Commercial Entertainment District Overlay	PGBD-O Princeton-Glendale Business District Overlay	
<b>Agricultural or Residential Uses</b>																												
Adult Family Home or Small Residential Facility	P	P	P	P	P	P	P								A	A												
Adult Group Home or Large Residential Facility							P								A	A												
Agricultural Use	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C		P/C	A	A	A	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	Section 4.9.2
Multi-Family Dwelling							P								A	A												
Single-Family Dwelling	P	P	P	P	P	P	P								A	A												
Two-Family Dwelling						P	P								A	A												
<b>Commercial and Office Uses</b>																												
24 Hour a Day Business when adjacent to a Residential District or Recorded Subdivision								C	C	C	C	C	C	C	A	A		C	C	C	C	C	C	C	C	C	C	Section 4.9.1
Animal Hospital/Veterinary Clinic	C	C	C				C	P/C		C					A	A						P/C	C	P/C	P/C	P/C		Section 4.9.3
Auto Related Retail								P							A	A												
Auto Repair								P							A	A												
Auto Sales and Rental								P							A	A												
Auto Service/Car Wash								P							A	A												
Banquet Facility								P	C				C		A	A						P	C			P	C	
Bar, Cocktail Lounge, or Tavern								C							A	A												Section 4.9.4
Bed and Breakfast Establishment	C	C	C	C											A	A	A					C	P/C	P/C	C	P/C		Section 4.9.5
Billiard Parlor									C																			Section 4.9.4
Brewpub								C	P	C	P		C		A	A		P		P	P	P	C	P	P	P		Section 4.9.6
Building Material Sales								P				P																
Building Trades								P				P											C				C	
Commercial Recreation, Indoor								P				P															P	P
Day Care Center								P/C	P/C	C	P/C			C	A	A	A		P/C		P/C	P/C	P/C	P/C	P/C	P/C	P/C	Section 4.9.10
Discount Retail Store								P																				
Entertainment Venue								C					C		A	A	A										P	
Equipment Rental								P		P	P																	
Financial Institution								P	P	P	P		C	P	A	A		P	P	P	P	P	P	P	P	P	P	
Firework Retail Sales								C				C																Section 4.9.132
Fuel/Convenience Store								C	P/C		C				A	A											P/C	Section 4.9.143
Funeral Home								P	C	C					A	A						P				P	P	
Garden, Landscape Supply, or Home Improvement Center								P							A	A						P						
Greenhouse								P							A	A						C						
Hotel or Hotel, Extended Stay								P		P			P		A	A		P		P	P	P	P	P	P	P	P	
Hotel, Extended Stay								P		P			C		A	A		P		P	P	P	P	P	P	P	P	
Internet Sweepstakes Café																												
Kennel	P/C	P/C	P/C						P/C						A													Section 4.9.176
Live Sex Act Business																												
Medical Equipment/Supplies								C	P	C	P	P	P		A	A		P		P					P			
Marijuana Business																												
Microbrewery								P		P	P		C	C	A	A		C	C	C	P	C	C	C	C	C		Section 4.9.197
Mixed-Use Building (commercial/residential)															A	A										P/C		Section 4.9.2048
Motel								C		C																		
Night Club								C							A	A												Section 4.9.4
Office								P	P	P	P	P	P	P	A	A		P	P	P	P	P	P	P	P	P	P	

Table 4.7-A: Principally Permitted Uses																												
Use	Base Zoning Districts														PUDs			Overlay Zoning Districts								Additional Regulations		
	A-1	RA-1	R-E	R-RE and R-SE	R-1 and R-2	R-3	R-4	B-1	B-2	O-1	O-2	M-1	MID	MID(D)	R-PUD [1]	B-PUD [1]	MU-PUD [1]	R-CO	CRC-OD Cox Road Sub-Areas A and D	CRC-OD Cox Road Sub-Areas B and C	CRC-OD Cox Road Sub-Areas E	CDBD-O Cin-Day Business District Overlay	BDBD-O Bethany Downtown Business District Overlay	YRWBD-O Yankee Road West Business District Overlay	HCED-O Highway Commercial Entertainment District Overlay		PGBD-O Princeton-Glendale Business District Overlay	
Office Park or Campus								P	P	P	P	P	P	P		A	A		P	P	P	P	P	P	P	P		
Personal Improvement Service								P	P							A	A					P	P	P	P	P		
Pharmacies								P	P		P		C			A	A		P		P	P	P	P	P	P		
Restaurant, Drive-In								C	P				C			A	A										P	
Restaurant, Fast Casual								C	P				P					P		P	P				P		Section 4.9.22	
Restaurant, Quick Service Drive-Thru								C	P				C			A	A					P			P		Section 4.9.22	
Restaurant, Sit-Down								P	P	C	P		P			A	A		P		P	P	P	P	P	P		
Retail and Service Commercial Sales								P	P				C			A	A					P	P	P	P	P	Section 4.9.23	
Retail Lumber Yard									C																			
Sexually Oriented Business																											Section 4.9.24	
Storage/Sale of Grain, Livestock Feed, or Fuel	C	C	C																								Section 4.9.25	
Taproom/Wine Bar								P	P				C			A	A					P	P	P	P	P	Section 4.9.27	
Tattoo/Piercing Parlor or Studio									P																			
Telecommunication Tower	P	P/C	P/C	P/C	P/C	P/C	P/C	P	P	P	P	P	P	P	A	A	A		P	P	P	P	P	P	P	P	Section 4.9.28	
Truck, Trailer, or Farm Implement Sales and Service									P																			
Type-A Family Day Care Home	C	C	C	C	C	C	C								A													
Type-B Family Day Care Home	P	P	P	P	P	P	P								A													
Wholesale Commercial Use																												
<b>Industrial Uses</b>																												
Advanced Manufacturing																			P									
Data Center																			P									
Distribution Center and Warehousing, Large																											Section 4.9.11	
Distribution Center and Warehousing, Small																											Section 4.9.11	
Flex Space (Office Warehouse)																A	A											
Heavy Industrial Use																												
Laboratory									P	C	P	P	P			A	A		P		P	P			P			
Light Industrial Use																A	A										Section 4.9.18	
Pharmaceutical Use																A	A		P									
Research and Development									P	C	P	C	P			A	A		P		P	P	P	P	P	P		
Storage Facility																											C	Section 4.9.26
Storage Facility, Indoor																											P/C	Section 4.9.26
Technology									P	P	P	P	P	P		A	A		P	P		P			P			
<b>Public and Institutional Uses</b>																												
Cemetery	C	C	C	C	C	C	C								A	A	A	P/C									Section 4.9.7	
Club, Lodge, or Other Meeting Places	C	C	C	C				C	P/C						A	A	A	C									Section 4.9.8	
Country Club, Golf Course, or Other Recreational Facilities	C	C	C	C	C	C	C		P/C						A	A	A	C					C	P/C			Section 4.9.9	
Educational Facility	C	C	C	C	C	C	C								A	A	A									P/C	Section 4.9.12	
Educational Facility, Higher									P/C	P/C	P/C		C	C		A	A		C	C	C	C			P/C	P/C	Section 4.9.12	
Government and Public Use	C	C	C	C	C	C	C	P	P	C	C	P	C	C	A	A	A	C	C	C	C	P	P	P	P	P		
Hospital, Medical Center, or Outpatient Clinic									P/C	C	P/C	P/C	P/C			A	A		P/C		P/C	P/C	P/C	P/C	P/C	P/C	Section 4.9.15	
Institutional Care Facility									C		C				A	A	A										Section 4.9.16	
Parks or Open Space	P	P	P	P	P	P	P	P	P	P	P	P			A	A	A	P	P	P	P	P	P	P	P	P		
Religious Place of Worship	C	C	C	C	C	C	C								A		A							P/C			Section 4.9.21	

NOTE: [1] During the PUD review process, the applicant and/or the Zoning Commission and Township Trustees may adopt a list of permitted uses that includes some or all of the allowable uses listed in this table for the applicable district.

## 4.8 SIMILAR USE DETERMINATION

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- 4.8.1** Where there is a proposed use that is not currently listed in the permitted use tables of this resolution, the Zoning Inspector may review the use to determine the appropriate zoning districts, if any, where the use may be permitted.
- 4.8.2** The Zoning Inspector should consider the nature, operation, and function of the use in its determination of an appropriate district.
- 4.8.3** The Zoning Inspector may find that the use is not compatible with any existing zoning district and not permit the use under the current resolution or, as an alternative, the inspector may make a recommendation to the Zoning Commission that a new district and/or new provisions be adopted, through the zoning text and map amendment procedure, pursuant to Section 3.6 (Zoning Text and Map Amendments).

## 4.9 USE-SPECIFIC REGULATIONS

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The following section contains additional required conditions to be met by an applicant for uses that are either permitted with conditions and for some conditional uses. In addition to meeting these additional required conditions below, all applicants for conditional uses shall be required to comply with any and all other applicable provisions of this resolution.

### 4.9.1 24 Hour a Day Business

- (1) A 24 hour a day business is prohibited in Sub Area "C" of the CRC-OD district.
- (2) A 24 hour a day business is prohibited in the MID(T) within 300 feet of a platted residential subdivision that is recommended to remain residential pursuant to the adopted Comprehensive Land Use Plan.

### 4.9.2 Agricultural Uses

Agricultural uses that are located in an Improved Platted Subdivision shall comply with the requirements of this section and all other applicable provisions of this resolution.

- (1) No agricultural uses except the growing of crops, fruits, vegetables, flower, and plants are permitted on lots of one acre or less located within an Improved Platted Subdivision.
- (2) All buildings or structures incidental to the use of land for agricultural purposes on lots located in Improved Platted Subdivision that are greater than one acre, but less than five (5) acres, shall comply with the following:
- (a) Any building or structure in which five (5) or fewer animals that are owned or used for agricultural purposes are housed shall be set back a minimum of 75 feet from any other lot in an Improved Platted Subdivision.
- (b) Any building or structure in which more than five (5) animals that are owned or used for agricultural purposes are housed shall be set back a minimum of 200 feet from any lot in an Improved Platted Subdivision.
- (c) No structure shall exceed 35 feet in height.
- (d) Any building or structure shall comply with the yard requirements for agricultural uses set forth in Table 4.10-1 (Site Development Standards for Agricultural and Residential Districts).

- (3) In any improved platted subdivision where at least 35% of the lots in the Improved Platted Subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation (or that is subject to the tax on manufactured homes under ORC. 4503.06) or on any lot used for residential purposes, dairying, animal husbandry, or poultry husbandry shall be regulated as follows:
- (a) Dairying, animal husbandry, or poultry husbandry is prohibited on lots of less than one acre.
  - (b) For lots of one acre or more, dairying, animal husbandry, or poultry husbandry is permitted provided that there shall be a maximum of one animal per acre.
  - (c) On any lot of five (5) acres or less, any building or structure (including a rabbit pen) shall be set back 75 feet from any other lot in any Improved Platted Subdivision or lot in any residential district, recorded residential subdivision, or any lot occupied by a dwelling (other than a farm dwelling), religious place of worship, educational facility, or any institution for human care not located on the same lot as the said uses or buildings.
- (4) For purposes of this resolution, the keeping, breeding, raising, or caring of any animal constitutes animal husbandry except that the keeping of not more than five (5) household pets shall not constitute animal husbandry. The keeping, breeding, raising or care of more than five (5) of any one or more kinds of animals, including household pets, does constitute animal husbandry.

#### 4.9.3 Animal Hospital/Veterinary Clinics

All structures shall be set back a minimum of 100 feet from any abutting residential lot line, residential district, or recorded subdivision unless zoned for commercial or industrial uses.

#### 4.9.4 Bars, Cocktail Lounges, Taverns, Night Clubs, or Billiard Parlors

- (1) Bars, cocktail lounges, taverns, night clubs, and billiard parlors shall have direct ingress and egress from an arterial or collector street as defined in the Butler County Thoroughfare Plan.
- (2) Parking areas shall be paved with a hard surface.
- (3) All structures shall be set back a minimum of 100 feet from any abutting residential lot line, residential district, or recorded subdivision.
- (4) A landscaped buffer shall be provided along all lot lines abutting a residential use. The buffer shall consist of a six-foot (6') high landscape mound with one of the following buffering options:
  - (a) A 30-foot wide landscaped buffer with an eight-foot (8') high, eight-inch (8") thick brick wall where all wall faces are to be brick with the top course to be row lock atop the mound. Nursery-grade evergreen trees of at least six (6) feet in height planted not more than 25 feet apart, on center, or any alternative buffer of equal quality that is approved by the BZA, shall be planted on the side of the brick wall adjacent to the residential property.
  - (b) A 50-foot wide landscaped buffer with an eight-foot (8') high wood board on a board fence atop the mound. Nursery-grade evergreen trees of at least six (6) feet in height planted not more than 10 feet apart, on center, or any alternative buffer of equal quality that is approved by the BZA, shall be planted on the side of the fence adjacent to the residential property.
- (5) Landscaping on the commercial side of the fence shall be broken up with a variety of landscape materials.

#### 4.9.5 Bed and Breakfast Establishments

- (1) All such uses shall be located in a building consistent in character with the surrounding residential uses.
- (2) Parking areas shall be located behind the bed and breakfast establishment.
- (3) Parking areas shall be screened from adjacent residential uses by landscaping and/or fencing as determined by the BZA if reviewed as a conditional use.

#### 4.9.6 Brewpubs

- (1) The area used for brewing, including brewing and kegging, shall not exceed 30% of the total floor area of the commercial space.
- (2) The brewery shall not produce more than 4,000 barrels or 124,000 gallons of beer or ale per year.
- (3) No brewing equipment or storage is permitted on the exterior of the building.
- (4) All structures shall be set back a minimum of 600 feet from any abutting residential lot line, residential district, or recorded subdivision.

#### 4.9.7 Cemeteries

- (1) Cemeteries shall have direct ingress and egress from an arterial or collector street as defined in the Butler County Thoroughfare Plan.
- (2) In residential zoning districts, a landscape buffer shall be provided along the side and rear lot lines at a height appropriate to the intensity of use as determined by the BZA. The front lot line may be required to include buffering if the BZA makes such a determination based on the adjacent uses.
- (3) All structures, except for grave markers, shall be set back a minimum of 200 feet from any abutting residential lot line, residential district, or recorded subdivision.

#### 4.9.8 Clubs, Lodges, or other Meeting Places

- (1) Clubs, lodges, and other meeting places shall have direct ingress and egress from an arterial or collector street as defined in the Butler County Thoroughfare Plan.
- (2) All structures shall be set back a minimum of 200 feet from any abutting residential lot line, residential district, or recorded subdivision.
- (3) There shall be a minimum lot area requirement of two (2) acres.

#### 4.9.9 Country Clubs, Golf Courses or Other Recreational Facilities

- (1) Country clubs, golf courses, and other recreational facilities shall have direct ingress and egress from an arterial or collector street as defined in the Butler County Thoroughfare Plan.
- (2) In residential zoning districts, a landscape buffer shall be provided along the side and rear lot lines at a height appropriate to the intensity of use as determined by the BZA. The front lot line may be required to include buffering if the BZA makes such a determination based on the adjacent uses.
- (3) In nonresidential districts, buffers shall be provided in accordance with Article 8 (Landscaping and Buffering).
- (4) All structures, commercial pools, and ball fields shall be set back a minimum of 200 feet from any abutting residential lot line, residential district, or recorded subdivision. Areas devoted to the golf course including tee areas and greens shall not be subject to this setback.

#### 4.9.10 Day Care Centers

- (1) All structures shall be set back a minimum of 50 feet from any abutting residential lot line, residential district, or recorded subdivision.
- (2) All exterior activity areas and play lots shall be fenced and screened with a single row of six-foot (6') tall nursery grade staggered evergreen trees planted to provide a minimum of 75% opacity year-round at 75% growth.

#### 4.9.11 Distribution Center and Warehousing, Large & Small

- (1) Distribution Center and Warehousing uses located in the Millikin Innovation District (MID) shall be set back a minimum of 1,000 feet from platted residential subdivisions that are recommended to remain residential pursuant to the adopted Comprehensive Land Use Plan.

#### 4.9.114.9.12 Educational Facilities or Higher Educational Facilities

- (1) Both educational facilities and higher educational facilities shall be located on a site with a minimum lot area of five (5) acres.
- (2) All structures shall be set back a minimum of 200 feet from any abutting residential lot line, residential district, or recorded subdivision.

#### 4.9.124.9.13 Fireworks Retail Store

- (1) A landscaped buffer of not less than 10 feet in width and six (6) feet in height shall be provided along all side and rear lot lines.
- (2) The principal building shall be set back a minimum of 200 feet from all lot lines.
- (3) All firework retail stores shall be set back a minimum of 1,000 feet from any abutting lot that is:
  - (a) Located in any residential zoning district;
  - (b) Located within a recorded residential subdivision;
  - (c) Occupied by a religious place of worship, public building, educational facility, day care center, public park, playground, or other recreational facility; or
  - (d) Occupied by a business that sells alcohol for consumption on the premises.
- (4) The above setback requirements shall apply regardless if the abutting lot is located within Liberty Township or another political subdivision.
- (5) The measurement of distance for the purpose of the above setbacks shall be from the closest point of the building to the lot line along the shortest possible course.

**4.9.134.9.14 Fuel/Convenience Store**

Structural columns and/or pillars on the fuel canopy shall be constructed of brick and/or natural style stone material.

**4.9.144.9.15 Hospital, Medical Center, and Outpatient Clinic**

- (1) All buildings shall be set back a minimum of 200 feet from any abutting residential lot line, residential district, or recorded subdivision.
- (2) Any helicopter or air support pad associated with this use shall be located on the same parcel as the principal structure and shall be set back a minimum of 1,000' from any abutting residential lot line, residential district, or recorded subdivision.

**4.9.154.9.16 Institutional Care Facility**

- (1) Institutional Care Facilities shall have direct ingress and egress from an arterial or collector street as defined in the Butler County Thoroughfare Plan, or an otherwise approved commercial street. At no time shall a local residential street be used as the principal access route.
- (2) The building orientation and parking layout shall be consistent with surrounding uses.
- (3) All landscaping requirements of Article 8 shall be required, including the Buffering and Screening Requirements of Section 8.4, which shall be treated as a "Commercial/Business" proposed use in Table 8.4-A.
- (4) Except as otherwise required by this resolution, all buildings shall be setback a minimum of 200 feet from any abutting residential lot line, residential district, or recorded subdivision.
- (5) All of these uses shall have a minimum lot area of five (5) acres.

**4.9.164.9.17 Kennels**

- (1) Kennels that are related to an agricultural principal use are permitted in the A-1, RA-1 and R-E district.
- (2) Kennels that are operated as a principal use but it is not related to an agricultural principal use (e.g., accessory to an animal clinic, no animal husbandry, etc.) may be permitted as outlined in Table 4.7-A.

**4.9.18 Light Industrial Use**

- (1) Light Industrial uses 50,000 square feet or larger located in the Millikin Innovation District (MID) shall be set back a minimum of 1,000 feet from platted residential subdivisions that are recommended to remain residential pursuant to the adopted Comprehensive Land Use Plan.
- (2) Light Industrial uses 500,000 square feet or larger located in the Millikin Innovation District (MID) shall require Conditional Use approval and shall be set back a minimum of 1,000 feet from platted residential subdivisions that are recommended to remain residential pursuant to the adopted Comprehensive Land Use Plan.

**4.9.174.9.19 Microbreweries**

- (1) The brewing operation does not include the production of any other alcoholic beverage.
- (2) The brewery shall not produce more than 15,000 barrels of 460,000 gallons of beer or ale per year.
- (3) No brewing equipment or storage is permitted on the exterior of the building.

**4.9.184.9.20 Mixed-Use Buildings**

- (1) A minimum of 50% of the gross floor area of mixed-use buildings shall be comprised of a commercial use in the BDBD-O District.
- (2) Mixed-use buildings in any PUD District may contain any mixture of uses as determined by the Zoning Commission and trustees in the Preliminary PUD Plan review.
- (3) Mixed-use buildings in all other districts may be comprised of a mix of office and commercial uses.
- (4) The maximum residential density for mixed-use buildings shall be six (6) dwelling units per acre.
- (5) Residential dwelling units shall be prohibited on the first floor of mixed-use buildings.

**4.9.194.9.21 Religious Places of Worship**

Religious places of worship shall be located on a site with a minimum lot area of five (5) acres.

**4.9.22 Restaurant, Fast Casual and Quick Service**

- (1) Fast casual and quick service restaurants located in the Millikin Innovation District (MID) are subject to the following:
  - (a) Fast casual and quick service restaurants shall be set back a minimum of 200 feet from any intersection of two public streets.
  - (b) Fast casual and quick service restaurants shall be set back a minimum of 100 feet from any single or two-family residential district, recorded subdivision, or lot used for single-family residential purposes.

**4.9.23 Retail and Service Commercial Sales**

- (1) Retail and service commercial sales uses located in the Millikin Innovation District (MID) shall have a maximum building area of 25,000 square feet.

**4.9.204.9.24 Sexually Oriented Businesses**

- (1) Sexually Oriented Businesses as defined in Article 11 (Definitions and Rules for Interpretation) are permitted in any B-2 District subject to the regulations set forth in this section.
- (2) Sexually Oriented Businesses shall be subject to the following:
  - (a) The facility shall have frontage on a principal or minor arterial, as defined by the Butler County Thoroughfare Plan, by which access to the sexually oriented business is exclusively provided.
  - (b) The facility shall be subject to all the development standards applicable to nonresidential uses in the B-2 District including, but not limited to, off-street parking, architectural standards, landscaping, and lighting.
  - (c) All building openings (e.g., entries, windows, doors) for Sexually Oriented Businesses shall be located, covered, or serviced in such a manner as to prevent a view into the interior of the structure from any exterior public or semi-public area, sidewalk, or street.

- (d) Displays or promotional items of adult materials shall not be visible from exterior public view. This prohibition shall not extend to advertising of the existence or location of such Sexually Oriented Business.
- (e) Only one wall sign advertising the existence or location of such Sexually Oriented Business shall be permitted in accordance with the following provisions:
  - (i) The sign shall not contain adult material;
  - (ii) The maximum sign area shall be calculated as four percent (4%) of the front façade of the front building wall elevation;
  - (iii) The wall sign shall not project more than two (2) feet from the front facade; and
  - (iv) All other requirements of Article 9 (Signs) shall apply.
- (f) A landscaped buffer of not less than 10 feet in width shall be provided along all side and rear lot lines. Such buffer shall be comprised of one of the following:
  - (i) An earth berm or mound with evergreen shrubs and trees with a minimum height of six (6) feet; or
  - (ii) A row of evergreen trees, with a minimum height of six (6) feet, that maintains a 100% year-round opacity year-round.
- (g) All Sexually Oriented Businesses shall have a minimum lot area of 20,000 square feet.
- (h) All Sexually Oriented Businesses shall be set back a minimum of 200 feet from any lot that is:
  - (i) Of a total lot area of 5.1 acres or less in the A-1 District;
  - (ii) Located in any residential zoning district;
  - (iii) Located within a recorded residential subdivision;
  - (iv) Occupied by a religious place of worship, public building, educational facility, day care center, public park, playground, or other recreational facility attended by a person under the age of 18;
  - (v) Occupied by a hotel, motel, pawn shop, pool hall, video game or pinball arcade, dance hall; or
  - (vi) Occupied by a business that sells alcohol for consumption on the premises.The above setback requirements shall apply regardless if the abutting lot is located within Liberty Township or another political subdivision. The measurement of distance for the purpose of the above setbacks shall be from lot line to the lot line along the shortest possible course.
- (i) All Sexually Oriented Businesses shall be set back a minimum of 1,000 feet from any lot of any other sexually oriented business. The measurement of distance for the purpose of these regulations shall be from lot line to lot line along the shortest possible course.
  - (i) No Sexually Oriented Business, except for an adult motel, shall be or remain open for business between 12:00 Midnight and 6:00 AM on any day.
  - (ii) No more than one Sexually Oriented Business may be located within a single building.
- (j) Sexually Oriented Businesses shall not be permitted in any overlay zoning district.

#### **4.9.24.9.25 Storage/Sale of Grain, Livestock Feed or Fuel**

All buildings shall be set back a minimum of 200 feet from any abutting residential lot line, residential district, or recorded subdivision.

#### **4.9.224.9.26 Storage Facility and Storage Facility, Indoor**

- (1) Storage Facilities shall have direct ingress and egress from an arterial or collector street as defined in the Butler County Thoroughfare Plan, or an otherwise approved commercial street. At no time shall a local residential street be used as the principal access route.
- (2) The building orientation and parking layout shall be consistent with surrounding uses.
- (3) All landscaping requirements of Article 8 shall be required, including the Buffering and Screening Requirements of Section 8.4, which shall be treated as an “Industrial” proposed use in Table 8.4-A.
- (4) Except as otherwise required by this resolution, all buildings shall be setback a minimum of 50 feet from any abutting residential lot line, residential district, or recorded subdivision.
- (5) Buildings with visibility from a public or private right-of-way should incorporate a minimum of 50% brick and/or natural style stone material.
- (6) All outdoor storage, including fleet vehicles, shall be screened from view of public or private right-of-way and all adjacent properties.
- (7) Storage Facility and Storage Facility, Indoor within the Princeton Glendale Corridor Overlay (PGBD-O) shall be restricted to the area north of Millikin Road.

#### **4.9.27 Taproom/Wine Bar**

- (1) All structures shall be set back a minimum of 600 feet from any abutting residential lot line, residential district, or recorded subdivision.

#### **4.9.28 Telecommunications Towers**

The purpose of these regulations is to minimize adverse health, safety, public welfare or visual impacts through buffering, siting, design and construction, and reduction of the need for new towers. In those instances where a Telecommunications Tower is made subject to Liberty Township zoning pursuant to Section 519.211 of the Ohio Revised Code, and as the same may, from time to time, be amended, said Telecommunications Tower shall be erected, constructed, reconstructed, changed, altered, removed, or enlarged in accordance with the following provisions.

##### **(1) Maximum Allowable Height**

The maximum allowable height for any free standing or attached structure proposed to have attached to it radio frequency transmission or reception equipment, which is located in a residential district and owned or to be principally used by a public utility engaged in the provision of telecommunications services, is eight (8) feet. Telecommunications Towers may exceed eight (8) feet in height if it is in compliance with all of the regulations of this Section 4.9.19.

##### **(2) Location, Co-location or Shared Use**

- (a) Prior to approval of the location of a Telecommunications Tower, the applicant shall provide documentation that:

- (i) The proposed Telecommunications Tower has been reviewed and has been determined not to be a hazard by the Federal Aviation Administration (FAA) or other federal or state authority, as applicable.
- (ii) If the Telecommunications Tower is on leased property, the owner of the property has granted an easement or entered into a lease for the proposed Telecommunications Tower.
- (b) In order to minimize tower proliferation, the applicant shall provide documentation regarding efforts to exhaust all possible avenues to share space on existing Telecommunications Towers. This shall include, but not be limited to, a certified mail announcement to all other Telecommunications Tower users in the vicinity stating siting needs and/or sharing capabilities. Applicants shall not be denied, nor shall they deny space on an existing Telecommunications Tower, unless available space, structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, comparative costs of co-location versus new construction and any Federal Communications Commission limitations on Telecommunications Tower sharing preclude co-location.
  - (i) The applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other antenna facilities to the extent possible, until said Telecommunications Tower has reached full antenna capacity.
- (c) For any Telecommunications Tower that is in a highly visible location, it is strongly encouraged to employ alternate tower designs (“Stealth Designs”) or locations that mimic the surrounding environment, such as artificial trees, modified clock towers, church spires, flag poles, or building modifications. See the “Stealth Designs for Telecommunications Towers” paragraph of this section.

### **(3) Structural Integrity**

- (a) All new Telecommunications Towers or existing Telecommunications Towers which are to be certified by a structural engineer who is licensed in the State of Ohio to be in compliance with all current standards and requirements of the American National Standards Institute (ANSI) and the Telecommunications Industry Association (TIA), including, but not limited to, specification RS 222-F, and the Electronic Industries Association (EIA).
- (b) In order to ensure the structural integrity of Telecommunications Towers and to protect the public health, safety, and morals, Telecommunications Towers shall be subject to periodic inspections for continued compliance with the above Subsection as follows:
  - (i) Mono-pole Towers shall be subject to inspections every 10 years.
  - (ii) Self-Support (Lattice) Towers shall be subject to inspections every five (5) years.
  - (iii) Guyed Towers shall be subject to inspections every three (3) years.
- (c) Inspections are the sole responsibility of the Telecommunications Tower operator of record and shall be performed by a structural engineer licensed in the State of Ohio. Results of inspections shall be provided in writing to the Zoning Inspector. Based upon such results, the repair or removal of a Telecommunications Tower may be required.
- (d) All Telecommunications Towers shall be designed to accommodate the primary user’s antennas and comparable antennas for at least two (2) additional users.
- (e) Maintenance of Telecommunications Tower sites shall adhere to Section 6.5 of this Resolution.

**(4) Lot Size**

The minimum lot size shall be the minimum established for a non-residential structure for the zoning district in which the Telecommunications Tower is to be built.

**(5) Setbacks**

- (a) Telecommunications Towers shall be set back from all property lines a minimum distance equal to the greatest front yard requirement for the district in which the Telecommunications Tower is located or 120% of the height of the Telecommunications Tower, whichever is greater.
- (b) Telecommunications Towers shall not be placed closer than 500 feet from any existing residential dwelling unit located on a lot contiguous to or directly across the street from the lot on which the tower is to be constructed.
- (c) Any stabilization structures or guy wires shall not be placed closer than 50 feet from any lot line.
- (d) Height shall be measured from the base of the Telecommunications Tower to the top point of the Telecommunications Tower, including any antennas.

**(6) Screening and Landscaping**

A detailed landscape plan and site sections shall be submitted for review, which shall demonstrate the following requirements have been satisfied:

- (a) Existing on-site vegetation shall be maintained to the greatest extent possible.
- (b) The outside perimeter of the security fence shall be planted with a staggered row of evergreen trees, a minimum of six (6) feet in height, at time of planting, spaced not more than 10 feet on center.
- (c) The owner/operator of the Telecommunications Tower facility shall be responsible for maintenance of all required vegetation and landscaping

**(7) Equipment Buildings**

- (a) Equipment buildings shall be located within the security fencing.
- (b) Equipment buildings shall not exceed 12 feet in height.
- (c) Equipment shall be automated to the greatest extent possible to reduce traffic and congestion.
- (d) Buildings shall not include business offices, long-term vehicle storage, outdoor storage, or other uses not necessary to transmission or reception, or broadcast studios, except for emergency purposes.
- (e) The use of residentially compatible paint colors and materials, such as wood, brick or stucco is required for associated equipment buildings, which shall be designed to architecturally blend with residential buildings in the vicinity. If the building lies in a Planned Unit Development (PUD) district, the materials shall meet the standards of that district and the appropriate PUD approval process shall be required.
- (f) Where there is co-location of equipment upon Telecommunications Towers, no single provider of telecommunication services shall have more than one equipment building on site. Equipment buildings of different providers shall be arranged to appear as a single building as nearly as practical and possible.
- (g) Underground equipment structures are strongly encouraged.

**(8) Off-Street Parking**

Parking shall be limited to two (2) spaces, unless a need for more can be demonstrated at the time of application.

**(9) Lighting**

Telecommunications Towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other applicable Federal or State authority. When so required, a detailed lighting plan shall be submitted with the application, which shall demonstrate approval by the FAA, FCC, or any other governmental agency which has jurisdiction. The lighting plan shall also meet the following requirements:

- (a) All lighting required by the FAA shall be installed on the Telecommunications Tower immediately and must be fully operational at all times.
- (b) When required by the FAA, white strobe lights during the day will be permitted with red flashing lights required from dusk to dawn.
- (c) Ground level security lighting may be permitted, which includes freestanding and building mounted lighting, which shall be oriented inward, utilize full-cutoff fixtures no more than 12 feet in height and designed to minimize impacts on adjacent properties.
- (d) In any case, overall site illumination shall be such that measurements along the perimeter of the security fencing shall not exceed 0.20-foot candles.

**(10) Security Fencing**

- (a) A security fence shall be required around the perimeter of the Telecommunications Tower site, which includes any equipment buildings, parking, etc.
- (b) The fence shall be limited to six (6) feet in height, which shall include a locked gate.
- (c) All chain link fencing shall be coated with a green or black vinyl material.
- (d) "NO TRESPASSING" signage shall be prominently posted.
- (e) Anti-climbing devices may be utilized, which may add an additional foot to the fence height; however, razor or barbed wire is not permitted.

**(11) Contact Information**

The contact information of the owner/operator of the Telecommunications Tower shall be provided to the township at the time of application, and any changes shall be reported immediately. This contact information will be used to report any issues with the Telecommunications Tower and/or accessory facilities.

**(12) Abandonment**

Any Telecommunications Tower is deemed abandoned by operation of law if it is not used for telecommunication purposes for 12 consecutive months. Any Telecommunications Tower deemed abandoned shall be demolished, along with all accessory equipment buildings and other associated structures by the township or an agent of the township within 180 days. All costs associated with demolition of the Telecommunications Tower, equipment buildings, and other associated structures shall be borne by the property owner of record, lessor, lessee, and/or operator of the Telecommunications Tower.

**(13) Accessory Telecommunications**

Accessory Telecommunications shall be permitted within a right-of-way, a utility easement, or on private property, provided the criteria of this section are met. Accessory Telecommunications are not subject to the requirements of paragraphs (4), (5), (6), (7) and (10) of Section 4.9.22 of this Resolution.

- (a) Accessory Telecommunications up to fifteen (15) feet in height shall be permitted in areas where all utilities are underground, provided that:
  - (i) A Stealth Design shall be utilized subject to the process and requirements of paragraph (14) below.

- (ii) For the purpose of this section, smaller ground mounted electrical boxes shall not be considered an aboveground utility.
- (b) Accessory Telecommunications up to 35 feet in height shall be permitted inside of a right-of-way or a recorded utility easement, in areas where overhead utilities are present, subject to the following requirements:
  - (i) The requirements of paragraph (2) of this section, with regard to “Location, Co-location or Shared Use” shall apply.
  - (ii) The location is within 100’ of an existing overhead utility line.
  - (iii) The preferred location is along Principal Arterials, Minor Arterials and Major Collector Roads, as defined by the Butler County Thoroughfare Plan. If it cannot be located in such an area, documentation shall be provided regarding the efforts that have been exhausted in attempts to meet these locations.
  - (iv) Accessory Telecommunications shall be located on existing utility poles where practical. If a new utility pole is required, it should to the extent reasonably practicable be located on the same side of the road as existing utility poles. If the new utility pole is required on the opposite side of the road as the existing utility poles, but there are no other overhead wires crossing the road, the crossover wires related to the Accessory Telecommunications shall be located underground, where practical. If the requirements of this paragraph are determined not to be practical, documentation shall be provided with the reasons stated.
  - (v) If a new utility pole is required, it shall be designed to accommodate the primary user’s antenna and a comparable antenna for at least one additional user.
  - (vi) Any ground mounted equipment shall be completely screened with landscaping providing year-round screening.
  - (vii) Accessory Telecommunications shall not obstruct adequate sight distance at intersections.
  - (viii) Lighting shall not be permitted on Accessory Telecommunications, unless it is integrated as a light pole that matches other light poles in the vicinity.
- (c) Accessory Telecommunications up to 16 feet in height shall be permitted outside of a right-of-way and outside of a recorded utility easement, in areas where overhead utilities are present, subject to the following requirements:
  - (i) The Accessory Telecommunications shall be regulated as an Accessory Structure with regard to location. Additionally, they shall also be set back from all principal structures on adjacent properties a minimum distance equal to the overall height of the Accessory Telecommunications.
  - (ii) If located in a recorded subdivision, and at least 100’ from any overhead utilities, all wiring and cable shall be buried underground. Additionally, if the Accessory Telecommunications is located on a tower, it shall be a decorative pole with the equipment disguised or screened from view.
- (d) All other Accessory Telecommunications are prohibited.

**(14) Stealth Designs for Telecommunications Towers**

Stealth Designs for Telecommunications Towers may be considered as an alternative to the requirements of this section in all areas of the township as a Conditional Use by the BZA in accordance with Section 3.7 (Appeals, Variances, and Conditional Uses). In addition, the following requirements shall be satisfied:

- (a) All Stealth Designs shall utilize the latest technology that is available for the purpose of blending the structure into the environment.
- (b) The Stealth Design shall render it minimally visible to the casual observer.
- (c) It may be attached to an existing structure, if it is designed to integrate seamlessly into the structure that it is attached to with regard to architecture, materials, color, etc. The overall design shall not substantially increase the height of the structure on which is located, nor shall it substantially project off the face of the structure.
- (d) It may be constructed as a new freestanding structure, if it is designed to be consistent and complimentary to the surrounding structures and area with similar architecture, materials, color, height, scale, etc.
- (e) It may be constructed in a freestanding manner that mimic other features that are present in the immediate vicinity, such as street lights, trees, etc. It shall be virtually identical to the feature that it is mimicking and shall maintain the same height, size, pole diameter, fixture type, tree species, etc.
- (f) All related equipment, electrical boxes, conduit, wiring, mounting equipment and the like shall not be visible.



*Figure 4.9: Examples of Stealth Designs for Telecommunications Towers*

Stealth Designs that do not comply with the Conditional Use criteria, the above requirements and other related factors shall not be approved.

## 4.10 SITE DEVELOPMENT STANDARDS

### 4.10.1 Measurements, Computations, and Exceptions

#### (1) Percentages and Fractions

When a calculation required by this resolution results in a fractional number or percentage, any fraction of  $\frac{1}{2}$  or less shall be rounded down to the next lower whole number and any fraction of more than  $\frac{1}{2}$  shall be rounded up to the next higher whole number. Any percentage of 0.5 percent (0.5%) or less shall be rounded down to the next lower whole number and any percentage greater than 0.5 percent (0.5%) shall be rounded up to the next higher whole number.

#### (2) Distance Measurements

Unless otherwise expressly stated, distances specified in this resolution are to be measured as the length of an imaginary straight line joining those points at the closest points.

#### (3) Lot-Area Measurements

- (a) The area of a lot includes the total horizontal surface area within the lot's boundaries.
- (b) The area of a panhandle on a panhandle lot shall not count toward the minimum lot area requirement.

#### (4) Reductions in Area Prohibited

No lot, yard, court, parking or other space shall be reduced in area or dimensions so as to make said area or dimensions less than the minimum required by this resolution unless approved as part of a PUD District; and, if already less than the minimum required by this resolution, said area or dimensions shall not be further reduced.

#### (5) Setbacks and Yards

##### (a) Measurements

Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located. Setbacks shall not contain any structure except when in conformance with this resolution. See Figure 4.10-1.

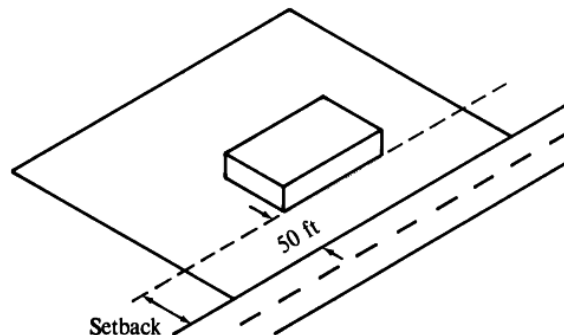


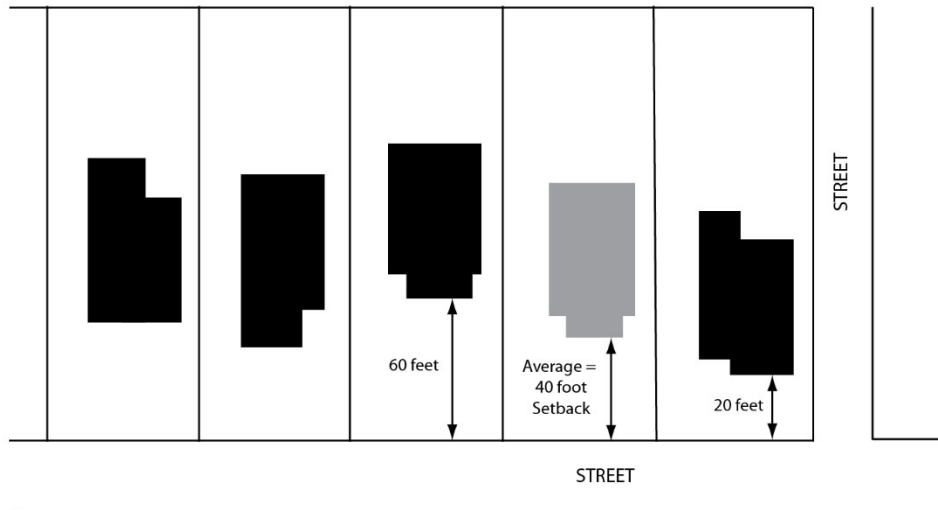
Figure 4.10-1: Measurement of a front yard setback.

##### (b) Yards Required for Buildings

A yard or other open space required for a building shall not be included as part of a yard or other open space for another building.

**(c) Front Yard Modifications**

In any residential district, no front yard depth shall be required to exceed the average minimum depths of the existing front yards on the lots adjacent to each side, if each of such lots is within the same block and within 100 feet of a building. Modification of the front yard in accordance with this section will not create a nonconforming lot unless the lot of structure does not meet other applicable provisions of this resolution. See Figure 4.10-2.



**Figure 4.10-2:** Illustration of the averaging of front yard setbacks. In a district with a minimum front yard setback requirement of 50 feet, smaller setbacks may be allowed if the average front yard setbacks are less than 50 feet.

**(d) Permitted Obstructions in Minimum Required Yards**

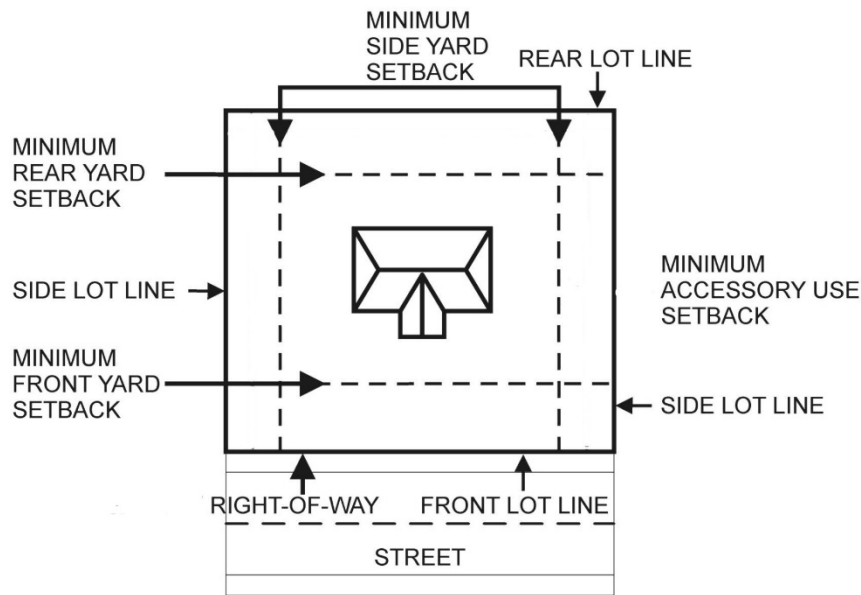
Certain architectural features may project into required yards as follows:

- (i) The following architectural features may project into any required front or rear yard:
  - A.) Cornices, canopies, eaves, roofs over porches (open on three (3) sides), or other architectural features may project a distance not exceeding two feet, six inches (2’-6”).
  - B.) Fire escapes may project a distance not exceeding four feet, six inches (4’-6”).
  - C.) An uncovered stair and necessary landing may project a distance not to exceed six (6) feet, provided such stair and landings shall not extend above the entrance floor of the building except for a railing not exceeding three (3) feet in height.
  - D.) Bay windows, balconies, in-ground window wells, and chimneys may project a distance not exceeding three (3) feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.
- (ii) The architectural features identified in paragraph (a) above may project into any required side yard a distance not to exceed one-fifth (1/5) of the required least width of such side yard

- (iii) Decks may be permitted to cantilever a distance not to exceed four (4) feet into the required rear yard. Decks on corner lots may be permitted to cantilever a distance not to exceed four (4) feet into the required side yards.
- (iv) Driveways and off-street parking areas may be permitted to be located in certain required yards as provided in Subsection 7.6.2 (Location of Parking Areas) and in accordance with the Butler County Engineer’s Office standards.

**(e) Interior Lot**

- (i) The required minimum front yard setback shall be provided for (measured from) from the street right-of-way or, where a right-of-way is not identified, the front lot line. See Figure 4.10-3.
- (ii) The lot line located directly behind the rear of the structure shall be the rear lot line and the rear yard setback shall be applied. See Figure 4.10-3.
- (iii) All other lot lines shall be considered the side lot line and the side yard setback shall be applied. See Figure 4.10-3.
- (iv) Section 4.12 (Accessory Uses) shall establish the permitted locations for accessory uses as it applies to corner lots.



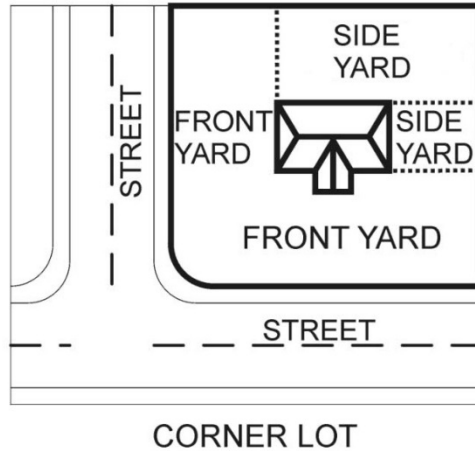
*Figure 4.10-3: Typical setbacks measurements on an interior lot.*

**(f) Corner Lots**

Lots that have street frontage on two (2) intersection streets shall be considered a corner lot, subject to the following:

- (i) The required minimum front yard setback shall be provided from each street right-of-way or, where a right-of-way is not identified, the lot line adjacent to the street. See Figure 4.10-4.
- (ii) All other lot lines shall be considered the side lot line and the side yard setback shall be applied. See Figure 4.10-4.

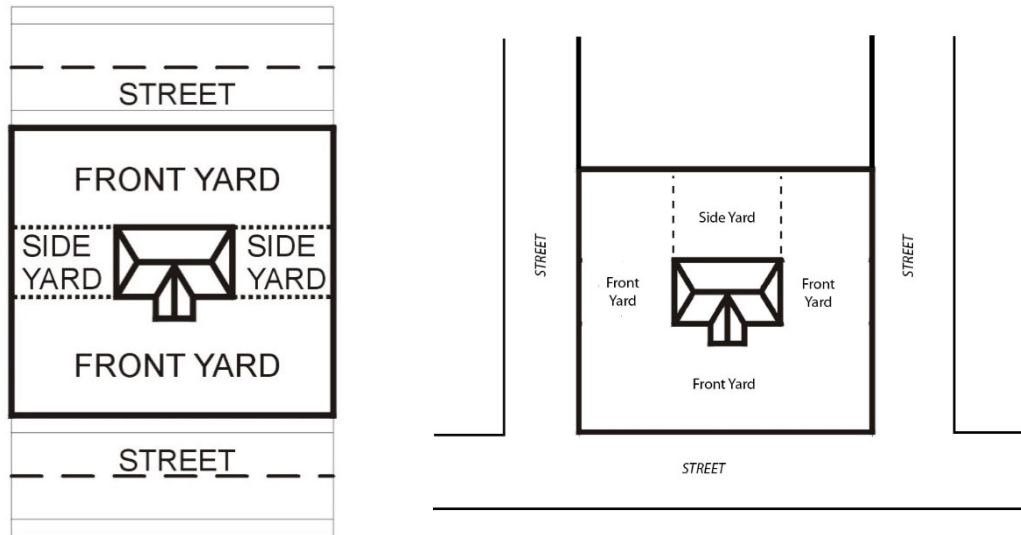
- (iii) Section 4.12 (Accessory Uses) shall establish the permitted locations for accessory uses as it applies to corner lots.



*Figure 4.10-4: Yard locations on a corner lot.*

**(g) Double and Triple Frontage Lots**

- (i) Where a lot is considered a double or triple frontage lot, the required minimum front yard setback shall be provided on all lot lines that abut a street. See Figure 4.10-5.

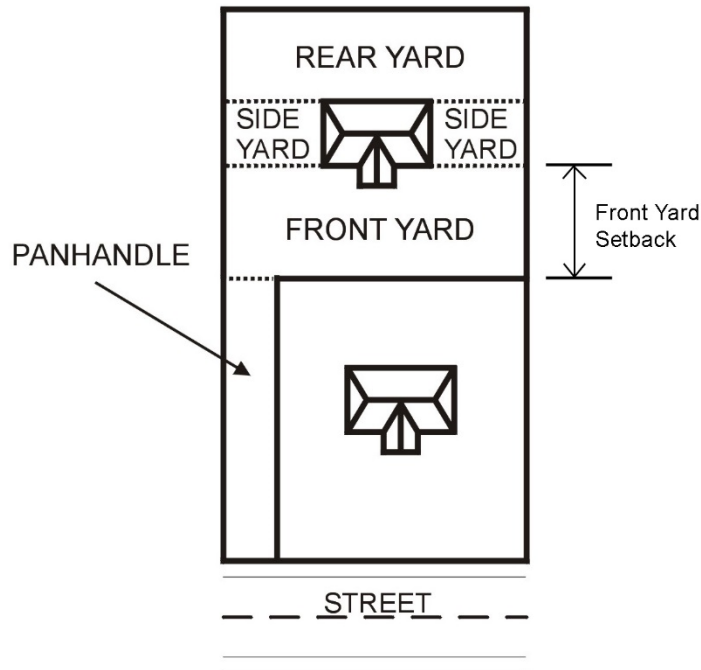


*Figure 4.10-5: Yard locations on double and triple frontage lots.*

- (ii) The remaining lot lines not abutting a public road right-of-way shall be considered as side yards and shall have the required minimum side yard setback provided for each side lot line. See Figure 4.10-5.
- (iii) Section 4.12 (Accessory Uses) shall establish the permitted locations for accessory uses as it applies to double and triple frontage lots.

**(h) Panhandle Lots**

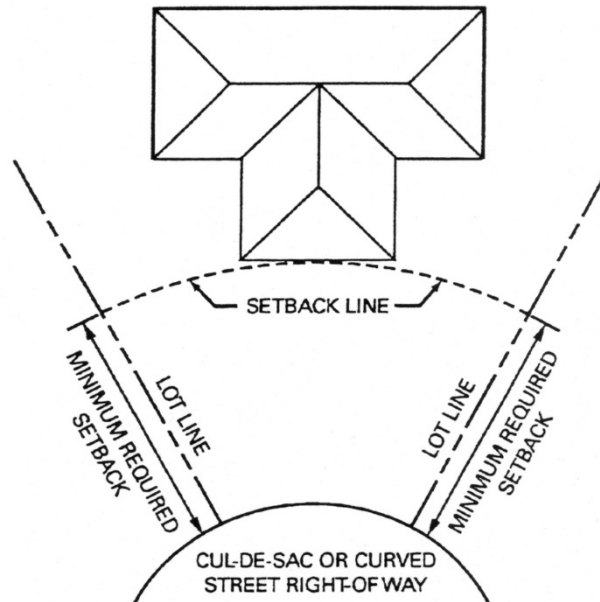
- (i) Flag or panhandle lots shall not be used to avoid the construction of a street.
- (ii) The panhandle shall have a minimum width of 25 feet along the entire width of the panhandle.
- (iii) The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot as illustrated in Figure 4.10-6.
- (iv) The panhandle portion of the lot shall not be used for storage nor shall any structures be permitted in such portion of the lot.
- (v) Section 4.12 (Accessory Uses) shall establish the permitted locations for accessory uses as it applies to panhandle lots.
- (vi) The number of panhandle lots located within a recorded subdivision shall not exceed 10% of the total number of lots within the subdivision.
- (vii) There shall not be more than two (2) contiguous panhandle lots.



*Figure 4.10-6: Yard and front yard setback locations on a panhandle lot.*

**(i) Cul-de-Sac or Curved-Street Lot**

- (i) For a cul-de-sac lot or a lot abutting a curved street, the front-yard setback shall follow the curve of the front property line. See Figure 4.10-7.



*Figure 4.10-7: Setback line of a lot with frontage on a curved street or cul-de-sac.*

- (ii) Lots on a cul-de-sac, including panhandle lots, shall be required to have a minimum lot width of 40 feet measured at the right-of-way line.
- (iii) On a cul-de-sac roadway, knuckle, or eyebrow, the required 40-foot street frontage shall be required and measured at the street right-of-way on the curve of the cul-de-sac, knuckle, or eyebrow.

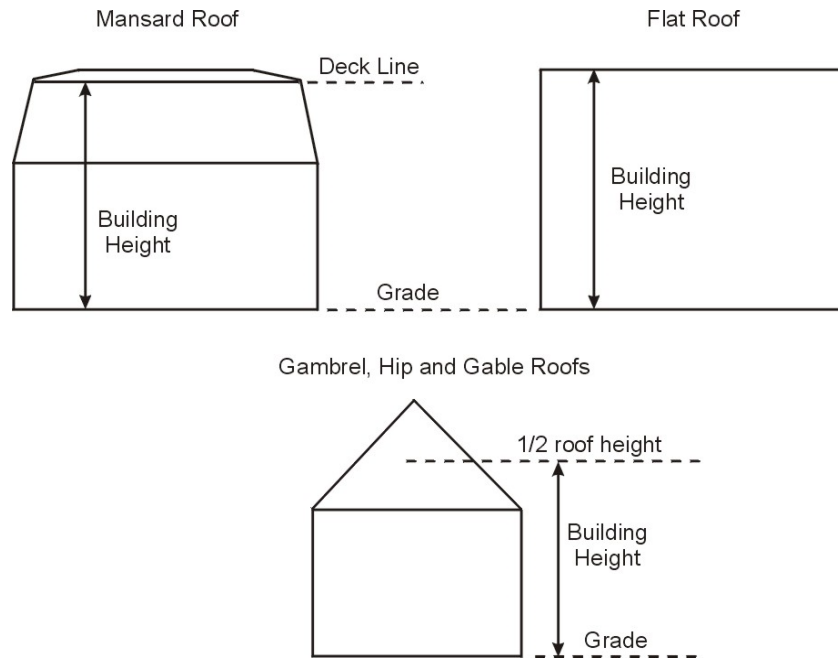
**(6) Lot Frontage and Lot Width Measurements**

- (a) Lot frontage is the distance between the side lot lines measured at the point of the street right-of-way line.
- (b) Lot frontage for panhandle lots shall be measured at the point of the building setback line.
- (c) The minimum building lot width shall be met at the building setback line.

**(7) Height Measurement and Exceptions**

**(a) Height Measurement**

- (i) Where specified in stories, building height shall be measured in number of complete stories above the finished grade for any elevation fronting on a public street including attics, half-stories, mezzanines, at-grade structured parking, but excluding features that are greater than one-half story or completely below grade, such as basements, cellars, crawl spaces, sub-basements, and underground parking structures.
- (ii) Where specified in feet, building height shall be measured as the vertical distance from the average grade at the base of the structure to (See Figure 4.10-8.):
  - A.) The highest point of a flat roof;
  - B.) The deck line of a mansard roof; or
  - C.) The mean height between the eaves and ridge on gable, hip, or gambrel roofs.



**Figure 4.10-8:** Measurement of roof heights based on the type of roof.

**(b) Exceptions to Height Limits**

Height limitations stipulated in this resolution shall not apply:

- (i) To barns, silos or other agricultural buildings or structures on farms (not located in an improved platted subdivision); to church spires, belfries, cupolas and domes, monuments, chimneys, smokestacks, flag poles; to parapet walls extending not more than six (6) feet above the limiting height of the building.
- (ii) To bulkheads, elevator penthouses, water tanks, monitor and lookout towers, provided:
  - A.) The height of any such structure shall not be greater than the number equal to the height of the first story of the principal structure; and
  - B.) The total footprint of the structure shall not exceed 60% of the footprint of the principal structure and shall have the same materials as the principal structure unless an alternative material is approved by the Zoning Inspector.

**4.10.2 General Site Development Standards**

**(1) Traffic Visibility across Corner Lots**

On any corner lot, no fence, structure, or planting shall be erected or maintained within the public right-of-way, or within the area which is 20 feet in width parallel to the edge of the street, or within the area which is 50 feet perpendicular to the intersecting street, so as to interfere with traffic visibility across the corner, except as otherwise permitted or required in this resolution.

**(2) Street Frontage Required**

The following shall apply to all residential lots unless specific exceptions are provided elsewhere in this resolution.

- (a) All residential lots are required to have a minimum of 25 feet of frontage on a public street and meet the minimum lot width at the building setback line except for as provided in Subsection 4.10.1 (Measurements, Computations, and Exceptions).
- (b) Access easements shall not be permitted as a substitution for the required minimum street frontage.
- (c) Frontage along limited-access highways (SR 129 and I-75 only) shall not be considered as part of the required frontage in any zoning district.

**4.10.3 Site Development Standards for Agricultural and Residential Districts**

- (1) Table 4.10-A establishes the minimum site development standards for agricultural and residential districts.

Table 4.10-A: Site Development Standards for Agricultural and Residential Districts							
Districts	Lot Area (Min) or Density [1]	Lot Frontage/ Lot Width (feet)	Setbacks				Max. Bldg. Height (feet) [2]
			Front Yard (feet)	Side Yard One Side (feet)	Side Yards Both (feet)	Rear Yard (feet)	
<b>Agriculture (A-1) District</b>							
Customary Agricultural Uses and Other Permitted Uses	5 acres	200	100	50	100	50	35
Single-family dwellings	2 acres	200	100	25	75	100	35
<b>Residential-Agricultural (RA-1) District</b>							
Customary Agricultural Uses and Other Permitted Uses	5 acres	200	100	50	100	50	35
Single-family dwellings	2 acres	200	100	25	75	100	35
<b>Residential Estate (R-E) District</b>							
Customary Agricultural Uses and Other Permitted Uses	5 acres	200	100	50	100	50	35
Single-family dwellings	2 acres	200	100	25	75	100	35
Single-family dwellings with water and sewer [3]	20,000 s.f.	100	50 [4]	15 [5]	30	45	35
<b>Residential Rural Estate (R-RE) District</b>							
Customary Agricultural Uses and Other Permitted Uses	5 acres	200	100	50	100	50	35
Single-family dwellings	2 acres	200	100	25	75	100	35
Single-family dwellings with water and sewer [3]	15,000 s.f.	90	30 [4]	8	20	40	35
<b>Residential Suburban (R-SE) District</b>							
Customary Agricultural Uses and Other Permitted Uses	5 acres	200	100	50	100	50	35
Single-family dwellings	1 acre	200	70 [4]	25	75	50	35
Single-family dwellings with water and sewer [3]	20,000 s.f.	100	50 [4]	15 [5]	30	45	35
<b>Suburban Residence (R-1) District</b>							
Customary Agricultural Uses and Other Permitted Uses	5 acres	200	100	50	100	50	35
Single Family Dwellings	20,000 s.f.	100	50 [4]	15 [5]	30	45	35
<b>Single Family Residence (R-2) District</b>							
Customary Agricultural Uses and Other Permitted Uses	5 acres	200	100	50	100	50	35
Single Family Dwellings	15,000 s.f.	90	30 [4]	8	20	40	35
<b>One &amp; Two-Family Residence (R-3) District</b>							
Customary Agricultural Uses and Other Permitted Uses	5 acres	200	100	50	100	50	35
Single Family Dwellings	12,000 s.f.	80	30 [4]	8	20	30	35
Two Family Dwellings [6]	15,000 s.f.	90	30 [4]	8	20	40	35
<b>Multiple Family Residence (R-4) District</b>							
Customary Agricultural Uses and Other Permitted Uses	5 acres	200	100	50	100	50	35
Single Family Dwellings	6,500 s.f.	55	25 [4]	6	15	30	35
Two Family Dwellings [6]	13,000 s.f.	60	25 [4]	10	20	40	35
Three Family Dwellings [6]	19,500 s.f.	70	25 [4]	10	22	40	35
Multi Family Dwellings 4 & over	8.0 du/acre	100	30 [4]	20	40	45	35

**Table 4.10-A: Site Development Standards for Agricultural and Residential Districts**

Districts	Lot Area (Min) or Density [1]	Lot Frontage/ Lot Width (feet)	Setbacks				Max. Bldg. Height (feet) [2]
			Front Yard (feet)	Side Yard One Side (feet)	Side Yards Both (feet)	Rear Yard (feet)	

**NOTES:**

- [1] s.f. = square feet; du/acre = dwelling units per acre.
- [2] Building heights are maximum heights except as provided in Subsection 4.10.4 (Height Measurement and Exceptions).
- [3] These shall be the applicable site development standards for residential lots where public water and sewer are accessible to property and such use is consistent with the adopted land use plan, provided the lot is a part of a properly approved and recorded subdivision. Applicants utilizing these site development standards are required to meet with the Zoning Inspector for a preapplication conference in accordance with Section 4.10.3 (2) (Preapplication Meeting Required).
- [4] When a lot in these districts abuts an arterial or major collector street (as defined by the Butler County Thoroughfare Plan), the minimum front yard setback shall be 100 feet, unless the appropriate right-of-way has already been dedicated per the Butler County Thoroughfare Plan in which case the front yard setback shall be 50 feet.
- [5] 15-foot minimum side yard setback may be reduced to 10 feet on one side on any lot in any new subdivision platted August 9, 2007 to accommodate side entry garages. This regulation does not apply to recorded lots at the time of adoption of this resolution. This regulation does not apply to lots in new phases of a subdivision directly adjacent to the side yard of a lot in another phase of the subdivision that existed prior to the date of adoption of this resolution (August 7, 2009).
- [6] Shall be recorded as a condominium plat in the office of the Butler County Tax Plat and Recorder.

**(2) Preapplication Meeting Required**

- (a) Applicants for any single-family dwelling development with water and sewer in the R-E, R-RE, or R-SE District are required to meet with the Zoning Inspector for a preapplication meeting prior to submitting a formal application to Butler County for a preliminary subdivision plat.
- (b) The purpose of the preapplication meeting is to informally discuss application zoning requirements, subdivision design, surrounding developments, and details of the proposed development.
- (c) One or more preapplication meetings between the applicant and township staff may be required unless specifically waived by the Zoning Inspector.
- (d) Applicants are encouraged to bring a preliminary plan to the preapplication meeting.
- (e) No formal application is required to facilitate a preapplication meeting. The applicant need only contact the Zoning Inspector to set up a meeting date.
- (f) Discussions that occur during a preapplication meeting with township staff are not binding on the township and do not constitute official assurances or representations by Liberty Township or its officials regarding any aspects of the plan or application discussed.

**4.10.4 Site Development Standards for Nonresidential Districts**

(1) Table 4.10-B establishes the minimum site development standards for nonresidential districts.

**Table 4.10-B: Site Development Standards for Nonresidential Districts [1]**

DISTRICTS	Front Yard (feet)	Side Yard One (feet)	Side Yards Both (feet)	Rear Yard (feet)	Max. Bldg. Height (feet) [2]	Max. Lot Coverage
Neighborhood Business (B-1)	30	None	None	None	35	75%
General Business (B-2)	30	None	None	None	35	85%
Office District (O-1)	30	None	None	None	35	85%
Office/Limited Industrial (O-2)	45	None	None	50	45	85%
Light Industrial (M-1)	50	25	50	50	35	85%

**Table 4.10-B: Site Development Standards for Nonresidential Districts [1]**

DISTRICTS	Front Yard (feet)	Side Yard One (feet)	Side Yards Both (feet)	Rear Yard (feet)	Max. Bldg. Height (feet) [2]	Max. Lot Coverage
<u>Millikin Innovation (MID)</u>	<u>150[3]</u> <u>100[3]</u> <u>50[3]</u>	<u>There is no required setback unless the yard abuts a residential property in which case there shall be a 75-foot setback in which no structure, parking area, pavement, or driveway will be permitted</u>			<u>90[4]</u> <u>60</u> <u>35[4]</u>	<u>85%</u>
<u>Millikin Innovation District Transitional MID(T)</u>	<u>Setbacks will be dictated by the MID unless the yard abuts a residential subdivision in which case there shall be a 75-foot setback in which no structure, parking area, pavement, or driveway will be permitted</u>				<u>35</u>	<u>70%</u>
River Recreation (R-CO)	40	20	40	50	35	None

**NOTES:**  
 [1] Additional setback requirements may also be required in Article 7 (Parking, Loading, and Circulation) and Article 8 (Buffering and Landscaping).  
 [2] Building heights are maximum heights except as provided in Subsection 4.10.1(7)(b) (Height Measurement and Exceptions) and as may be provided for in Article 5 (Overlay District Development Standards) for sites subject to an overlay zoning district.  
 [3] The front yard setback shall be 150 feet for buildings over 50,000 square feet, 100 feet for buildings between 20,000 and 50,000 square feet, and 50 feet for buildings under 20,000 square feet.  
 [4] The maximum building height shall be 90 feet for buildings that are entirely within 1,000 feet of the I-75 right-of-way and 35 feet for buildings that are within 600 feet of a residential district or recorded residential subdivision.

- (2) More than one principally permitted use may be permitted on a single lot in a nonresidential district provided the uses meet all other applicable regulations of this resolution.
- (3) There is no minimum lot area or street frontage requirements for nonresidential districts unless otherwise specified in this resolution or in any applicable overlay district.
- (4) In addition to the above table, all normal business functions are to be conducted within an enclosed building except for the sale of gasoline at a service station or any accessory outdoor display, sales, or storage that are not the principal use of the lot and are allowed pursuant to the standards of Section 6.6 (Outdoor Sales, Displays, and Storage)

## 4.11 PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS

### 4.11.1 Intent

The Planned Unit Development (PUD) regulations are intended to provide an optional development alternative to property owners and developers who are developing larger tracts under single or common ownership in a unified way. These regulations are designed to provide the flexibility to use sites efficiently and to create innovative projects with many amenities.

### 4.11.2 Types of PUD District

There are three (3) types of PUD Districts that, when adopted, serve as the base zoning district for the subject property. The three (3) types are as follows:

- (1) Residential Planned Unit Development (R-PUD);
- (2) Business Planned Unit Development (B-PUD); and
- (3) Mixed-Use Planned Unit Development (MU-PUD).

### 4.11.3 Review Procedure

All PUDs shall be processed in two (2) stages that include a Preliminary PUD Plan and a Final PUD Plan unless it is determined by the Zoning Inspector that due to the scale and intensity of the proposal, a complete and proper review can be conducted in a single process and the applicant has submitted all the required elements per this section and Section 3.3 (Common Review Requirements) at the time application is made. An application may be denied for a combined review process (combined Preliminary/Final PUD Plan) if all of the requirements are not met. The following is the procedure for establishing a PUD:

#### (1) Preliminary PUD Plan or Combined Preliminary/Final PUD Plan Approval

##### (a) Preapplication Meeting

- (i) Applicants for any PUD district are required to meet with the Zoning Inspector for a preapplication meeting prior to submitting a formal application for a PUD.
- (ii) The purpose of the preapplication meeting is to informally discuss application requirements, review procedures, and details of the proposed development.
- (iii) One or more preapplication meetings between the applicant and township staff may be required unless specifically waived by the Zoning Inspector.
- (iv) Applicants are encouraged to bring a preliminary site plan to the preapplication meeting.
- (v) No formal application is required to facilitate a preapplication meeting. The applicant need only contact the Zoning Inspector to set up a meeting date.
- (vi) Discussions that occur during a preapplication meeting with township staff are not binding on the township and do not constitute official assurances or representations by Liberty Township or its officials regarding any aspects of the plan or application discussed.

##### (b) Preliminary PUD Plan or Combined Preliminary/Final PUD Plan Application

- (i) Applications for the Preliminary PUD Plan or combined Preliminary/Final PUD Plan review will be submitted as part of the map amendment process to rezone the property to the proposed PUD district.
- (ii) The application shall include all such forms, maps, and information, as may be prescribed for that purpose by the Zoning Inspector to assure the fullest practicable presentation of the facts for the permanent record.
- (iii) Each application shall be signed by at least one of the owners, or the owner's authorized agent of each property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications.
- (iv) All applications shall be submitted with the required fees as established in the Liberty Township fee schedule.

##### (c) Referral to the Butler County Planning Commission

- (i) Pursuant to Ohio Revised Code 519.12(E)(1)(b), referral to the Butler County Planning Commission is optional for limited home rule townships. Therefore, referral to the Butler County Planning Commission is not required. However, the Zoning Inspector may elect to refer an amendment to the Butler County Planning

Commission for review, which shall follow the process defined in paragraphs (ii) thru (iv) below.

- (ii) Within five (5) days after filing of an application, the township shall transmit a copy thereof to the Butler County Planning Commission.
- (iii) The Butler County Planning Commission shall recommend the approval, approval with modifications, or denial of the proposed amendment and shall submit such recommendation to the Zoning Commission.
- (iv) Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment.

**(d) Public Hearing with the Zoning Commission**

- (i) Upon the filing of an application for an amendment, the Zoning Commission shall set a date for a public hearing regarding the proposed PUD amendment and the Preliminary PUD Plan or combined Preliminary/Final PUD Plan.
- (ii) The public hearing shall not be less than 20 or more than 40 days after the date the application was submitted.
- (ii) Notification shall be given in accordance with Section 519.12 of the ORC.

**(e) Recommendation by the Zoning Commission**

Within 30 days after the Zoning Commission's public hearing, the Zoning Commission shall recommend the approval or denial of the proposed amendment and submit such recommendation together with such application or resolution, the text and map pertaining thereto, and the recommendation of the Butler County Planning Commission to the Board of Township Trustees.

**(f) Public Hearing with the Board of Township Trustees**

- (i) Upon receipt of the recommendation from the Zoning Commission, the Board of Township Trustees shall set a time for a public hearing on such proposed amendment.
- (ii) The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the Zoning Commission.
- (iii) Notification shall be given in accordance with Section 519.12 of the ORC.

**(g) Board of Township Trustees' Decision**

- (i) Within 20 days after its public hearing, the Board of Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Board of Trustees modifies or overturns the recommendation of the Zoning Commission, the majority vote of the Board of Trustees shall be required.
- (ii) Approval of the Preliminary PUD Plan, without a combined Final PUD Plan, shall be limited to the general acceptability of the land uses proposed, proposed general density levels and their inter-relationship, and shall not be construed to endorse precise location of uses, configuration of parcels or engineering feasibility which are to be determined in the subsequent preparation of the detailed Final PUD Plan.
- (iii) At the time of adopting any resolution establishing a PUD District, the trustees shall make appropriate arrangements with the applicant that will ensure the accomplishment of the public improvements and reservation of common open space as shown on the approved Preliminary PUD Plan or combined Preliminary/Final PUD Plan.

- (iv) In accordance with the standards set forth herein, the trustees may explicitly impose special conditions relating to the PUD as the board may determine necessary in order to best promote the public health, safety and welfare.
- (v) The Board of Trustees or Zoning Commission shall have the authority to waive or vary any of the required conditions for approval of the Preliminary or Final PUD Plan in order to promote the intent of the PUD regulations as defined in this section. The adoption of this section shall be retroactive to any previously approved project prior to the date of adoption (September 6, 2007).

## **(2) Effect of Preliminary PUD Plan or Combined Preliminary/Final PUD Plan Approval**

The development plan approval in accordance with this section shall be an integral part of the Zoning Resolution and any departure from this plan or modification thereof, shall be a violation of said Zoning Resolution and shall be subject to the provisions and penalties prescribed in Article 10 (Violations and Penalties).

## **(3) Conditions for Approval of the Preliminary PUD Plan**

- (a) Upon receipt of the report of the Zoning Commission, the Board of Trustees shall study and review the proposed application and Preliminary PUD Plan or combined Preliminary/Final PUD Plan to:
  - (i) See that all requirements have been satisfied; and
  - (ii) Ascertain that the following specific conditions are fully met:
    - A.) That the PUD District is consistent with the Comprehensive Plan for Liberty Township.
    - B.) That the total density and/or lot coverage proposed for the development does not exceed the maximum density or lot coverage allowed for the PUD as a whole.
    - C.) That the uses proposed will not be detrimental to existing and potential future surrounding uses but will have a beneficial effect which could not be achieved under other zoning districts.
    - D.) That the areas proposed shall be used only for those uses permitted under these provisions and the usual accessory uses.
    - E.) That the internal streets and primary and secondary roads that are proposed shall properly interconnect with the surrounding existing primary and secondary road network as designated on the Butler County Thoroughfare Plan. A traffic impact study may be required by the township and the Zoning Commission and Trustees shall coordinate cross access easements or stubbed streets to all adjacent parcels as needed to facilitate better traffic flow between individual developments in conjunction with the Butler County Engineer's Office.
    - F.) That the minimum common open space area(s) has been designated and shall be conveyed to a legally established homeowner's or property owner's association, commercial management group, the township, or other agency as herein provided.
    - G.) That the Preliminary PUD Plan is consistent with the intent and purpose of this resolution: to promote public health, safety and general welfare of the residents of Liberty Township, Ohio.

## **(4) Final PUD Plan Review Procedure and Conditions for Approval**

- (a) All Final PUD Plans shall be reviewed by the Zoning Commission during a public hearing.

- (b) The Zoning Commission shall review the Final PUD Plan and approve, modify, or deny the plan on the basis:
- (i) That all requirements of the Preliminary PUD Plan and this Zoning Resolution have been satisfied; and
  - (ii) That the following conditions are fully met:
    - A.) That the proposed detailed Final PUD Plan for the individual section of the overall PUD District is consistent with the approved Preliminary PUD Plan, and the Liberty Township Comprehensive Vision Plan.
    - B.) That each individual unit of the development can exist as an independent unit which is capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained.
    - C.) That any part of the PUD not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved, or if approved by the Zoning Commission, left in its natural state.
    - D.) That the internal streets and thoroughfares proposed are suitable and adequate to accommodate the anticipated traffic within and through the development, as determined by the Butler County Engineer.
    - E.) That the detailed Final PUD Plan is consistent with the intent and purpose of this resolution to promote public health, safety and general welfare of the residents of Liberty Township, Butler County, Ohio.
    - F.) All necessary legal documentation relating to the incorporation of a homeowner's or property owner's association in the case of an R-PUD or other similar association in the case of a B-PUD, for the purpose of maintaining the specified common open space or common tenant space within the PUD.
    - G.) Copies of any restrictive covenants or agreements that are to be recorded.
    - H.) A schedule or timeline shall be submitted that details when the planned open space amenities and buffers will be installed. If the PUD contains multiple lots to be developed over time, no more than 25% of the lots should be built on before the planned amenities and buffers are installed. However, the Zoning Commission may modify this requirement based on the specifics of each case.

**(5) Conditions for Approval of the Combined Preliminary/Final PUD Plan**

If an application is reviewed as a single combined Preliminary/Final PUD Plan, the conditions of both Subsection 4.11.3 (3) pertaining to Preliminary PUD Plans and Subsection 4.11.3 (4)(b) pertaining to Final PUD Plans shall be met.

**(6) Time Limits, Extensions, and Modifications**

- (a) The Preliminary PUD Plan shall become null and void unless within three (3) years the Final PUD Plan for the first phase of the project has been approved by the Zoning Commission, and unless the final subdivision plat, when applicable, has been recorded in the Office of the Butler County Recorder. The Final PUD Plan shall become null and void unless construction has commenced within three (3) years after the approval of the Final PUD Plan.
- (b) In the event the Preliminary PUD Plan becomes null and void, the PUD District will remain in place and one of the three (3) actions may take place:

- (i) The applicant and/or property owner can resubmit a Preliminary PUD Plan for review in accordance with the procedure established in Subsection 4.11.3 (Review Procedure);
  - (ii) The applicant and/or property owner may initiate a map amendment in accordance with the procedure set forth in Section 3.6 (Zoning Text and Map Amendments); or
  - (iii) The township Zoning Commission or Township Trustees may initiate a map amendment in accordance with the procedure set forth in Section 3.6 (Zoning Text and Map Amendments).
- (c) An extension beyond the three (3) years may be granted by the Board of Trustees upon a finding that the Preliminary PUD Plan is consistent with the Liberty Township Comprehensive Vision Plan, goals, purpose and the vision of the Township, and whether a reasonable effort had been made to accomplish the plan within the original time limit.
- (d) An extension beyond the three (3) years may be granted by the Zoning Commission upon a finding that the Final PUD Plan is consistent with the Liberty Township Comprehensive Vision Plan, goals, purpose and the vision of the Township, and whether a reasonable effort has been made to accomplish the plan within the original time limit.
- (e) Major Modifications**
- (i) Major modifications to an approved Preliminary or Final PUD Plan shall include but not be limited to:
    - A.) An increase in density (greater than 10% for commercial uses in B-PUD or MU-PUD only).
    - B.) Changes to the PUD boundaries.
    - C.) Changes to the allocation of land uses (not in terms of the location of uses, but the percentage or amount of any use).
    - D.) Changes to internal street patterns that alter the intersection points with existing streets.
  - (ii) Major modifications for “Changes to the PUD boundaries” shall be reviewed in accordance with the procedure established for Preliminary or Final PUD Plan review set forth in Subsection 4.11.3 (Review Procedure).
  - (iii) All other major modifications shall be reviewed in accordance with the procedure established for Preliminary or Final PUD Plan review set forth in Subsection 4.11.3 (Review Procedure), excluding 4.11.3 (1)(c) Referral to the Butler County Planning Commission.
- (f) Minor Modifications**
- Other amendments or modification shall be classified as a Minor Modification and shall be reviewed and approved by the Zoning Inspector, except that Zoning Inspector may elect to submit the minor modification to the township Zoning Commission for review and a decision. Such review shall occur at a public meeting of the Zoning Commission and shall be subject to notice and fees as established by the Board of Trustees.
- (7) Open Space Ownership and Maintenance**
- (a) Any open space preserved as part of one of the PUD types shall be preserved or used in a manner established within the specific PUD and shall be either:
    - (i) Owned by the township, county, state, school district, park district, or a private trust or conservation group as may be approved by the township and all subject to acceptance by the appropriate legislative body; or

- (ii) Owned jointly or in common by the owners of the building lots with maintenance provided through a homeowner's or property owner's association; and/or
    - (iii) Any combination of the above.
  - (b) Further subdivision of the open space or its use for other than those uses prescribed in the approved preliminary and Final PUD Plans shall be prohibited. Structures and buildings accessory to the open space may be erected on the open space, subject to the review of the site by the Zoning Commission and Board of Trustees. Any restrictions on the established open space shall be memorialized on the recorded subdivision plat or deed.
  - (c) Homeowner's or Property Owner's Associations**
    - (i) A homeowner's or property owner's association shall be established to permanently maintain all open space and common areas.
    - (ii) All recorded homeowner's or property owner's association agreements shall be submitted to the Zoning Commission for approval prior to permits being granted. Copies of the proposed covenants, articles of incorporation, and bylaws of the homeowner's or property owner's association shall be submitted with said agreements. No set of proposed covenants, articles of incorporation, or bylaws of a homeowner's or property owner's association shall permit the abrogation of any duties set forth in this section.
    - (iii) All homeowner's or property owner's associations shall guarantee the maintenance of all open space and common areas within the boundaries of the development such homeowner's or property owner's association was created for. In the event of a failure to maintain such open space or common areas, the township may do any of the following:
      - A.) If the open space or common area is owned by the township, county, state or a park district, the township may remedy the failure to maintain at its own cost and seek reimbursement from the homeowner's or property owner's association, or seek to enforce the homeowner's or property owner's association's duty to maintain through an injunction or any other civil penalty.
      - B.) If the open space or common area is owned jointly or in common by the owners of the building lots, or by any other owner of the property to be maintained or preserved, the township may seek to enforce the homeowner's or property owner's association's non-performance of its obligations and duties through an injunction or any other civil remedy.
  - (d) The Zoning Inspector, or his/her designee, may deny Zoning Certificate Applications for Single-Family, Multi-Family, or Commercial construction, and Tenant Finish Permits in any PUD district, regardless if the PUD was approved previous to the enactment of this Resolution, until such open space amenities are brought into conformance with the requirements of the PUD Approval and properly maintained.
- (8) General Design Standards**
- (a) Design standards for area, lot coverage, density, yard requirements, parking, landscaping, buffer yards, and screening for a proposed Planned Unit Development shall be established by the Zoning Commission and Board of Trustees on the Preliminary Development Plan or Final Development Plan if part of a combined review process. Exceptions and variations from the standards provided by the non-planned Zoning Districts of this Resolution may, and should be granted by the Zoning Commission and

Board of Township Trustees when it is determined that due to certain design elements, natural features, and public amenities, the exceptions are warranted.

- (b) The Zoning Commission and Board of Trustees shall evaluate each development plan, which is located in an Overlay District, to incorporate the desired development requirements and characteristics of each Overlay District.
- (c) It is recommended that all utilities be located underground to in all new PUD Developments to the extent technically practicable.

#### 4.11.4 Residential Planned Unit Developments (R-PUD)

##### (1) Permitted Uses and Maximum Permitted Density

- (a) The uses allowed in an R-PUD are identified in Table 4.7-A. Uses not specifically listed as allowed may be permitted if determined by the Zoning Commission and/or Board of Trustees to be of the same general character.
- (b) The maximum permitted density shall be calculated on the gross area of each portion of the development with the same use including open space, less any right-of-way dedication per the Butler County Thoroughfare Plan for existing roadways.
- (c) The density for each development plan will be reviewed on a case-by-case basis taking into account:
  - (i) Recommendations from the most recently adopted Liberty Township Comprehensive Vision Plan;
  - (ii) Adjacent land uses;
  - (iii) Unique features and characteristics of the land;
  - (iv) Development plan layout; and
  - (v) Quality and character of the proposed open space.

##### (2) Accessory Uses and Structures

Accessory uses and structures shall conform to the provisions of Section 4.12 (Accessory Uses).

##### (3) Minimum R-PUD Size

The minimum area for an R-PUD shall be five (5) acres.

##### (4) Yards

- (a) Subsequent to receiving approval of the R-PUD Preliminary PUD Plan from the Zoning Commission and Board of Trustees, the owner/developer(s) shall establish the front, side and rear yard setbacks based upon the type of structure, use, and orientation.
- (b) When an R-PUD is proposed adjacent to an existing R-PUD open space, the proposed R-PUD shall establish open space adjacent thereto to maximize larger pockets of open space.
- (c) No building or structure on any lot that is adjacent to an arterial or major collector street per the Butler County Thoroughfare Plan shall be located closer than 100 feet from the right-of-way of such a street, unless the appropriate right-of-way has already been dedicated per the Butler County Thoroughfare Plan in which case the front yard setback shall be 50 feet. All other setbacks (except those provided above) may vary from the regulations of the Zoning Resolution, subject to review and approval by the Zoning Commission through the PUD review procedure as established in Subsection 4.11.3 (Review Procedure).

**(5) Lot Size**

- (a) In those cases when an R-PUD is being proposed next to an existing recorded subdivision, the lots of the R-PUD that abut the existing subdivision shall be, at a minimum, 12,000 square feet or 75% of the size of abutting lots, whichever is smaller, but in no case shall they be smaller than the approved minimum lot size for the R-PUD. Higher density developments may be considered if they are consistent with the Comprehensive Land Use Plan and if they are determined to have an appropriate buffer and quality level.
- (b) Site development standards, including minimum lot area and setbacks, shall be established by the Liberty Township Zoning Commission and Trustees at the time of Preliminary PUD Plan approval on a case by case basis taking into account:
  - (i) Recommendations from the most recently adopted Liberty Township Comprehensive Plan;
  - (ii) Adjacent land uses;
  - (iii) Unique features and characteristics of the land;
  - (iv) PUD plan layout; and
  - (v) Quality and character of the proposed open space.

**(6) Screening**

When proposed uses within the R-PUD are divergent and/or less restrictive than those adjoining the proposed R-PUD, screening requirements shall be established by the Zoning Commission to ensure an adequate buffer between adjacent uses. Said screening shall be of vegetation, fencing, berms or any combination thereof that effectively screens the divergent uses, and said screening shall be maintained as approved.

**(7) Open Space**

- (a) Within the PUD, there shall be reserved a minimum percentage of land area of the entire tract for use as common open space.
- (b) Common open space shall comprise a minimum of 20% of the gross project area (less right-of-way dedication).
- (c) Common open space shall be used for amenity or recreational purposes or remain undeveloped.
- (d) Common open space shall not include private yards, required setbacks between project boundary lines and buildings, and landscape islands internal to parking lots.
- (e) The common open space shall not consist of isolated or fragmented pieces of land which would serve no useful purpose. Isolated or fragmented pieces of land may be calculated as common space when the land is used as green infrastructure (rain garden, bioswale, etc.), or when the land is designated as “environmentally sensitive areas” in the Liberty Township Comprehensive Vision Plan, if the purpose is to preserve and protect such areas, subject to Zoning Commission approval.
- (f) The following uses may be included in this common open space:
  - (i) Pedestrian walkways;
  - (ii) Parkland;
  - (iii) Open areas;
  - (iv) Golf courses;
  - (v) Bridle paths;

- (vi) Retention ponds that shall include a water feature, or another approved aeration method to preserve the quality of the water and aesthetic appearance;
  - (vii) Drainage ways, water courses, rivers, or streams;
  - (viii) Detention basins (not exceeding 25% of the minimum required common open space and shall be finish mowed or as otherwise approved or required by the Zoning Commission);
  - (ix) Watercourses;
  - (x) Community swimming pools that are set back 100 feet from external properties;
  - (xi) Clubhouses;
  - (xii) Tennis courts;
  - (xiii) Public schools (provided that such property is dedicated first to the township who may then deed the property to the school system);
  - (xiv) Other lands of essentially open character, exclusive of off-street parking areas and street rights-of-way; or
  - (xv) Other similar uses as approved by the Zoning Commission or Board of Township Trustees.
- (g) Common open space shall be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved.
- (h) Ownership and maintenance of the common open space shall be addressed pursuant to the provisions of Subsection 4.11.3 (7).

#### **(8) Height Requirements**

No structure shall exceed 35 feet in height or as otherwise approved or required by the Zoning Commission.

#### **(9) Streets**

- (a) Ownership of all private streets and ways serving the R-PUD development shall be:
- (i) Conveyed to a legally established homeowner's or property owner's association; or
  - (ii) Governed by a recorded agreement relating to the use and maintenance of such private streets and ways.
- (b) All streets serving the R-PUD development shall comply with the street pavement depth specifications contained in the Butler County Subdivision Regulations or as otherwise approved or required by the Zoning Commission or trustees subject to review and approval by the Butler County Engineer's Office.
- (c) It is the responsibility of the owner/developer(s) to install street signs in approved R-PUD subdivisions. Street signs on private streets shall be maintained by a legally established homeowner's or property owner's association.
- (d) Private drives are subject to the provisions of Section 7.10 (Private Drives).
- (e) Street trees shall be provided at a rate of one (1) tree per 40 lineal feet, or a rate of one (1) tree per parcel, as determined appropriate by the Zoning Commission. It is the responsibility of the owner/developer(s) to install and maintain the street trees.

#### **(10) Parking**

Shall be in accordance with the provisions of Article 7 (Parking, Loading, and Circulation).

**(11) Design Standards**

Quality of design shall be considered when reviewing all R-PUD applications. Design standards may include:

- (a) The use of unique street design and landscaping
- (b) The use of a sufficient number of house types to avoid a monotonous streetscape.
- (c) The incorporation of limitations on the use of certain building materials, including vinyl siding (see paragraph (12) below).
- (d) The incorporation of hiker/biker trails to the extent reasonably possible and desirable. All developments shall incorporate the improvements as described in the Liberty Township Comprehensive Vision Plan.
- (e) The incorporation of ponds or other water features to the extent reasonably possible and desirable.

**(12) Building Materials**

All R-PUD developments shall maximize the use of natural building materials. The Zoning Commission and Board of Trustees reserve the right to regulate building materials on each development plan on a case by case basis.

**4.11.5 Business Planned Unit Developments (B-PUD)**

**(1) Permitted Uses**

- (a) The uses allowed in a B-PUD are identified in Table 4.7-A.
- (b) All uses in a B-PUD are subject to the approval of a Preliminary and/or Final PUD Plan by the Zoning Commission and Board of Township Trustees pursuant to Sections 4.11.1 through 4.11.3 (8) and 4.11.5, inclusive. Uses not specifically listed as allowed in this district may be permitted if determined by the Zoning Commission and/or Board of Trustees to be of the same general character.
- (c) Warehousing is permitted provided that the gross land area devoted to warehousing does not exceed 25% of the gross land area of the B-PUD.

**(d) Prohibited Uses**

The following uses shall be prohibited in all B-PUDs:

- (i) Heavy industrial or commercial uses which are noxious or offensive by reason of smoke, dust, gas fumes, odors, vibrations, or noise beyond the limits of the premises upon which such operation is located. Such uses include, but are not limited to, the assembly or manufacture of automobiles or automobile bodies; manufacturing involving the use of large quantities of hazardous or toxic substances; petroleum refining or petroleum storage; processing, refining, or rendering of fats and oils; or smelting or refining of metals from ores.
- (ii) Mini-storage or self-storage facilities of any kind or size, whether for rental or sale.
- (iii) Truck terminals, truck plazas, truck stops.
- (iv) Junk, scrap, wrecking yards, or salvage yards where the operations are for the conversion of saleable materials.
- (v) Penal institutions.
- (vi) Stand-alone Automated Teller Machines (ATMs).
- (vii) Landfills.
- (viii) Sexually oriented businesses.

(ix) Other similar uses as determined by Zoning Commission and Township Trustees.

**(2) Accessory Uses and Structures**

Accessory uses and structures shall conform to the provisions of Section 4.12 (Accessory Uses).

**(3) Minimum B-PUD Size**

The minimum area for a B-PUD shall be one acre.

**(4) Maximum Height**

Zoning Commission shall establish the maximum building height for all structures. If adjacent to a residential zoning district or recorded residential subdivisions, the building height shall not exceed 35 feet, unless otherwise approved or required by the Zoning Commission

**(5) Common Open Space**

- (a) Common open space shall comprise at least 15% of the B-PUD land area.
- (b) This common open space shall not consist of isolated or fragmented pieces of land, which would serve no useful purpose. Isolated or fragmented pieces of land may be calculated as common open space when the land is used as green infrastructure (rain garden, bioswales, etc.) or when the land is designated as “environmentally sensitive areas” in the Liberty Township Comprehensive Vision Plan, if the purpose is to preserve and protect such areas.
- (c) Common open space shall not include private yards and landscape islands located internally within parking lots.
- (d) The following uses may be Included in this common open space:
  - (i) Pedestrian walkways;
  - (ii) Parkland with equipment and/or playfields;
  - (iii) Open areas;
  - (iv) Common areas or plazas with outdoor seating;
  - (v) Retention ponds (but not detention ponds or drainage swales) that shall include a water feature, or another approved aeration method to preserve the quality of the water and aesthetic appearance; and
  - (vi) Other kinds of land with an open character, exclusive of off-street parking areas and street rights-of-way.
- (e) Common open space shall be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved.
- (f) Ownership and maintenance of the common open space shall be addressed pursuant to the provisions of Subsection 4.11.3 (7).

**(6) Signage**

All signs in the B-PUD shall conform to Article 9 (Signs), except where the Zoning Commission finds that certain conditions warrant additional or more restrictive signage.

**(7) Architectural Standards**

All uses shall conform to architectural standards of Section 6.1 (Architectural Standards) and the following additional provisions:

**(a) Windows**

- (i) All elevations visible from road rights-of-way shall include window openings at regular intervals.
- (ii) Solid glass facades are prohibited.

**(b) Building Materials**

- (i) All B-PUD developments shall maximize the use of natural building materials such as brick, jumbo brick, stone, or cultured stone. The Zoning Commission and Board of Trustees reserve the right to regulate building materials on each development plan on a case-by-case basis.
- (ii) Metal siding, vinyl siding, and exposed smooth face CMU block is prohibited as an exterior building material on all building elevations visible from a public road right-of-way.
- (iii) All visible elevations shall include decorative features such as cornices, pilasters and contrasting horizontal bands. Building recesses and protrusions are strongly encouraged on larger buildings to break long uninterrupted building walls.

**(8) Circulation and Access**

- (a) The B-PUD shall have direct access from an arterial or collector road without direct primary access through an adjacent residential development.
- (b) Pedestrian ways including sidewalks and multi-use paths are required to accommodate safe non-motorized transportation throughout the B-PUD along internal streets and perimeter roads.
- (c) Pedestrian connections linking individual buildings within the B-PUD to sidewalks and/or paths are required. Likewise, pedestrian connections between the B-PUD and adjacent neighborhoods or developments are strongly encouraged.
- (d) Pedestrian connections to adjacent development and to adjacent roads are required.
- (e) Cross access easements to adjacent parcels may be required to provide better circulation and access between adjacent developments.
- (f) Private drives are subject to the provisions of Section 7.10 (Private Drives).

**4.11.6 Mixed Use Planned Unit Development (MU-PUD)****(1) Permitted Uses and Maximum Permitted Density**

- (a) The uses allowed in a MU-PUD are identified in Table 4.7-A. All uses in a MU-PUD are subject to the approval of a Preliminary and/or Final PUD Plan by the Zoning Commission and Board of Township Trustees pursuant to Sections 4.11.1 through 4.11.6, inclusive. Uses not specifically listed as allowed in this district may be permitted if determined by the Zoning Commission and/or Board of Trustees to be of the same general character.
- (b) The maximum permitted density shall be calculated on the gross area of each portion of the development with the same use including open space, less any right-of-way dedication per the Butler County Thoroughfare Plan.
- (c) The density for each development plan will be reviewed on a case-by-case basis taking into account:
  - (i) Recommendations from the most recently adopted Liberty Township Comprehensive Vision Plan;
  - (ii) Adjacent land uses;

- (iii) Unique features and characteristics of the land;
- (iv) Development plan layout; and
- (v) Quality and character of the proposed open space.

**(2) Prohibited Uses**

- (a) Those uses listed as prohibited uses in the B-PUD shall also be prohibited in the MU-PUD.
- (b) Any other similar use as determined by the Zoning Commission or Township Trustees.

**(3) Accessory Uses and Structures**

Accessory uses and structures shall conform to the provisions of Section 4.12 (Accessory Uses).

**(4) Minimum MU-PUD Size**

- (a) The minimum area for a MU-PUD shall be 20 acres.
- (b) Commercial (retail and office) uses shall comprise at least 25% of the overall development area.
- (c) MU-PUD districts smaller than 20 acres in size may be considered if the overall development area designated for commercial (retail and office) uses is increased beyond the minimum required 25%.
- (d) Mixed-use buildings may be included in the 25% calculation identified in (b) above.

**(5) Setback Requirements**

Subsequent to receiving approval of the MU-PUD Preliminary PUD Plan from the Zoning Commission and Board of Trustees, the owner/developer(s) shall establish the front, side and rear yard setbacks based upon the type of structure, use, and orientation.

**(6) Building Height**

Zoning Commission shall establish the maximum building height for all structures. If adjacent to a residential zoning district or recorded residential subdivisions, the building height shall not exceed 35 feet, unless otherwise approved or required by the Zoning Commission

**(7) Common Open Space**

- (a) Common open space shall comprise at least 30% of the MU-PUD land area.
- (b) Common open space may be reduced to 20% of the land area if at least 50% of the land is used for commercial uses or mixed-use buildings.
- (c) This common open space shall not consist of isolated or fragmented pieces of land, which would serve no useful purpose. Isolated or fragmented pieces of land may be calculated as common open space when the land is used as green infrastructure (rain garden, bioswales, etc.) or when the land is designated as “environmentally sensitive areas” in the Liberty Township Comprehensive Vision Plan, if the purpose is to preserve and protect such areas.
- (d) Common open space shall not include private yards, required setbacks between project boundary lines and buildings, and landscape islands internal to parking lots.
- (e) The following uses may be included in this common open space:
  - (i) Pedestrian walkways;
  - (ii) Parkland with equipment and/or playfields;

- (iii) Open areas;
  - (iv) Common areas or plazas with outdoor seating;
  - (v) Retention ponds (but not detention ponds or drainage swales) that shall include a water feature, or another approved aeration method to preserve the quality of the water and aesthetic appearance; and
  - (vi) Other kinds of land with an open character, exclusive of off-street parking areas and street rights-of-way.
- (f) Community gathering areas and/or focal points shall be provided at all major nodes.
- (g) Common open space shall be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved.
- (h) Ownership and maintenance of the common open space shall be addressed pursuant to the provisions of Subsection 4.11.3 (7).
- (i) Consideration shall be given to identify areas where bus drop off/pick-up areas could be provided.
- (8) Signage**
- All signs in the MU-PUD shall conform to Article 9 (Signs), except where the Zoning Commission finds that certain conditions warrant additional or more restrictive signage.
- (9) Architectural Standards**
- (a) A streetscape design shall be included with all development plans.
  - (b) Uniform building materials, signage, lighting, and landscaping shall be provided throughout the development or divided by neighborhood district.
  - (c) The design standards for R-PUDs as established in Subsection 4.11.4 (12) shall apply to residential areas within MU-PUDs.
  - (d) The architectural standards for B-PUDs as established in Subsection 4.11.5 (10) shall apply to all nonresidential and mixed-use buildings within MU-PUDs.
  - (e) In order to promote creativity in design, architectural standards will be evaluated on a project by project basis. For a general indication of the architectural elements the Zoning Commission will expect to see utilized in a MU-PUD, consult Subsections 5.4.1 (2) and 5.4.2 as they relate to the Cincinnati-Dayton Business District Overlay District.
- (10) Circulation and Access**
- (a) The MU-PUD shall have direct access from an arterial or collector road without direct primary access through an adjacent residential development.
  - (b) Pedestrian ways including sidewalks and multi-use paths are required to accommodate safe non-motorized transportation throughout the MU-PUD along internal streets and perimeter roads.
  - (c) Pedestrian connections linking individual buildings within the MU-PUD to sidewalks and/or paths are required. Likewise, pedestrian connections between the MU-PUD and adjacent neighborhoods or developments are strongly encouraged.
  - (d) Pedestrian connections to adjacent development and to adjacent roads are required.
  - (e) Cross access easements to adjacent parcels may be required to provide better circulation and access between adjacent developments.
  - (f) Private drives are subject to the provisions of Section 7.10 (Private Drives).

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## 4.12 ACCESSORY USES

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### 4.12.1 Purpose

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses.

### 4.12.2 General Provisions

Accessory uses or structures shall be permitted provided:

- (1) The building or use is incidental to and customarily found in connection with a principal building or use permitted in the district in which is located.
- (2) It is subordinate to and serves the principal building or use.
- (3) It is located on the same lot as the principal use for which it serves.
- (4) An owner applies for and receives a Zoning Certificate unless exempted or not required by this section.
- (5) An accessory use or structure shall not be established unless a principal use has first been established on a site in conformance with the applicable provisions of the Zoning Resolution.
- (6) Unless permitted by the Zoning Commission or Township Trustees as part of a PUD approval, accessory uses and structures shall be prohibited in any open space area that is preserved by a covenant deed restriction, or other private agreement.
- (7) Accessory structures used for agricultural purposes shall be exempt from these regulations. To be exempt, the building should be one which is necessary for, or customarily used in conjunction with, the specific agricultural use that is active on the property. Such structures include, but are not limited to, barns, greenhouses, and other buildings that are specifically designed for agricultural uses. Although such a structure may have some incidental use for other than agricultural activities, the principal use of the structure must be agricultural.
- (8) Accessory uses in any overlay zoning district shall be subject to the accessory use regulations for the underlying base zoning district.
- (9) No accessory building or structure shall contain facilities used for dwelling purposes.
- (10) No accessory building or structure shall be used to operate a business, store equipment, or supplies used for a business, or be a location where employees meet or park, in any agricultural district, residential district, or recorded residential subdivision.
- (11) A maximum of three (3) accessory structures are permitted on an individual lot. Accessory structures that must be included in this calculation of the number of accessory uses on a lot are identified in Table 4.12-A.

### 4.12.3 Permitted Accessory Uses

Table 4.12-A lists the accessory building and uses allowed within all zoning districts. The following is an explanation of the abbreviations and columns in Table 4.12-A.

#### (1) Permitted Uses (P)

A "P" in a cell indicates that an accessory building or use is permitted by-right in the respective zoning district. Permitted accessory uses are subject to all other applicable regulations of this resolution, including the use-specific standards set forth in this section.

**(2) Permitted with Conditions**

- (a) A “P/C” in a cell indicates that an accessory use is allowed by-right in the respective zoning district if it meets the additional standards set forth in the numerically referenced sections. Permitted uses with conditions are subject to all other applicable regulations of this section and resolution.
- (b) Accessory uses permitted with conditions under this category are approved administratively by the Zoning Inspector pursuant to the Zoning Certificate review procedure.

**(3) Conditional Uses (C)**

A “C” in a cell indicates that, in the respective zoning district, an accessory building or use is permitted if reviewed and approved as a conditional use pursuant to Section 3.7 (Appeals, Variances, and Conditional Uses). Conditional uses are subject to all other applicable regulations of this resolution, including the use-specific standards set forth in this section.

**(4) Prohibited Uses (Shaded Cells)**

A shaded cell indicates that the listed accessory building or use is prohibited in the respective zoning district.

**(5) Zoning Certificate Required**

The “Zoning Certificate Required” column identifies if a Zoning Certificate is required for the applicable accessory building or use.

**(6) Counts toward Maximum Number of Accessory Structures**

This column identifies if the listed accessory use or structure counts towards the maximum number of permitted accessory structures allowed on a single lot as established in Subsection 4.12.2 (General Provisions) above.

**(7) Yard Permitted**

The “Yards Permitted” column identifies in which yards the applicable accessory building or use is permitted. See also Subsection 4.12.4 (Setback and Height Requirements).

**(8) Additional Regulations**

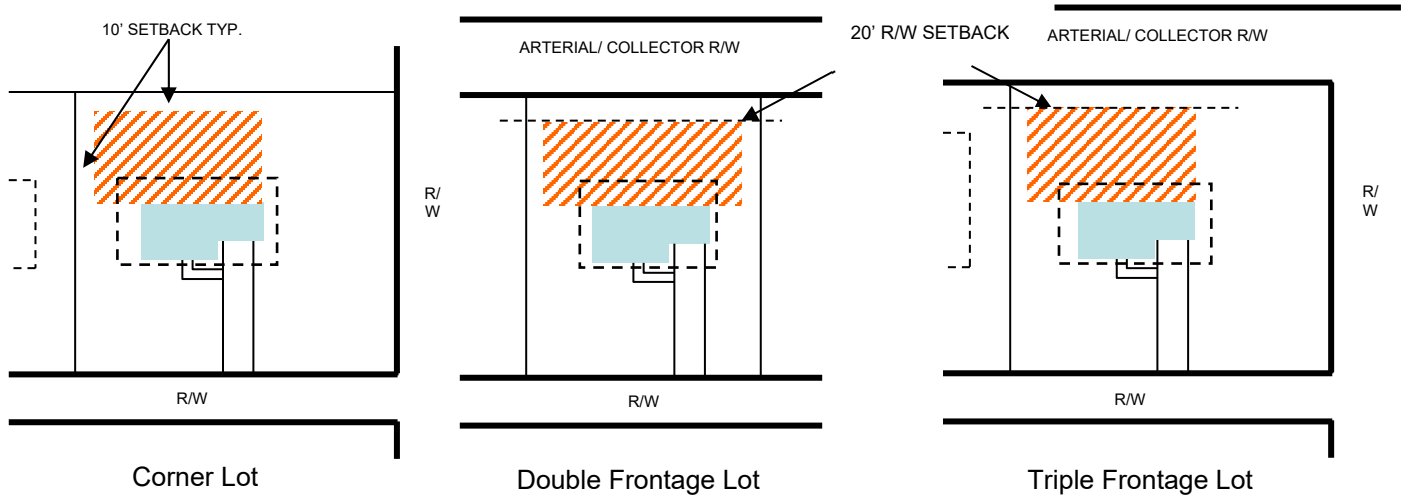
Regardless of whether an accessory building or use is permitted by-right or permitted as a conditional use, there may be additional regulations that are applicable to the use. The existence of these use-specific standards is noted through a cross-reference in the last column of Table 4.12-A. These standards apply in all districts unless otherwise specified.

**Table 4.12-A: Permitted Accessory Uses**

<b>P = Permitted</b> <b>P/C = Permitted with Conditions</b> <b>C = Conditional Use</b> <b>Shaded or Unlisted Uses = Prohibited</b>	A-1, RA-1, R-E, R-RE, R-SE, R-1, R-2, R-3, and R-PUD	R-4	B-1, B-2, O-1, and O-2	M-1 and MID	B-PUD	MU-PUD	R-CO	Zoning Certificate Required	Counts Toward Max. Number of Accessory Structures	Yards Permitted F = Front S = Side R = Rear	Additional Regulations
Automated Teller Machines (ATMS)			P/C	P/C	P/C	P/C		Yes	No	S or R	Sec. 4.12.5(1)
Basketball Hoops	P/C	P/C				P/C		No	No	F, S, or R	Sec. 4.12.5(2)
Community Pool	P	P			P	P		Yes	No	Open Space	Sec. 4.12.5(14)
Detached Garages, Storage/Utility Shed, Detached Pergolas, Detached Decks and Gazebos	P/C	P/C	P/C	P/C	P/C	P/C	P/C	Yes	Yes	R	Sec. 4.12.5(3)
Drop off boxes or dumpsters for furniture, clothing, paper, and other related items			P/C	P/C	P/C	P/C		No	Yes	S or R	Sec. 4.12.5(4)
Fences	P/C	P/C	P/C	P/C	P/C	P/C	P/C	Yes	No	See Section 4.12.5(5)	
Garden Border Fence	P	P				P		No	No	R	Sec. 11.2 Definition
Home Occupations	P/C	P/C				P/C		Yes	No	Inside principal building	Sec. 4.12.5(6)
Outdoor Wood Furnaces	P/C	P/C						No	No	R	Sec. 4.12.5(9)
Porches or Decks	P/C	P/C	P/C		P/C	P/C		Yes	Yes	F, S, or R	
Private Swimming Pools – Above-Ground	P	P						Yes	Yes	R	Sec. 4.12.5(14) See also Sec. 4.12.5(3)
Private Swimming Pools – In-Ground	P	P						Yes	Yes	R	Sec. 4.12.5(14)
Roadside Stands	P/C	P/C	P/C	P/C	P/C	P/C	P/C	Yes	No	F, S, or R	Sec. 4.12.5(10)
Satellite Dishes over 39.96 inches (1 meter) in diameter	P/C	P/C	P/C	P/C	P/C	P/C	P/C	No	No	R	Sec. 4.12.5(11)
Short Wave Radio Transmitters	P/C	P/C	P/C	P/C	P/C	P/C		Yes	No	R	Sec. 4.12.5(12)
Solar Panels	P/C	P/C	P/C	P/C	P/C	P/C		See Sec. 4.12.5(13)		On roof of structure or rear yard	Sec. 4.12.5(13)
Tennis Courts or Other Ball Courts	C	C				C		Yes	Yes	R	
Tree Houses, Play Sets, Trampolines, Hot Tubs, or Fire Pits	P	P				P		No	No	R	
Unenclosed Patios	P	P	P	P	P	P		No	No	R	
Windmills or Wind Powered Turbines Under 5 Megawatts	P/C	P/C	P/C	P/C	P/C	P/C		Yes	Yes	R	Sec. 4.12.5(15)
Other Accessory Uses	C	P/C	P/C	P/C	P/C	C	C	As determined by the Zoning Inspector or BZA. See Section 4.12.5(7) and 4.12.5(8) as applicable.			

**4.12.4 Setback and Height Requirements**

(1) Table 4.12-A identifies the yards in which accessory uses are permitted to be located as it relates to a standard lot. For the purposes of corner, double frontage, or triple frontage lots in a recorded subdivision, Figure 4.12-1 illustrates where accessory structures may be located when such uses are permitted in the rear yard.



**Figure 4.12-1:** Yard locations for accessory uses for corner, double frontage, and triple frontage lots.

- (2) Accessory uses or structures shall be set back a minimum of 10 feet from any lot line. On double frontage and triple frontage lots, accessory uses shall be set back a minimum of 20 feet from any arterial or collector street as identified in the Butler County Thoroughfare Plan and as illustrated in Figure 4.12-1. In cases where the size of the accessory uses or structures exceeds 1,500 square feet, the accessory structure shall be set back a minimum of 50 feet from any lot line.
- (3) Accessory structures or uses in any nonresidential district shall be set back a minimum of 50 feet from any lot line that abuts a residential district or recorded subdivision.
- (4) Accessory uses or structures shall not exceed 16 feet in height as determined by the definition for building height on lots of five (5) acres or less and shall not exceed the height of the principal structure on the parcel on lots greater than five (5) acres in size.
- (5) Accessory structures shall be at least six (6) feet from all principal structures, with the exception of pergolas and other similar structures that are open on at least three (3) sides.
- (6) Breezeways used to connect accessory structures to principal structures shall not exceed 15 feet in length measured from wall to wall.

**4.12.5 Use-Specific Regulations**

**(1) Automated Teller Machines (ATMs)**

- (a) Automated teller machines are permitted when incorporated into a drive-through facility or the principal structure of a financial institution.
- (b) Free-standing ATMs are prohibited.

**(2) Basketball Hoops**

Basketball hoops shall be set back 15 feet from any street right-of-way.

**(3) Detached Garages, Sheds, Above-Ground Swimming Pools, Pergolas, Detached Decks, and Gazebos**

(a) Detached garages, above-ground swimming pools, utility/storage sheds, and gazebos are permitted on lots with a maximum cumulative square footage as established in Table 4.12-B.

Table 4.12-B: Maximum Square Footage of All Detached Garages, Sheds, Above-Ground Swimming Pools, Pergolas, Detached Decks, and Gazebos	
Lot Size	Maximum Square Footage of All Detached Garages, Sheds, Above-Ground Swimming Pools, Pergolas, Detached Decks, and Gazebos
Up to 1 acre	600 square feet
1 to 1.99 acres	1,000 square feet
2 to 4.99 acres	1,500 square feet
5 to 9.99 acres	2,000 square feet [1]
10 or more acres	3,500 square feet [1]

[1] Accessory structures larger than 1,500 square feet shall be set back a minimum distance of 50' from adjoining property lines.

(b) A detached garage located in a recorded subdivision requires a paved driveway of asphalt, Portland cement, or other paving surface material as approved by the Zoning Inspector.

(c) Accessory structures located in commercial or industrial zoning districts shall not exceed 25% of the square footage of the principal structure and shall not cause the overall lot coverage to be exceeded as established by Table 4.10-B or Table 5.3-A, whichever is applicable.

**(4) Drop Off Boxes or Dumpsters**

(a) The box or dumpster shall be screened on a minimum on three (3) sides to a height that fully screens the use unless otherwise required in this resolution.

(b) Screening shall be accomplished by the use of hedges, wall, or decorative fence that provides full opacity screening.

**(5) Fences, Walls, and Hedges**

Fences, walls, and hedges may be located in required yards as follows:

(a) For any parcel or parcels in common ownership, not located in a recorded subdivision, and possessing 200 feet or more of continuous frontage, for proposed fences, walls, or hedges not exceeding 54 inches in height above the elevation of the surface of the ground, such fence (not exceeding 50% opacity in elevation), wall, or hedge may be located in any required yard.

(b) For any lot in a recorded subdivision or any lot possessing less than 200 feet of continuous frontage on a public roadway, fences, walls and hedges shall not be permitted in front of the leading corner of a building front toward any public street. The fenced, walled or hedged area may extend from any building side towards any public street, but must remain behind the applicable front yard building setback. For double or triple frontage lots, fences, walls and hedges shall be permitted in a yard adjacent to an arterial/collector street, but no closer than 20 feet from said right of way as illustrated in Figure 4.12-2.

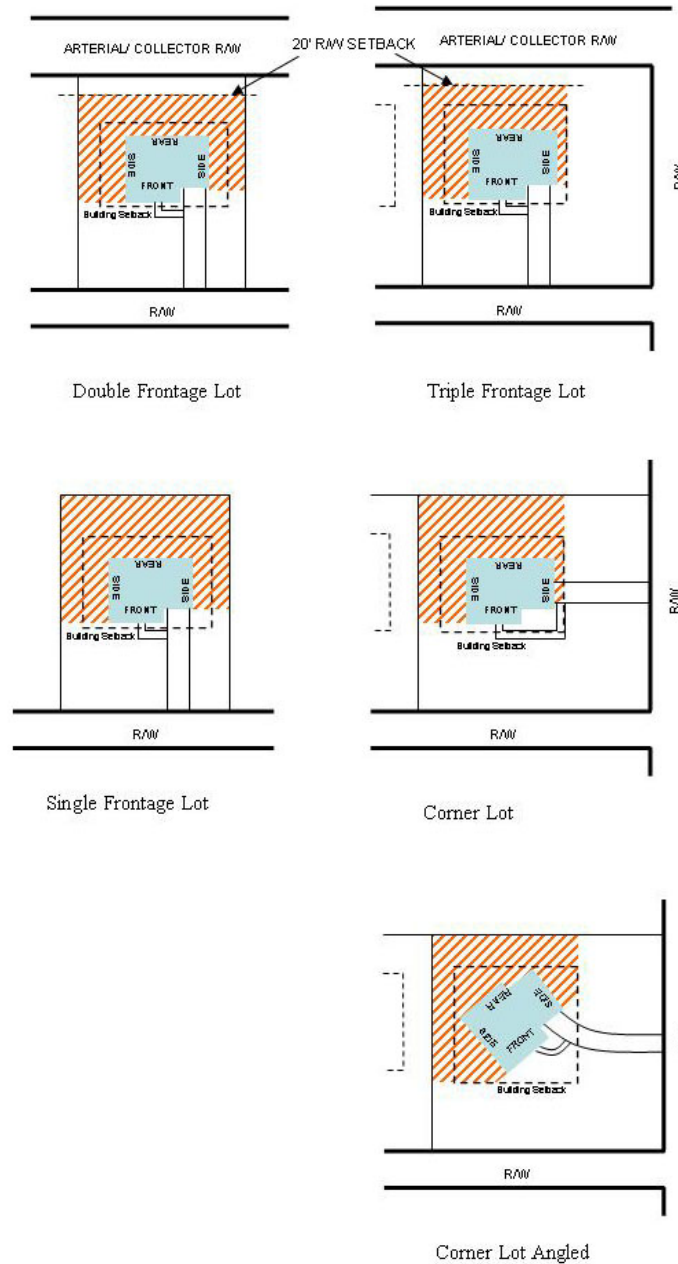


Figure 4.12-2: Fence location on various lot types.

- (c) For fences and walls that exceed 50% opacity, landscaping shall be provided along the base of the exterior side of any fence on a residential lot that is not located on or within five (5) feet of any property line, or as otherwise approved or required by the Zoning Inspector. A minimum of one landscape planting shall be provided per each eight linear feet of fence and shall achieve a mature height of at least two (2) feet.
- (d) No fence, wall, or hedge shall exceed six (6) feet in height above the elevation of the surface of the ground unless otherwise permitted or required by this resolution.

- (e) No fence, wall, or hedge shall be located within 20 feet of the right of way of any public street or roadway.
- (f) Fences shall be constructed of materials that may include cedar, pressure treated lumber, vinyl, wrought iron, aluminum, or similar materials as determined and approved by the Zoning Inspector.
- (g) The use of barbed wire, electrical or similar type fences shall be prohibited.
- (h) Chain link type fences are prohibited in residential zoning districts or on residential lots. Chain link type fences may be used in the rear yard of business and industrial zoning districts provided they are plastic coated and are black in color.
- (i) All fences and walls must be erected so that the finished side faces outward, and the rough or unfinished side faces interior to the property being enclosed. All structural members, support beams, and wire mesh lining shall be located interior to the fenced area.
- (j) Fence post finials or decorative post caps are permitted to extend a maximum of 6 inches above the maximum height of any permitted fence.
- (k) No fence or wall shall be erected within a drainage easement or designated floodplain where the sole purpose is to allow the flow, detention, or retention of storm water, as determined by the Zoning Inspector, unless otherwise approved by the Butler County Engineer's Office.
- (l) Landscaped mounds may be constructed in lieu of or as part of a fence, wall, or hedge row in accordance with these provisions. In no case shall such mound or combination of mound and fence, wall, or hedge row be constructed to a height that exceeds the maximum permitted height of fence, wall, or hedge row as established in this section, unless otherwise permitted or required in this resolution.
- (m) All fences and walls shall be kept in good repair and appearance.
- (n) Decorative landscape fences less than three (3) feet in height around landscape and/or planting beds, and do not require the setting of posts, shall not require a Zoning Certificate.

#### **(6) Home Occupations**

- (a) Certain home occupations are permitted as necessary in dwelling units provided they are clearly incidental and secondary to the use of the dwelling unit for residential purposes.
- (b) Home occupations shall not change the character of the residential use and shall not adversely affect the uses permitted in the residential district of which they are a part.
- (c) The nature of home occupation as an accessory use relative to its location and conduct of activity is such that the average neighbor, under normal circumstances, would not be aware of its existence.
- (d) All persons wishing to conduct a home occupation shall apply for a Zoning Certificate from the Zoning Inspector in accordance with Section 3.4 (Zoning Certificate and Site Plan Review).
- (e) Zoning Certificates for home occupations shall expire after two (2) years from the issuance date. Upon expiration of the certificate and submittal of a renewal application, the Zoning Inspector may issue a new certificate if all the provisions continue to be met.
- (f) The Zoning Certificate may be revoked at any time should the Zoning Inspector determine that these provisions are not being met.

- (g) In those instances when the Zoning Inspector denies an application, or if the Zoning Inspector is uncertain of the appropriateness of a proposed home occupation, the matter may be appealed or taken to the BZA for interpretation. The following are examples of permitted home occupations:
- (i) Clerical and other similar business services;
  - (ii) Instruction in music, dance or other type of teaching with a maximum number of two (2) students at a time;
  - (iii) The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office-oriented occupations;
  - (iv) Artists, sculptors, photographers, home crafts;
  - (v) Barber shop/beauty salon with a maximum of one chair;
  - (vi) A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or
  - (vii) Any similar use as determined by the Zoning Inspector.
- (h) The following specific regulations govern all home occupations.
- (i) All home occupations shall be carried on completely within the residence and shall occupy a maximum of 25% of the total square footage of the dwelling including any basement.
  - (ii) Home occupations shall not require any alteration to the exterior of the residence and shall not require use of any mechanical equipment not customarily used in a dwelling.
  - (iii) Home occupations shall be carried on solely by occupants of the residence, except that the home occupation may employ the equivalent of one full-time employee. Home occupations shall be carried on in such a manner so as not to create a need for off-street parking in excess of what is customarily provided for the residential use.
  - (iv) Accessory buildings shall not be used as space for home occupations.
  - (v) There shall be no retail sales of products at the location of the home occupation. Home occupations which provide a service shall not have more than two (2) customers (including those arriving and waiting for service) at any one time.
  - (vi) The storage of all equipment, machinery, supplies, materials, files, and the like, shall be stored completely within the residence (excluding the garage or accessory buildings).

**(7) Other Accessory Uses in Multi-Family, Business, Office, or Industrial Districts**

In any business, office, manufacturing district, for any multi-family dwelling use, or for any nonresidential use in a residential or agricultural district, any use which is customarily found in conjunction with and required for the full utilization and economic vitality of the principal use is permitted provided:

- (a) The use meets the definition of accessory use;
- (b) The use complies with the applicable standards of this section; and
- (c) The use complies with any other applicable standards of this resolution.

**(8) Other Accessory Uses in Planned Unit Development Districts**

Other accessory uses may be permitted during the Preliminary or Final PUD Plan review.

**(9) Outdoor Wood Furnaces**

- (a) Outdoor furnaces that supply heat to the principal structure are prohibited in any residential zoning district or recorded residential subdivision.
- (b) Outdoor furnaces shall require a lot area of five (5) acres. The use shall be set back a minimum of 200 feet from any adjacent property line.
- (c) Fuel burned in any new or existing outdoor wood furnace shall be only natural untreated wood, wood pellets, corn products, biomass pellets, or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas, or propane backup.
- (d) Outdoor furnaces shall not include temporary or permanent outdoor fire pits.

**(10) Roadside Stands**

- (a) A roadside stand shall only be permitted where 50% or more of the gross income received from the stand is derived from produce raised on farms owned or operated by the market operator in a normal crop year;
- (b) The roadside stand shall be located on the same property as where the produce is raised.
- (c) The structure shall not exceed 800 square feet;
- (d) The structure and any related parking areas shall be set back 60 feet from all lot lines; and
- (e) That one ground mounted sign may be permitted provided it does not exceed 12 square feet in sign area, six (6) feet in height, and is externally illuminated.

**(11) Satellite Dishes**

Satellite dishes that exceed 18 inches in size or that are not attached to the principal structure shall be prohibited in the side yard.

**(12) Short Wave Radio Transmitters**

The maximum height of a short wave radio transmitter shall be the same as the maximum accessory height permitted in the applicable district.

**(13) Solar Panels**

- (a) Freestanding solar panels shall be limited to a maximum height of 16 feet and shall be located in the rear yard. Such freestanding solar panels shall count toward the maximum number of accessory uses permitted on the property and shall require a Zoning Certificate.
- (b) Roof-mounted solar panels on the front side of a roof facing a street shall be flush-mounted to the roof.
- (c) Roof-mounted solar panels that do not face a street shall not exceed 12 inches in height from the roof plane, and may not project beyond the edge of the roof.
- (d) Roof-mounted solar panels shall not count toward the maximum number of accessory uses permitted on the property and shall require a Zoning Certificate.

**(14) Private Swimming Pools and Community Pools**

**(a) Private Swimming Pool**

The following regulations apply to privately owned swimming pools that are either above ground or in-ground with a depth capable of holding water with a depth of 18 inches or more.

- (i) Any swimming pool, or any permitted area of the property on which it is located, shall be so walled or fenced by approved material and construction a minimum of 48 inches high to prevent uncontrolled access from the street or adjacent properties
- (ii) The fence shall be maintained in good condition with a latching gate and lock.
- (iii) For above ground pools, the sidewall of the pool may serve as the safety wall provided the sidewall of the pool is at least 48 inches high, or as otherwise approved by the Butler County Building Department, as measured from the grade at the base of the wall.
- (iv) Any lighting used to illuminate the pool area shall be so arranged as to deflect the light from adjoining properties.

**(b) Community Pools**

- (i) Exclusive of PUD Districts, community pools shall be set back a minimum of 50 feet from abutting residential lots, within the development, a minimum of 10 feet from abutting open space lots within the development, and 150 feet from any lot outside of the development as measured from the edge of the water.
- (ii) All pools shall be screened with solid evergreen plantings on all side and rear property lines.
- (iii) Community pools shall meet all standards as required for private swimming pools.

**(15) Windmills or Wind Powered Turbines Under 5 Megawatts**

- (a) Windmills or wind powered turbines are prohibited in any residential zoning district or recorded subdivisions.
- (b) Wind powered turbines shall require a lot with a minimum lot area of five (5) acres. The use shall be set back a minimum of 200 feet from any adjacent property line.
- (c) The maximum height shall be 35 feet to the highest point on the blade.

## 4.13 TEMPORARY USES

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### 4.13.1 General Provisions

- (1) A temporary Zoning Certificate shall be required for all temporary buildings, structures, or uses (including seasonal/holiday sales).
- (2) The temporary building or structure shall be reviewed in accordance with this section and all other applicable sections of this resolution.

### 4.13.2 Time Limits

Temporary buildings and uses may only be permitted for a specified period of time, not to exceed 30 days, with the following exceptions:

- (1) Temporary buildings incidental to construction activities shall be removed within 14 days of completion or abandonment of the construction work.
- (2) A temporary Zoning Certificate for uses such as festivals, circuses, concerts, and similar uses shall be valid for no more than 2 weeks.
- (3) Temporary tents for outdoor sales may be permitted for a 14-day period once every 90 days.
- (4) Temporary storage containers or refuse containers over 32 gallons provided:
  - (a) They are located in a designated parking spot outside of the public right-of-way.

- (b) The containers are removed after the expiration of the Zoning Certificate which may authorize the placement of the container for a maximum of 30 days.
  - (c) The containers are not attached to a foundation or are otherwise a permanent structure which would be considered an accessory use or principal use and subject to the standards of the applicable zoning district.
- (5) Temporary, seasonal, or permanent outdoor displays, sales, or storage shall be regulated by Section 6.6 (Outdoor Sales, Displays, and Storage).

#### 4.13.3 Standards, Prohibitions, and Restrictions Generally

- (1) Adequate access and off-street parking facilities shall be provided which shall not interfere with traffic movement on adjacent streets.
- (2) Any outdoor lighting shall be subject to the standards established in Subsection 6.3 (Exterior Lighting).
- (3) The lot shall be put in clean conditions devoid of temporary use remnants upon termination of the temporary period.

## 4.14 NONCONFORMITIES

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### 4.14.1 Purpose

Within the districts established by this resolution, some lots, uses of lands or structures, or combinations thereof may exist which were lawful prior to the effective date or amendment of this resolution, but that are prohibited, regulated, or restricted under the terms of this amended resolution. The purpose of this section is to outline provisions related to the continuance of those existing uses, lands, and structures.

### 4.14.2 General Provisions

- (1) The lawful use of any dwelling, building, or structure and of any land or premises as existing and lawful at the time of enactment of this resolution may be continued although such use does not conform with the provisions of this resolution.
- (2) Passage of this resolution in no way legalizes any illegal uses existing at the time of its adoption.
- (3) No existing building or premises devoted to a use not permitted by this resolution in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed substituted or structurally altered, unless the use thereof is changed to a use permitted in the district in which such building or premises is located, or as may be allowed in this section.
- (4) If no structural alterations are made, a nonconforming use of a building or premises may be changed to another nonconforming use of the same or more restrictive classification, provided that the change is less offensive to adjacent properties, will not prolong the nonconforming status, and the proposed use is desirable to the township as determined by the BZA.
- (5) Whenever a nonconforming use has been changed to a more restrictive classification of use, such use shall not be changed thereafter to a less restrictive use.

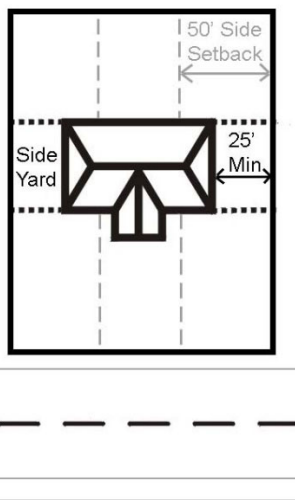
- (6) If the legally nonconforming use of any dwelling, building, or structure or of any land or premises is voluntarily discontinued for two (2) years or more, any future use thereof shall be in conformity with the provisions of this resolution.

**4.14.3 Nonconforming Uses and Variances**

- (1) Whenever a nonconforming use has been changed to a conforming use, such use shall no longer be defined as a nonconforming use.
- (2) The granting of a variance for a use that otherwise complies with this resolution, shall not create a nonconforming use when the variance is granted.
- (3) When a property owner or authorized agent is granted a variance for a nonconforming use that addresses the nonconformity, the use shall no longer be considered nonconforming.
- (4) If a property owner or authorized agent is granted a variance for a nonconforming use that addresses some nonconformities but additional nonconformities continue, the use shall still be considered a legal nonconforming use.

**4.14.4 Nonconforming Lots of Record**

- (1) Where any lot or lots of record exist, as of the effective date of this resolution, that do not conform to the area and/or frontage requirements of this resolution, development in accordance with the use and other regulations of the district in which it is located may be permitted on any such lot provided that the lot was subdivided or platted as a separate tax parcel and regardless of whether contiguous parcels are in separate ownership. Where a dimensional variance from any minimum yard or setback requirement is necessary to develop on said lot, an application for dimensional variance shall be submitted for review and approval by the BZA.
- (2) In any residential district, the minimum side yard setback requirement may be varied for development on nonconforming lots of record provided, however, that such side yard shall not be narrower at any point than one-half of the required side yard setback of the applicable zoning district.



**Figure 4.14-1:** Side yard setbacks may be reduced for residential development on a nonconforming lot of record provided the setback is not reduced to a distance that is less than half of the minimum required side yard setback in the applicable zoning district.

- (3) If a nonconforming lot is a part of a subdivision, approved by the Butler County Regional Planning Commission, which has public (centralized) water and sewerage facilities as provided for in Table 4.10-A, then the reduced site development standards, as indicated in Table 4.10-A may apply. Such lots shall not be considered nonconforming provided they meet the minimum site development standards and all other applicable standards of this resolution.

#### 4.14.5 Nonconforming Structures

- (1) When a building or structure, excluding agricultural buildings or structures, the use of which does not conform to the provisions of this resolution, is damaged by fire, explosion, act of God, or public enemy to the extent of more than 60% of its reproduction value, it shall not be restored, unless authorized by the BZA. Said re-establishment cannot be larger or more nonconforming than prior to its damage. The BZA may impose such reasonable conditions as may be necessary to mitigate the adverse effect of the non-conformity within the district in which such use is located and upon surrounding and neighboring properties.
- (2) An extension of a nonconforming use or building on a lot may be granted by the BZA if the extension is necessarily incident to the existing use and provided that the floor area of such extension does not exceed in all 50% of the floor area of the existing building devoted to the non-conforming use on the effective date of this resolution.
- (3) The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this resolution, and only when the resulting occupancy will comply with the requirements governing new construction in such district.

#### 4.14.6 Termination of Use through Discontinuance

When any nonconforming use is discontinued or abandoned for more than two (2) years, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

#### 4.14.7 Repair and Maintenance

- (1) On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the footprint and height of the structure as it existed, when it became nonconforming, shall not be increased.
- (2) Nothing in this section shall be deemed to prevent the strengthening or restoring to safe condition of any building, or part thereof, declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.

#### 4.14.8 Burden of Proof

An applicant for any development review procedure that deals with a nonconforming use shall bear the burden of proof in demonstrating that the use was a legal nonconforming use on the effective date of this resolution.

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# ARTICLE 5: OVERLAY DISTRICT DEVELOPMENT STANDARDS

## 5.1 PURPOSE

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The purpose of this article is to promote the purpose statements of the following overlay districts through the establishment of special design and development standards.

- 5.1.1 “CRC-OD” Cox Road Corridor Overlay District
- 5.1.2 “CDBD-O” Cincinnati-Dayton Business District Overlay
- 5.1.3 “BDBD-O” Bethany Downtown Business District Overlay
- 5.1.4 “YRWBD-O” Yankee Road West Business District Overlay
- 5.1.5 “HCED-O” Highway Commercial / Entertainment District Overlay
- 5.1.6 “PGBD-O” Princeton-Glendale Business District Overlay

## 5.2 APPLICABILITY

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- 5.2.1 The standards of this section shall apply to development in all the overlay districts identified in the above purpose statement unless otherwise specified.
- 5.2.2 Any lot that is being used for a residential purpose (single-family, two-family, or multi-family dwelling) shall not be subject to the development standards of this article.
- 5.2.3 Any lot that is not zoned for a commercial use shall be required to rezone the property to an appropriate commercial zoning district prior to submitting for overlay district review.
- 5.2.4 Uses and development regulated by this article shall be subject to all other applicable development standards of this resolution.
- 5.2.5 The principal uses permitted in the overlay districts shall be established in Table 4.7-A.
- 5.2.6 Permitted accessory uses shall be based on the accessory uses permitted in the underlying base zoning district. See Section 4.12 (Accessory Uses) for the applicable accessory use regulations.

## 5.3 SITE DEVELOPMENT STANDARDS

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### 5.3.1 Lot Area

The minimum lot area requirement shall be as established in the underlying base zoning district (See Section 4.10 (Site Development Standards)).

### 5.3.2 Yard Setbacks and Lot Coverage

- (1) Table 5.3-A establishes the minimum setbacks and maximum lot coverage for each overlay district.

**Table 5.3-A: Yard Setbacks and Lot Coverage for Overlay Districts**

Overlay District	Front Yard Setback [1]	Rear Yard Setback	Side Yard Setback	Maximum Lot Coverage
<b>UBZD = Per Underlying Base Zoning District</b>				
Cox Road Corridor (CRC-OD)				
Sub-Area A	UBZD	UBZD	UBZD	80%
Sub-Area B	UBZD	UBZD	UBZD	75%
Sub-Area C	UBZD unless the yard abuts a residential zoning district, residential subdivision, or residential lot in which case there shall be a 75-foot setback in which no structure, parking area, pavement, or driveway will be permitted [2]			70%
Sub-Area D	UBZD	UBZD	UBZD	80%
Sub-Area E	<del>UBZD</del>	<del>UBZD</del>	<del>UBZD</del>	<del>80%</del>
Cincinnati-Dayton Road Business (CDBD-O) [3]	UBZD	UBZD	10 feet	85% [4] [5]
Bethany Downtown Business (BDBD-O) [3]	UBZD [6]	UBZD	None	85% [4] [5]
Yankee Road West Business (YRWBD-O) [3]	UBZD	UBZD	10 feet	85% [4] [5]
Highway Commercial/Entertainment (HCED-O) [3]	UBZD	UBZD	10 feet	85% [4] [5]
Princeton-Glendale Road Business (PGBD-O) [3]	UBZD	UBZD	10 feet	85% [4] [5]
NOTES:				
[1] All front yard setbacks are subject to review by the Butler County Engineer who may require increased front yard setbacks.				
[2] See Section 5.5.1 for special buffer requirements for Sub-Area C.				
[3] When any yard or lot line abuts a residential zoning district, lot in a recorded subdivision, or any lot used for residential purposes (unless zoned for commercial use, planned for commercial use as identified by the Liberty Township Comprehensive Vision Plan, or located outside of Liberty Township), buffering and landscaping shall be provided in accordance with Subsection 5.3.2 (2) below.				
[4] The maximum coverage for buildings and structures shall be 50%.				
[5] Unless otherwise approved by the Zoning Commission.				
[6] For properties which front Cincinnati-Dayton Road between Bethany Road and Bridge BUT-7.007 (located between address range 6410 and 6440), the minimum front yard setback shall be 40' with a maximum front yard setback of 50' from the centerline of Cincinnati-Dayton Road, subject to Note [1] above.				

- (2) Per note [3] in Table 5.3-A, a 50-foot wide landscape buffer shall be required along all applicable lot lines. Such buffer shall:
  - (a) Not include any driveway or parking area;
  - (b) Incorporate a six-foot (6') high landscaped mound with an eight-foot (8') high stained wood board-on-board privacy fence, brick wall, or any combination to create 14-foot high screen.
  - (c) Include a single row of six-foot (6') tall nursery grade staggered evergreen trees planted to provide a minimum of 75% opacity year-round at 75% growth along the residential side of the fence or wall.
  - (d) Include a variety of landscaping materials planted along the commercial side of the fence or wall to break up long sections of fencing or walls.
  - (e) Be designed so that no element of the landscaping or screening creates a sight distance problem.

**5.3.3 Building Height**

**(1) Building Height Exceptions in Applicable Overlay Districts**

In all the overlay districts subject to the standards of this district, except Sub-Area C of the CRC-OD, the building height listed in Subsection 5.3.3 (2) below shall be the maximum building height unless otherwise approved or required by the Zoning Commission based on:

- (a) The intent to create a step-down effect, with taller buildings fronting I-75, stepping down to a max height of 35 feet when adjacent to residential subdivisions to the east;
- (b) The height in relation to adjacent structures (planned, approved or existing); and
- (c) The direct impact of the building height on adjacent residential properties.

## (2) Building Height Requirements

### (a) Cox Road Corridor (CRC-OD)

Unless otherwise approved or required by the Zoning Commission (except Sub-Area C), the maximum building height for each of the sub-areas under the CRC-OD District shall be as follows:

#### (i) Sub-Area A

- A.) The maximum height for buildings between I-75 and Cox Road shall be 90 feet at the highest point.
- B.) The maximum height for buildings between Cox Road and Sub Area B shall be 60 feet at the highest point.

#### (ii) Sub-Area B

The maximum building height shall be 35 feet at the highest point.

#### (iii) Sub-Area C

The maximum building height shall be 35 feet at the highest point.

#### (iv) Sub-Area D

The maximum building height shall be 45 feet at the highest point.

#### ~~(v) Sub-Area E~~

~~The maximum building height shall be 90 feet at the highest point.~~

~~(vi)~~(v) Where parcels are located in more than one sub-area, the more restrictive standard shall apply.

### (b) Cincinnati-Dayton Road Business District (CDBD-O)

The maximum height shall be 60 feet at the highest point of the building.

### (c) Bethany Downtown Business District (BDBD-O)

- (i) The maximum height shall be 45 feet at the highest point of the building. If the lot is adjacent to a residential zoning district, then the maximum height shall be 35 feet, see Section 4.10 (Site Development Standards).
- (ii) All buildings shall be a minimum of two (2) stories tall with a flat or sloping roof in order to create a mixed use, new urbanism style development that encourages pedestrian activity, shared limited access, shared parking, neighborhood downtown business district with buildings built at the required front yard setback as recommended in the Liberty Township Comprehensive Vision Plan. See Figure 5.3-1.



*Figure 5.3-1: Illustrative examples of two-story, new urbanism style buildings.*

**(d) Yankee Road West Business District (YRWBD-O)**

The maximum height shall be 45 feet at the highest point of the building. If the lot is adjacent to a residential zoning district, then the maximum height shall be 35 feet, see Section 4.10 (Site Development Standards).

**(e) Highway Commercial/ Entertainment District (HCED-O)**

The maximum height shall be 90 feet at the highest point of the building.

**(f) Princeton-Glendale Road Business District (PGBD-O)**

The maximum height shall be 45 feet at the highest point of the building. If the lot is adjacent to a residential zoning district, then the maximum height shall be 35 feet, see Section 4.10 (Site Development Standards).

**5.3.4 Outdoor Sales, Display, and Storage Areas**

Outdoor sales, displays, and storage areas shall be prohibited in all Overlay Districts, except for single tenants 20,000 sq. ft. and larger, outdoor sales and display shall be permitted subject to the following standards:

- (1) All items shall be located under a permanently installed canopy, awning or roof that is attached to the building.
- (2) All items shall be located within 20 feet of the principal building.
- (3) A minimum 5' paved walkway that is separated from the driveway and parking lot shall be provided. If the Zoning Inspector determines that a sales and display area create a safety hazard for pedestrian or vehicles, it shall be prohibited.

- (4) All outdoor sales and display areas shall be maintained free of garbage and other debris.
- (5) Outdoor sales and display of large products that exceed 20 pounds, including, but not limited to mulch (bag or bulk), concrete, salt, vehicles for sale, or other similar products that cannot be easily carried into the store for purchase shall be classified as outdoor storage and shall be prohibited.
- (6) A Zoning Certificate shall be required for the authorized outdoor sales and display area.

## 5.4 ARCHITECTURAL AND BUILDING DESIGN STANDARDS

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### 5.4.1 Building Materials and Colors

#### (1) Building Materials in All Overlay Districts

It is recommended that a minimum of 50% of all facades (excluding windows and doors in the calculation of the facade area) should contain brick and/or natural style stone. Additional brick and/or stone may be required for facades that are highly visible from a public right-of-way for buildings less than 20,000 square feet. For buildings less than 5,000 square feet, it is recommended that a minimum of 80% of all facades (excluding windows and doors in the calculation of the facade area) should contain brick and/or natural style stone. Building materials such as corrugated metal should be avoided.

#### (2) Exterior Colors in all Overlay Districts

Building colors are recommended to consist of natural tones or as otherwise permitted by the Zoning Commission. The use of bright, high chroma shades as dominant building colors or features of a building shall be prohibited. The Zoning Commission will review colors on a case-by-case basis based upon a determination that the proposed color scheme:

- (a) Substantially meets the overall intent of these overlay district guidelines;
- (b) Does not create visual inconsistencies with surrounding areas or structures; and
- (c) Will enhance the character and business climate of the area.

### 5.4.2 Franchise Architecture

(1) No building or addition constructed in the overlay district shall be designed with or modeled after franchise or formula-based architecture, unless the Zoning Inspector determines that the franchise architecture is consistent with the intent of this district based on a determination that the proposed building:

- (a) Substantially meets the overall intent of these overlay district architectural guidelines;
- (b) Does not create visual inconsistencies with surrounding areas or structures in relation to the colors and materials; and
- (c) Will enhance the character and business climate of the area.

(2) Franchise buildings may advertise corporate logos on permitted building signage

### 5.4.3 Windows

All elevations visible from road rights-of-way shall include window openings (which may include false windows, or window-like interruptions) at regular intervals. See Figure 5.4-1.

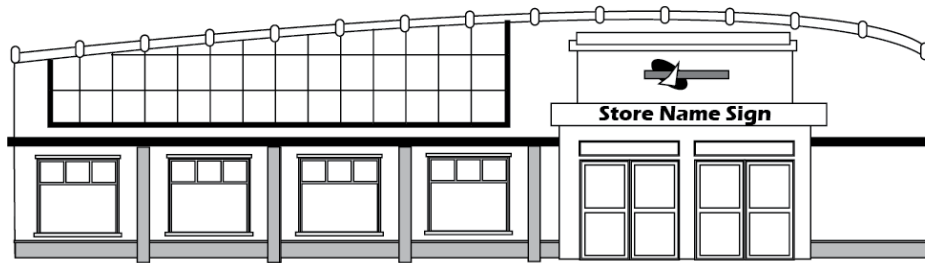


Figure 5.4-1: Example of a building with window openings at regular intervals.

#### 5.4.4 Truck Docks

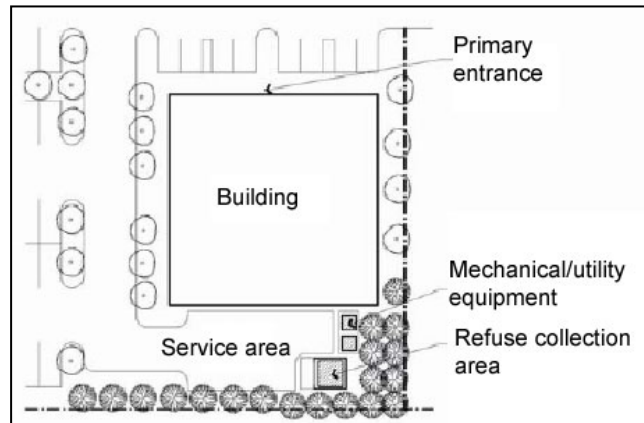
All truck docks shall be located so as not to be visible from any public right-of-way, residential district, or recorded residential subdivision; however, if all nearby visible properties are zoned for a commercial use, or planned for a commercial use by the Liberty Township Comprehensive Vision Plan, the truck docks may be visible from such properties. Screening shall be provided to achieve at least 100% opacity up to 10 feet in height (from average grade, excluding truck dock ramp below grade) if the truck dock is unable to be located per the requirements above as determined by the Zoning Commission. Screening elements shall include walls (same material and color as principle structure), landscaping, mounds or any combination thereof. See Figure 5.4-2 for an illustrative example.

#### 5.4.5 Service Doors and Overhead Doors

Service doors greater than six (6) feet by eight (8) feet in size or overhead retractable doors used in conjunction with a commercial use shall not be visible from any residentially zoned property, any residential subdivision or any parcel containing a dwelling other than an agricultural dwelling; however, if all nearby visible residential properties are zoned for a commercial use, or planned for a commercial use by the Liberty Township Comprehensive Plan, the service doors may be visible from such properties. Screening shall be provided to achieve at least 50% opacity up to six (6) feet in height if the door is unable to be located per the requirements above as determined by the Zoning Commission. Screening elements shall include walls (same material and color as principal structure), landscaping, mounds, or any combination thereof.

#### 5.4.6 Dumpster / Trash Containers

- (1) Dumpsters and trash containers shall be subject to the requirements of Section 6.2 (Dumpsters and Trash Containers) and Article 8 (Landscaping and Buffering).
- (2) Dumpsters and trash containers shall be located in the side or rear yard, unless otherwise approved by the Zoning Commission.. See Figure 5.4-2 for an illustrative example.



**Figure 5.4-2:** Example of screening of truck docks (part of the service area) and dumpsters or other refuse collection containers through the use of increased landscaping and location of such areas to the rear of the structure.

**5.4.7 Mechanical Equipment**

- (1) Wall mounted mechanical, electrical, communication equipment, downspouts, gutters, service doors, and other building-mounted utility fixtures, shall be painted and maintained to match the building or screened from view.
- (2) Mechanical equipment such as transformers and HVAC shall not be located in front yards.
- (3) All mechanical equipment, including both ground-mounted and roof-mounted equipment, shall be screened from view from adjacent public and private rights-of-way, as well as from all property zoned or used for residential purposes.
- (4) Screening elements shall include walls (same material and color as principal structure), landscaping, mounds, parapets or enclosures constructed of the same materials used on the majority of the principal structure or any combination or as otherwise approved or required by the Zoning Commission.
- (5) The screening elements shall be maintained in good condition.
- (6) The screening of mechanical equipment will be reviewed on a case-by-case basis based upon the following determinations:
  - (a) Site location relative to adjacent properties and public rights-of-way;
  - (b) Topography of the subject site relative to adjacent properties and public rights-of-way;
  - (c) Whether the subject screening creates visual inconsistencies with surrounding areas; and
  - (d) Whether the screening substantially meets the overall intent of these overlay district architectural guidelines.
- (7) All noise generated from mechanical equipment, including both ground-mounted and roof-mounted equipment, shall be subject to the Maximum Permitted Sound Levels defined in Subsection 6.4.4(3).

**5.4.8 Miscellaneous Structures and Equipment**

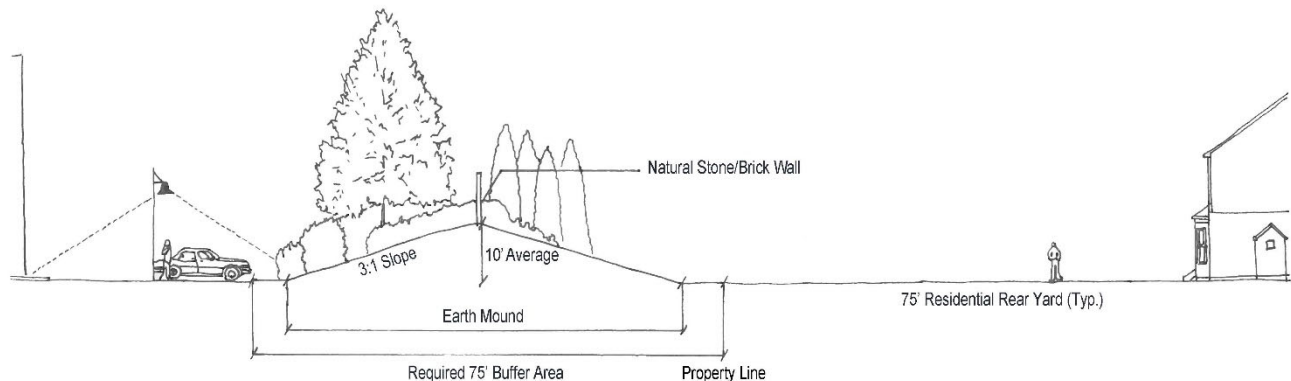
Miscellaneous structures and equipment such as smoke stacks, silos, cooling towers, etc. should be avoided. However, if such a structure and/or equipment is required for an approved use, it may be permitted as determined appropriate by the Zoning Commission according to the same standards as Mechanical Equipment in Section 5.4.7 above.

## 5.5 LANDSCAPING STANDARDS

In addition to the requirements of Article 8 (Landscaping and Buffering), the following standards shall apply to the specified overlay district.

### 5.5.1 Special Buffer Requirement for Sub-Area C of the Cox Road Corridor Overlay District

- (1) Within Sub-Area “C” of the Cox Road Corridor Overlay District, there shall be a 75-foot setback abutting any residential zoning district, residential subdivision, or parcel containing a dwelling unit other than an agricultural dwelling.
- (2) Within the setback, an earth mound shall be required with a minimum height of eight (8) feet and an average height of 10 feet.
- (3) Trees, shrubbery, landscaping materials, walls of natural stone or brick, or any combination thereof shall be placed on the mounding to provide a continuous visual obstruction that achieves an adequate year-round screening/buffering for a total height of 16 feet from grade (including the earth mound).
- (4) The screening / buffering shall be installed prior to construction of any building that lies within any portion of Sub Areas B or C, unless the Zoning Commission determines that portions of the buffer should be installed sooner in conjunction with significant development on the east side of Cox Road. The berm shall be maintained in good order. Grass shall be kept mowed and landscaping kept free of noxious weeds. See Figure 5.5-1 for an illustrative example.



*Figure 5.5-1: Example of Cox Road Corridor Overlay District required buffer when abutting residential.*

### 5.5.2 Parking Area Landscaping

Evenly spaced plantings, mounding, or any combination thereof, shall be utilized to screen parking area from the glare of car headlights around the entire perimeter of all parking lots. Such landscaping shall achieve a year round opacity of 60% to a height of three (3) or more feet.

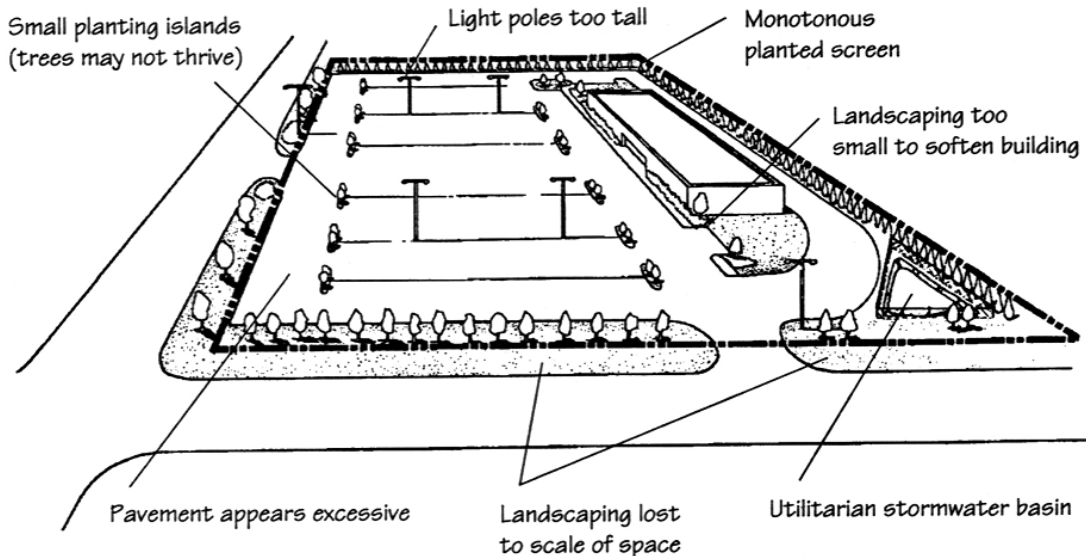
### 5.5.3 Street Trees

- (1) The area of front yard setback, outside the public right-of-way, shall be landscaped with street trees. If the street trees are in the vicinity of the parking lot, they may be counted toward the minimum requirement established in Section 5.5.2 (Parking Area Landscaping) as determined by the Zoning Commission or Zoning Inspector.
- (2) Street trees shall be a minimum of one and one-half caliper inches DBH per tree.
- (3) Street trees shall be equally spaced.

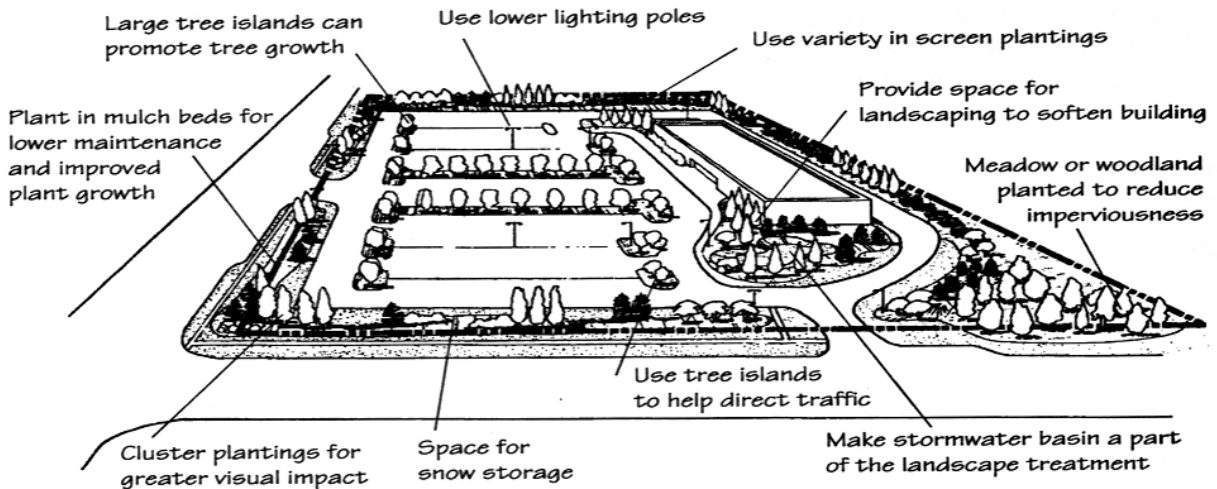
- (4) Street trees shall be planted at a minimum rate of one tree per 40 feet of frontage.
- (5) A minimum of one street tree shall be required per parcel.
- (6) Tree location shall be coordinated with adjacent parcels to achieve even spacing throughout the corridor or as otherwise approved or required by the Zoning Commission.

**5.5.4 Additional Requirements**

- (1) Detention and storm water management facilities shall be finished mowed and landscaped. All retention facilities shall include a water feature, or another approved aeration method to preserve the quality of the water and aesthetic appearance. The slope of the detention basin shall not exceed 3:1. Retaining walls may be used when required and shall be of approved materials determined by the Zoning Commission.
- (2) All other requirements for landscaping per Article 8 (Landscaping and Buffering) shall apply.



**Figure 5.5-2:** Example of a conventional landscaping plan.



**Figure 5.5-3:** Example of a landscaping plan that complies with the overlay district landscaping requirements.

## 5.6 SIGNAGE STANDARDS

The following standards shall outline the requirements for signage in the overlay districts. In addition to the following standards, all signs shall be subject to the requirements of Article 9 (Signs).

### 5.6.1 Sign Regulations for the Cox Road Corridor (CRC-OD)

#### (1) Wall Signs

- (a) External, internal, concealed, or direct source illuminated wall signs shall be permitted in Sub-Area A, and Sub-Area D ~~and Sub-Area E~~ where the maximum sign area is calculated at four percent (4%) of the front building wall elevation or 24 square feet, whichever is greater. The total allowed signage for the front building wall elevation may be distributed to non-frontage elevations. At no time shall the signage exceed four percent (4%) of the elevation that the signage is located on.
- (b) External, internal, concealed, or direct source illuminated wall signs shall be permitted in Sub-Areas B and C where the maximum sign area is calculated at four percent (4%) of the front building wall elevation, or 24 square feet, whichever is greater. The total allowed signage for the front building wall elevation may be distributed to non-frontage elevations. At no time shall the signage exceed four percent (4%) of the elevation that the signage is located on. Wall signage shall not face a residential lot in a recorded subdivision unless it is separated by a public road.
- (c) Corner or double frontage lots (including limited access and private drive roads) shall be permitted four percent (4%) of the total square footage of each front building wall elevation, or 24 square feet, whichever is greater, and shall not be cumulative. The total allowed signage for a front building wall elevation may be distributed to non-frontage elevations. At no time shall the signage exceed four percent (4%) of the elevation that the signage is located on.
- (d) All wall signs in the corridor shall be individually mounted letters that protrude a minimum of one (1) inch from the building wall. Raceways are not permitted.

#### (2) Ground Signs

- (a) In Sub-Areas A, B, C, and D ~~and E~~, externally or internally lit ground signs shall be permitted up to a maximum sign area of 32 square feet.
- (b) In Sub-Areas B and C, ground signs shall not be located on the same side of any parcel as a residential lot in a recorded subdivision unless it is separated by a public road.
- (c) All ground signs shall be located a minimum of 10 feet outside the right-of-way.
- (d) The maximum height of ground signs shall be eight (8) feet from grade.
- (e) Ground signs shall be skirted to the ground with the same materials as the primary structure on the parcel and incorporate landscape plantings.
- (f) The ground sign display area cannot be wider than the base or foundation.

### 5.6.2 Sign Regulations for the Princeton Glendale Business District Overlay (PGBD-O)

#### (1) Wall Signs

- (a) As per the underlying zoning district with the additional condition that all wall signs in the corridor shall be individually mounted letters or channel letters that protrude a minimum of one (1) inch from the building wall.
- (b) Raceways are not permitted.

- (c) Wall signs may be illuminated using external, internal, concealed, or direct source illumination.
- (d) The Zoning Commission shall review alternatives to wall signs for awnings and pedestrians on a case-by-case basis.

**(2) Ground Signs**

- (a) Externally or internally lit ground signs shall be permitted up to a maximum sign area of 32 square feet.
- (b) Ground signs shall not be located on the same side of any parcel as a residential lot in a recorded subdivision unless it is separated by a public road.
- (c) All ground signs shall be located a minimum of 10 feet outside the right-of-way.
- (d) The maximum height of ground signs shall be eight (8) feet from grade.
- (e) Ground signs shall be skirted to the ground with the same materials as the primary structure on the parcel and incorporate landscape plantings.
- (f) The ground sign display area cannot be wider than the base or foundation.

**5.6.3 Sign Regulations for All Other Overlay Districts**

**(1) Wall Signs**

- (a) As per the underlying zoning district with the additional condition that all wall signs in the corridor shall be individually mounted letters or channel letters that protrude a minimum of one (1) inch from the building wall.
- (b) Raceways are not permitted.
- (c) Wall signs may be illuminated using external, internal, concealed, or direct source illumination.
- (d) The Zoning Commission shall review alternatives to wall signs for awnings and pedestrians on a case-by-case basis.

**(2) Ground Signs**

- (a) All ground signs throughout the district shall be of a consistent style with a two-foot brick base. The brick should be consistent with the building materials of the principal structure.
- (b) The maximum height of all ground signs shall be 6 feet from grade.
- (c) Ground signs shall be designed to the specifications outlined in Figure 5.6-1 below.
- (d) Additional signage may be permitted subject to meeting the requirements in Section 9.4.6 (2) Ground Signs for Large Floor Area Structures. Signs shall be designed to be generally consistent with the ground sign design of this section, as approved by the Zoning Inspector.
- (e) Colors of accent top and lower accent may be changed subject to approval by the Zoning Inspector. The accent top is the top trim on the sign as illustrated in Figure 5.6-1. The lower accent is the trim or cap separating the base from the signage or the lowest trim piece on the structure.
- (f) Proportional reductions to the specifications outlined in Figure 5.6-1 below, may be approved by the Zoning Inspector only if site conditions or right-of-way limitations warrant a reduction.

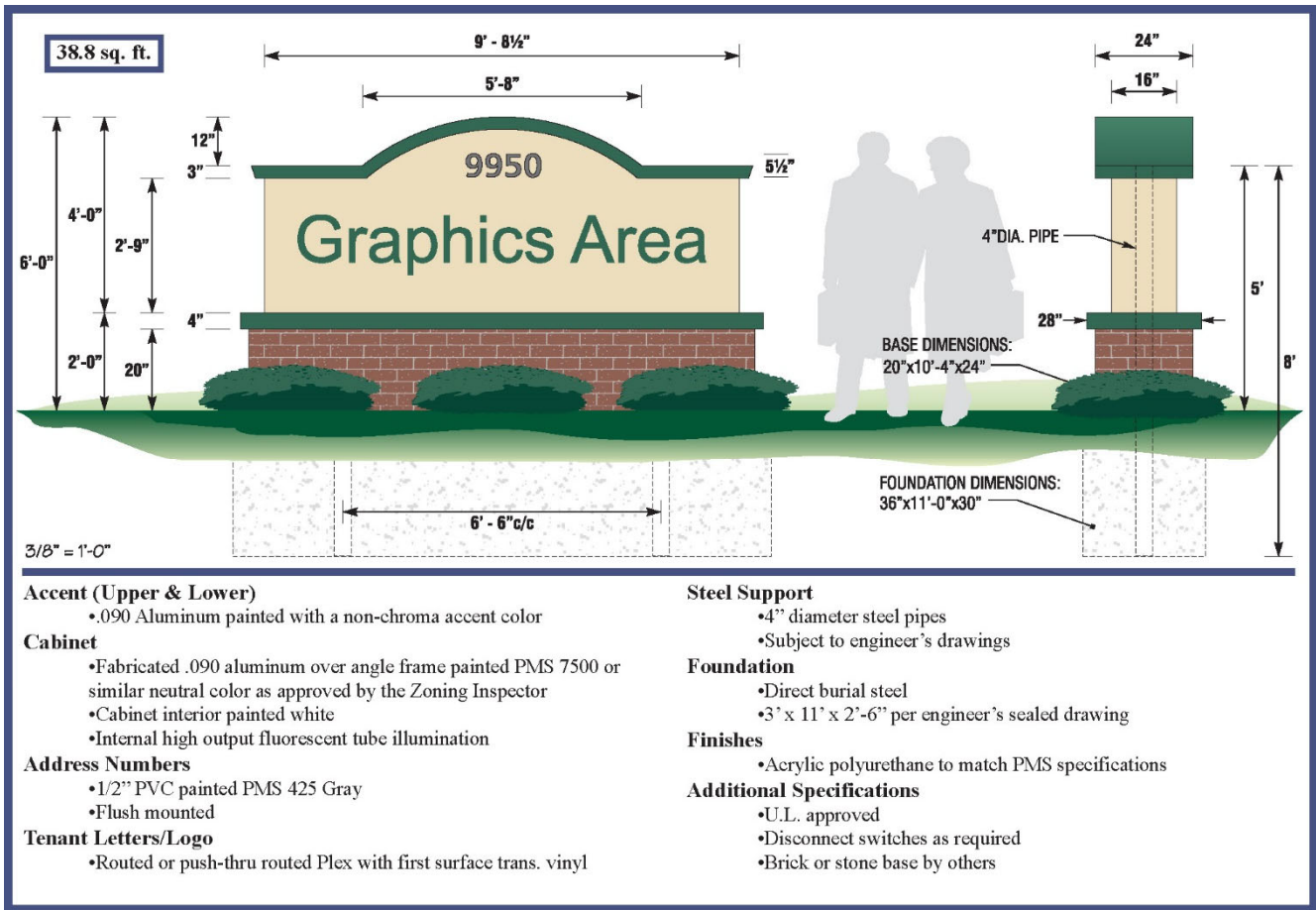


Figure 5.6-1: Example of ground sign specifications.

### (3) Window Signs

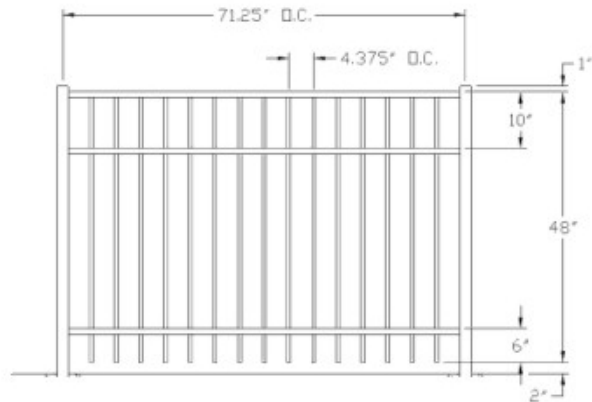
Window signs shall be subject to the provisions of Section 9.4.6 (6) (Window Signs).

## 5.7 OFF-STREET LOADING

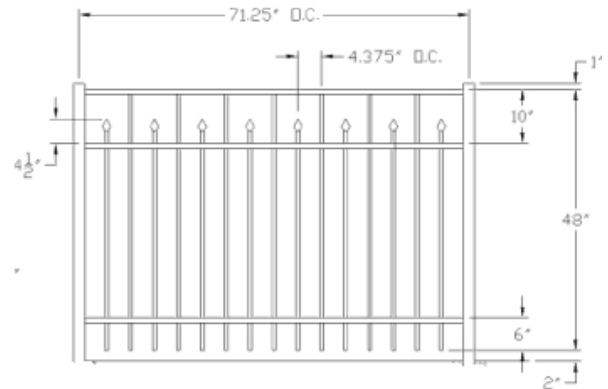
- 5.7.1** All off street loading areas shall be located so as not to be visible from any public right-of-way, residential zoning district, or recorded residential subdivision; however, if all nearby visible residential properties are zoned for a commercial use, or planned for a commercial use by the Liberty Township Comprehensive Plan, the off-street loading areas may be visible from such properties.
- 5.7.2** Screening shall be provided to achieve at least 50% opacity up to eight (8) feet in height if the loading area is unable to be located per the requirements above as determined by the Zoning Commission.
- 5.7.3** Screening elements shall include walls (same material and color as principal structure), landscaping, mounds or any combination. Refer to Section 7.8 (Off-Street Loading) for additional off-street loading requirements.

## 5.8 FENCING STANDARDS

When used, all fencing throughout the corridor shall be black aluminum (or similar material) (See Figure 5.8-1 through Figure 5.8-3 for examples of allowable styles) not to exceed four (4) feet in height and may be located in any yard as approved by the Zoning Commission.



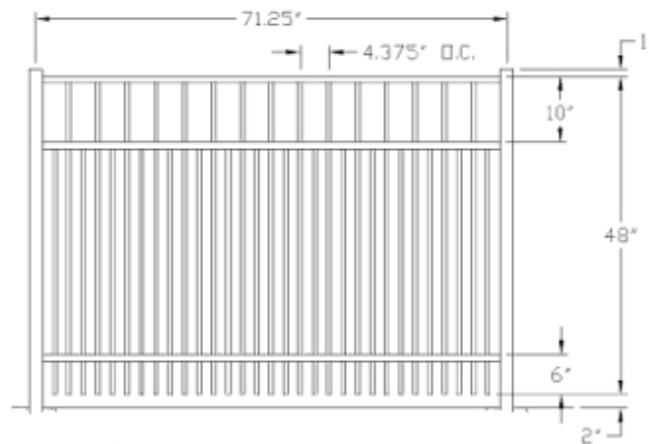
PLEASE NOTE: Picket spacing shown is on center, spacing between pickets is 3.75"



PLEASE NOTE: Picket spacing shown is on center, spacing between pickets is 3.75"

**Figure 5.8-1:** Example #1 of an allowable fence style in the overlay districts.

**Figure 5.8-2:** Example #2 of an allowable fence style in the overlay districts.



PLEASE NOTE: Picket spacing shown is on center. Spacing between upper pickets is 3.75" and lower 1.56".

**Figure 5.8-3:** Example #3 of an allowable fence style in the overlay districts.

## 5.9 LIGHTING STANDARDS

### 5.9.1 Site Lighting

All pole mounted lighting fixtures within parking areas shall be consistent throughout the corridor, utilizing the same fixture, pole, and arm types, or similar as approved by the Zoning Commission (See Figure 5.9-1 for an example of approved fixture types, poles, and arms.). The maximum pole height shall be 15 feet when any yard or property abuts a residential district, lot in a recorded subdivision, or any lot used for residential purposes however, if the abutting residential properties are zoned for a commercial use, or planned for a commercial use by the Liberty Township Comprehensive Vision Plan, the standard pole height requirements shall apply. All other requirements of Section 6.3 (Exterior Lighting) shall apply.

### 5.9.2 Street Lighting


- (1) Duke Energy's Deluxe Acorn LED fixture (See Figure 5.9-2.) is required along the public street frontage of all parcels in the Bethany Downtown Business Overlay District.
- (2) Street lights shall be located between the curb and the sidewalk.
- (3) Light poles shall be spaced 100 feet apart or as otherwise approved or required by the Zoning Commission.
- (4) Street light location shall be coordinated with adjacent parcels to achieve even spacing throughout the corridor unless otherwise approved or required by the Zoning Commission.




*Figure 5.9-1: Example of allowable lighting styles for site lighting.*

Outdoor Lighting

**Deluxe Acorn LED**





Style E

The Deluxe Acorn LED is a graceful Victorian-style fixture that enhances the character and prestige of streetscapes, greenways and pedestrian areas. This energy-efficient solution limits unwanted uplight and will complement any neighborhood or park with its classic, elegant design.

LED <i>(Light Emitting Diode)</i>	50 watts
Mounting height	12'
Colors	Black Green
Poles	Style A, B, C, D, E, F
Applications	Neighborhoods Parks

Round, fluted, straight upper shaft with a larger lower shaft and a round, smooth base

Mounting height	12'
Colors	Black Green
Material	Aluminum

*Figure 5.9-2: Example of Gaslight Replica fixture and post for street lighting.*

## 5.10 OTHER APPLICABLE REGULATIONS

- 5.10.1** It is recommended that all utilities be located underground in all new developments to the extent technically practicable.
- 5.10.2** In addition to the specific requirements of the overlay districts established above, development within the districts shall be subject to all other applicable requirements for development as established in this resolution.

## 5.11 NONCONFORMING USES, LAND, BUILDINGS AND STRUCTURES

- 5.11.1** Nonconforming uses, land, buildings, and structures located in any of the overlay district shall be processed per Section 4.14 (Nonconformities) of the Liberty Township Zoning Resolution with the exception of Subsection 5.11.2 below. The applicant must receive BZA approval prior to Zoning Commission approval. BZA fees will be waived if the property falls under Section 4.14.5 (1).
- 5.11.2** If nonconforming buildings that were built after January 1, 2003 are damaged by fire, explosion, act of God, or public enemy to the extent of more than 60% of its reproduction value by August 7, 2019 (10 years after the date of adoption of this resolution); such structures may be rebuilt as is.

**5.11.3** Section 5.11.2 shall only apply to uses, land, buildings, and structures in the overlay districts and when applied, shall allow the structure to be rebuilt as it previously existed without complying with the provisions of this article and Article 6 (General Development Standards).

## **5.12 APPEALS AND VARIANCES IN OVERLAY DISTRICTS**

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The following provisions shall apply to appeals and variances in the overlay districts outlined in article.

**5.12.1** The Zoning Commission shall have the ability to waive any of the required conditions as listed in this article, or grant a variance to any other section of this Zoning Resolution as it relates to appeals in variances in overlay districts, by majority vote if it is determined that the requirement would create a hardship on the property owner or that an alternative substantially achieves the purpose of the overlay district.

**5.12.2** Appeals of overlay district-related Zoning Commission changes are governed by Chapter 2506 of the Ohio Revised Code.

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## ARTICLE 6: GENERAL DEVELOPMENT STANDARDS

### 6.1 ARCHITECTURAL STANDARDS

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#### 6.1.1 Applicability

Unless otherwise stated, the provisions of this section shall apply to all nonresidential development in the B-1, B-2, O-1, O-2, B-PUD, MU-PUD, MID and all of the overlay districts established in Table 4.3-A.

#### 6.1.2 Customer Entrances

##### (1) Required Entrances

- (a) Buildings with a floor area that exceeds 10,000 square feet, that face a public street (except limited access rights-of-way) shall include at least one customer entrance that faces the public street frontage.

##### (2) Entrance Design

Buildings shall have clearly defined, highly visible customer entrances that shall include no less than three (3) of the following design features (See Figure 6.1-1 for examples of customer entrances.):

- (a) Canopies/porticos above the entrance;
- (b) Roof overhangs above the entrance;
- (c) Entry recesses/projections;
- (d) Arcades that are physically integrated with the entrance;
- (e) Raised corniced parapets above the entrance;
- (f) Gabled roof forms or arches above the entrance;
- (g) Outdoor plaza adjacent to the entrance having seating and a minimum depth of 20 feet;
- (h) Display windows that are directly adjacent to the entrance;
- (i) Architectural details, such as tile work and moldings, that are integrated into the building structure and design and are above and/or directly adjacent to the entrance; or
- (j) Integral planters or wing walls that incorporate landscaped areas or seating areas. A wing wall is a wall secondary in scale projecting from a primary wall and not having a roof.



*Figure 6.1-1: Examples of emphasized customer entrances on larger-scale commercial buildings.*

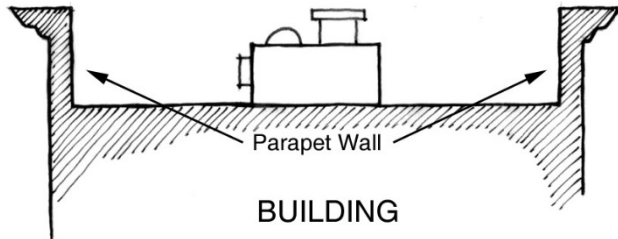
### 6.1.3 Roofs

(1) Roofs for single story buildings are to:

- (a) Utilize gable, hip, or mansard roofs with a pitch no less than 6 / 12.
- (b) Utilize architectural dimensional shingles, especially adjacent to residential or other commercial buildings which utilize dimensional shingles to maintain the character of the area where the proposed building is located. Standing seam metal roofs may be allowed in some locations and situations, based on context.
- (c) Such roofs shall utilize a soffit overhang of 18 inches minimum where the roof meets exterior building walls.
- (d) Single-story buildings taller than 16 feet may utilize flat or sloping roofs as provided for multi-story buildings in (2) below.

(2) Multi-story buildings may incorporate:

- (a) Flat roofs with parapets or other architectural features which extend high enough above the roof line to screen rooftop units and mechanical equipment (See Figure 6.1-2.); or
- (b) Sloping roofs (dimensional singles are recommended; roof pitch and soffit overhang may be reduced by the Zoning Commission on a case by case basis).



**Figure 6.1-2:** The image on the left illustrates the use of parapet walls to screen mechanical equipment. Tall, thin parapets such as the one shown in the image on the right should be avoided to prevent the appearance of false walls.

#### **6.1.4 Building Design**

##### **(3)(1) Ornamentation**

All visible elevations shall include decorative features such as cornices, pilasters and friezes. Building recesses and protrusions are strongly encouraged on larger buildings to break long uninterrupted building walls. See Figure 6.1-3.



**Figure 6.1-3:** The buildings in the above images contain pilasters, cornices, and a series of façade setbacks (recesses) to visually break up the appearance of large facades.

**(4)(2) Façade Massing**

**(a) Offset Required**

Front façades 60 feet wide or wider shall incorporate wall offsets of at least two (2) feet in depth (projections or recesses) a minimum of every 40 feet. Each required offset shall have a minimum width of 20 feet. See Figure 6.1-4.

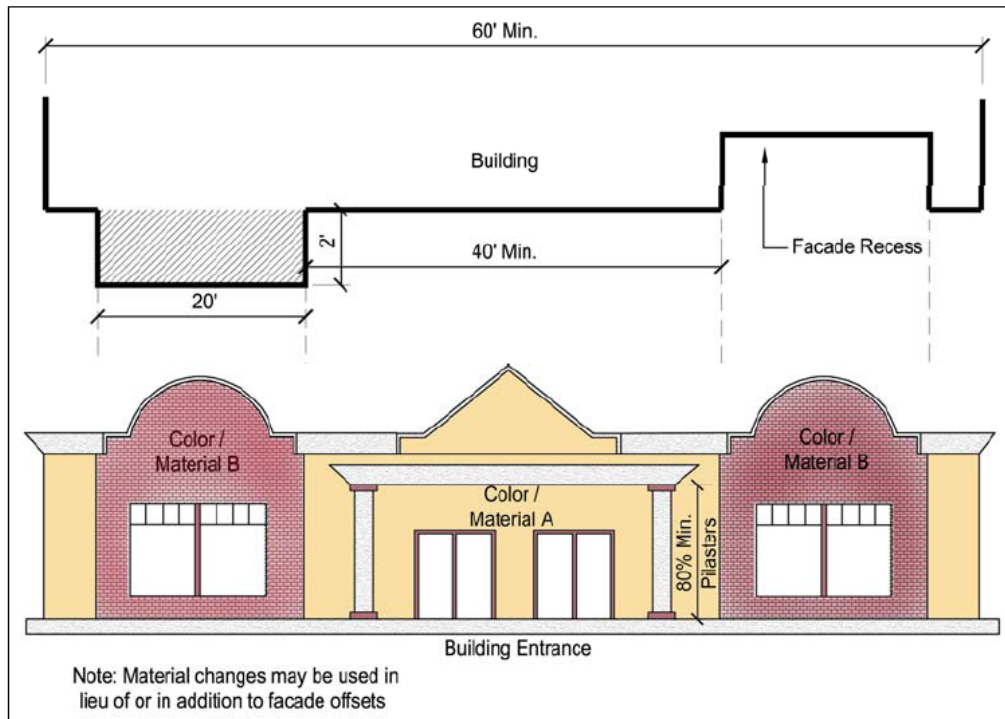


Figure 6.1-4: Illustration of how the façade offset provisions may be applied. See also images in Figure 6.1-3.

**(b) Offset Alternative**

The following alternatives can be used in place of the required front façade offsets:

- (i) Façade color changes following the same dimensional standards as the offset requirements; or
- (ii) Pilasters having a minimum depth of one (1) foot, minimum width of one foot, and a minimum height of 80% of the facades height.

**(3) Colors.** Colors shall be primarily neutral or earth tones. Neutral colors include beige, ivory, taupe, black, grey, and white. Earth tone colors include colors from the palette of browns, tans, greys, greens, blues, oranges, and reds. Earth tone colors should be flat or muted. All

vents, gutters, downspouts, flashing, electrical conduits, etc., shall be painted to match the color of the adjacent surface, unless being used expressly as a trim or accent element.

(ii)(4) **Windows.** All elevations visible from road rights-of-way shall include window openings (which may include false windows, or window-like interruptions) at regular intervals.

## 6.2 INDUSTRIAL DEVELOPMENT STANDARDS

### 6.2.1 Applicability

Unless otherwise stated, the provisions of this section shall apply to the following:

- (1) The development of any industrial use listed in Table 4.7-A in the MID;
- (2) The substantial expansion of existing industrial use in the MID. For purposes of this section, a substantial expansion is an addition of at least 50% of the floor area of the building or 10,000 square feet, whichever is smaller; and
- (3) The development of any other use listed in Table 4.7-A in the MID as determined by the Zoning Inspector.

### 6.2.2 Building Entrances

Industrial uses shall have clearly identified building entrances, which meet the requirements of Section 6.1.2 (See Figure 6.2-1 for examples of building entrances.):



*Figure 6.2-1: Examples of emphasized entrances on larger-scale industrial buildings.*

### 6.2.3 Roofs

(1) Single-story and multi-story industrial buildings shall utilize the following roof types:

(a) Flat roofs which meet the following requirements:

- (i) Include parapets or other architectural features which extend above the roof line to screen rooftop units and mechanical equipment from adjacent public and private rights-of-way, as well as from all property zoned or used for residential purposes (See Figure 6.1-2). The parapet or other architectural feature shall use one of the predominant colors used on the primary façade of the building;
- (ii) Include projections which extend above the roof line by at least two (2) feet in height a minimum of every 40 feet. Each projection shall have a minimum width of 20 feet.

(b) Sloping roofs;

(c) Any other roof type that is determined to be appropriate by the Zoning Inspector.

#### **6.2.4 Façade Design**

Industrial buildings which are visible from the public right-of-way and have building frontage of 60 linear feet or more shall incorporate two (2) of the following façade design requirements:

(1) Visual breaks in the façade such as wall offsets of at least two (2) feet in depth (projections or recesses) a minimum of every 40 feet. Each offset shall have a minimum width of 20 feet (See Figure 6.1-4);

(2) Changes in materials, color, texture, or pattern at a minimum every 40 feet.; or

(3) Columns or pilasters with a minimum width of one foot and minimum height of 80% of the façade height and spaced at a maximum interval of 40 feet (See Figure 6.2-1).

~~(5)~~(4) Façade colors for industrial buildings shall meet the requirements of Subsection 6.1.4(3).



*Figure 6.2-1: Illustration of how the façade design requirements such as columns may be applied to industrial buildings.*

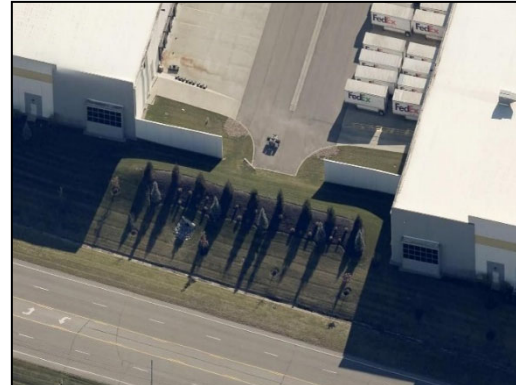
#### **6.2.5 Service and Overhead Doors**

Service doors greater than six (6) feet by eight (8) feet in size or overhead retractable doors used in conjunction with an industrial building shall not be substantially visible from any public right-of-way, residential zoned property, or any residential subdivision; however, if all nearby residential properties are zoned for a commercial use or planned for a commercial use by the Liberty Township Comprehensive Plan, the serviced doors may be visible from such properties.

#### **6.2.6 Truck Docks & Off-Street Loading**

(1) Truck docks and off-street loading areas shall not be substantially visible from any public right-of-way, residential zoned property, or any residential subdivision; however, if all nearby residential properties are zoned for a commercial use or planned for a commercial use by the Liberty Township Comprehensive Plan, off-street loading areas may be visible from such properties.

- (2) In cases where an industrial development contains two or more buildings, any proposed truck docks or off-street loading areas shall be located between the buildings and partially enclosed by architectural projections from the building and/or wing walls whenever possible, which shall be tall enough to screen the loading area. If the Zoning Inspector determines that this requirement is not feasible due to site design considerations, staff may require additional screening which meets the intent of this requirement.
- (3) In addition to the regulations contained herein, all off-street loading areas shall be subject to the regulations set forth in Section 7.8 (Off-Street Loading).



*Figure 6.2-2: When a lot contains two or more buildings, loading areas shall be located between the buildings and partially enclosed by an architectural projection, wing wall, or landscaping. Source: Butler County.*

### **6.2.7 Building Foundation Landscaping**

- (1) Foundation plantings are required for all buildings over 20,000 square feet with a façade that face a public road and shall be placed within ten (10) feet of the building foundation if feasible. If the Zoning Inspector determines that this location is not feasible due to site design considerations such as the location of mechanical equipment, sidewalks, or loading facilities, the required planting may be located in planter boxes or be located in other areas of the site that enhance the overall landscaping of the development.
- (a) Foundation plantings shall be used to enhance and highlight building architecture and design.
- (b) Shrubs or hedges meeting the requirements of Subsection 8.3.4(2)(a) shall be required every five (5) feet along facades of a building that are visible from a public right-of-way.
- (c) One tree meeting the requirements of Subsection 8.3.4(2)(a) shall be required for every 20 linear feet of building perimeter for buildings visible from public right-of-way.



*Figure 6.2-3: Foundation landscaping is intended to enhance and highlight building architecture and design.*

## **6.26.3 DUMPSTERS AND TRASH CONTAINERS**

### **6.2.16.3.1 Applicability**

The provisions of this section shall apply to all dumpsters and trash containers over 32 gallons in size in all zoning districts.

### **6.2.26.3.2 Dumpster and Trash Container Standards**

- (1) Dumpsters and trash containers shall be located in side or rear yards and shall not be visible from any residentially zoned property, any residential subdivision, or any parcel containing a dwelling other than a farm dwelling (unless zoned for commercial use) and shall be located to minimize view from any public right-of-way to the extent reasonably practicable.
- (2) All dumpsters and trash containers must be completely screened on three (3) sides by a wall not less than six (6) feet or more than eight (8) feet in height.
- (3) The fourth side shall be screened with an opaque gate with a lockable latch assembly.
- (4) A mechanism shall be provided to protect adjacent vehicles from gate over-swing.
- (5) All dumpsters and trash container enclosures shall be constructed of brick and/or natural style stone material. See Figure 6.2-1.



*Figure 6.2-1: Dumpster enclosures, whether attached or not attached to the principal structure, shall utilize the same building materials as those used on a majority of the principal structure.*

- (6) The side of the enclosure used for access shall have a minimum opening width of 10 feet.
- (7) Dumpsters and trash containers shall be situated in a permanent location and placed on a concrete pad (3000 psi minimum).
- (8) The pad shall be of a dimension that will allow the trash receptacle to sit entirely on the pad and to permit the front wheels of a trash disposal truck to rest on the pad while emptying said trash receptacle.
- (9) Dumpster gates shall remain closed except when it is necessary to access the dumpster.
- (10) In cases where the dumpster or trash container is integrated with the principal structure, alternate screening methods may be used as determined appropriate by the Zoning Inspector.

## **6.36.4 EXTERIOR LIGHTING**

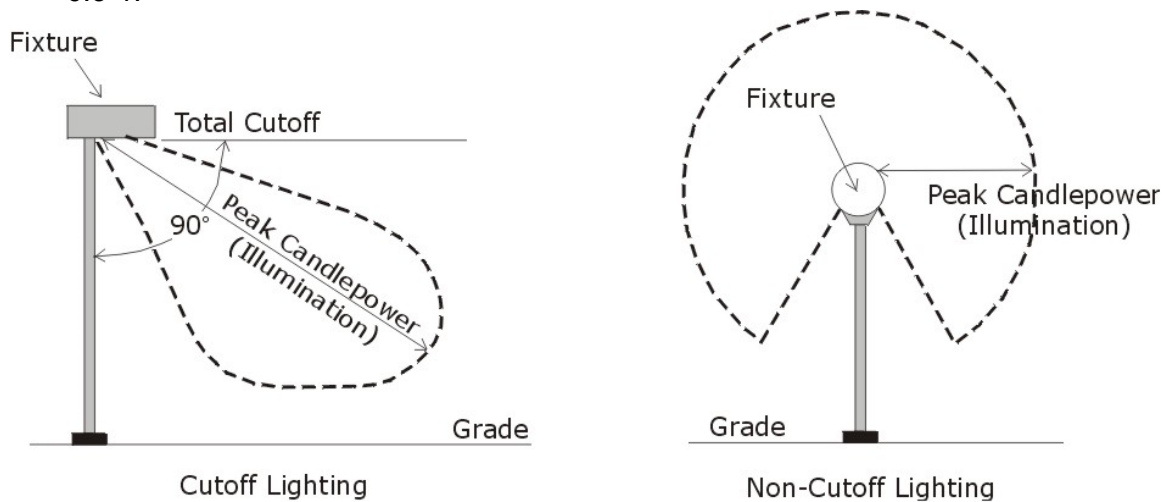
### **6.3.16.4.1 Purpose**

The purpose of this exterior lighting section is to regulate outdoor lighting in order to reduce or prevent light pollution and to minimize lighting impacts on surrounding properties. This means to the extent reasonably possible the reduction or prevention of glare and light trespass, the conservation of energy, and promotion of safety and security.

### **6.3.26.4.2 General Provisions Applicable to All Districts and Development**

- (1) Exterior lighting shall be installed in a manner to deflect from adjacent residential developments.
- (2) No lighting shall be installed that would create a glare or visual disturbance to motorists or pedestrians.
- (3) No lighting shall be installed that would provide direct light onto neighboring properties.

- (4) All exterior lighting for residential and nonresidential uses shall be located, screened, or shielded so adjacent lots located in residential districts or recorded subdivisions are not directly illuminated. Shielding may also be required for high intensity light fixtures to prevent glare to adjacent uses, public rights-of-way, and drives. Perimeter lighting, when adjoining residential districts or recorded subdivisions, shall be by shielded fixtures to prevent light trespass onto adjacent properties.
- (5) No exterior lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers, pedestrians or adjacent properties. Shields and/or filters are required for light fixtures with high intensity and glare potential.
- (6) Non-cutoff lighting shall be prohibited for all Commercial and Institutional Uses. See Figure 6.3-1.



**Figure 6.3-1:** Illustration of cutoff versus non-cutoff lighting styles.

**6.3.36.4.3 Exterior Lighting Requirements**

**(1) Applicability**

- (a) The following provisions shall apply to any exterior lighting located in any district on parcels where there are parking spaces for five (5) or more vehicles in a nonresidential zoning district.
- (b) The Zoning Inspector shall have the authority to exempt decorative fixtures located near an entrance, with a maximum of 60 watts.

**(2) Submission of Lighting Plan**

Any building, structure, or use of land that requires the review and approval of a parking plan shall provide a lighting plan. At a minimum, the lighting plan shall provide the following information:

- (a) A photometric plan showing the proposed intensity levels of the lighting throughout the site indicating foot-candle measurements. The lighting plan shall include the property lines and right-of-way lines for the site, and shall include the first fifty feet of adjacent properties, at a minimum. Light levels shall be indicated a minimum of thirty feet onto adjacent properties. The lighting plan shall indicate all site lighting including on-building, security, flood and other lights in the evaluation. The average output of lamp fixtures, as defined by the manufacturer, is the value to be considered in the intensity analysis;

- (b) The lighting plan shall indicate the locations of each of the proposed fixtures (wall mounted, pole, and any other type fixture used);
- (c) The lighting plan shall indicate the minimum, maximum, Uniformity of Illumination (max/min ratio), and average intensity/illumination for the site;
- (d) Details of all proposed outdoor lighting fixtures shall be provided, indicating manufacturer, model and style of the fixture. A graphic representation of the fixture is required. The fixture lamp type (i.e. low-pressure sodium, metal halide, etc.) shall be indicated on the proposed plans;
- (e) The proposed height of the lighting fixtures shall be indicated.
- (f) Any additional submittal requirements as may be determined by the Zoning Inspector.

**(3) Height of Fixtures**

- (a) All exterior lighting shall be designed, located, and mounted at heights pursuant to Table 6.3-A.

Table 6.3-A: Maximum Light Fixture Height	
Intensity	Maximum Height of Light Fixture
Low	15 feet
Medium	18 feet
High	24 feet

- (b) The intensity level identified in Table 6.3-A above shall be determined by the Zoning Inspector and defined as follows:
  - (i) Low intensity shall apply to multi-family dwellings, religious places of worship (fixture shall meet the low activity and height level when within 3400 feet of an R-District or recorded residential subdivision and shall meet the medium activity and height level for all other areas on the site), and nonresidential uses that are adjacent to any “R” District (residential) or recorded subdivision (unless zoned for commercial uses).
  - (ii) Medium intensity shall apply to all education facilities, commercial uses, offices, hospitals, commuter lots, community facilities, and related uses.
  - (iii) High intensity shall apply to regional shopping centers, industrial uses, motorist services at expressway interchanges, athletic facilities, and regional cultural or civic facilities.
- (c) In no case shall the height of light fixtures exceed the maximum permitted building height within the applicable zoning district.
- (d) Height shall be measured from grade to the base of the light fixture (the lowest point of the fixture that allows light to emit).

**(4) Illumination**

- (a) Exterior lighting shall be designed and located with a maximum illumination of 0.5 foot-candles at the property line.
- (b) Lighting for parking areas and where security lighting is needed shall have a minimum of 0.5 foot-candles.
- (c) The guidelines for illumination levels listed in Table 6.3-B below are based on the intensity levels described in Section 6.3.3 (3) above.

Table 6.3-B: Illumination Levels			
	Activity Level		
	Low	Medium	High
Average Illuminance (foot-candles) [1]	1.0	2.0	3.0
Maximum Illumination (foot-candles) [2]	5.0	10.0	15.0
Uniformity of Illumination (maximum/minimum foot-candle ratio) [3]	15:1	15:1	15:1
Illumination of Access Drives	Shall meet the same requirements as provided above.		
<b>Notes:</b>			
[1] Average illuminance shall be calculated based on the entire area provided on the photometric plan, not to exceed the parcel boundary.			
[2] The maximum illumination level shall be the single highest illumination for any one given point on the photometric plan.			
[3] Calculations for uniformity of illumination shall be based on only the area of the parcel proposed for lighting.			

(d) Lighting located under canopies shall be mounted flush with or recessed within the canopy ceiling.

**(5) Light Trespass**

Light trespass is any form of artificial illumination emanating from a light fixture (or illuminated sign) that penetrates other property and creates a nuisance. A lighting plan shall be provided by the property owner proposing the installation of outdoor lighting fixtures and shall meet the following minimum standards for light trespass:

- (a) Exterior light fixtures shall be directed so that there will not be any objectionable direct glare source visible from any property, and shall be properly installed and thereafter maintained.
- (b) At a height of five (5) feet above the property line of the subject property, illumination from light fixtures shall not exceed 0.5 foot-candles in a vertical plane on adjacent property.
- (c) Appropriate fixture lamp types and shielding shall be installed to prevent light trespass onto adjacent property.

**(6) Factors for Evaluation**

The following factors shall be considered in the evaluation of lighting plans:

- (a) Pole Height;
- (b) Type of Luminaire;
- (c) Site Coverage – average maintained;
- (d) Uniformity: (1) Maximum: Minimum (2) Average: Minimum; and
- (e) Intensity at Property Line.

**(7) Exemptions**

- (a) All exterior lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps are exempt from the requirements of this section.
- (b) Holiday lighting shall be exempt from the requirements of this section.
- (c) All temporary emergency lighting needed by the police, fire department, other emergency service vehicles, and public service vehicles, as well as all vehicular luminaries, shall be exempt from the requirements of this section including flashing or blinking lights.
- (d) Street lights shall be exempt from the provisions of this section.

**(8) Prohibited Lights**

Search lights, beacons, laser source lights, or any similar high-intensity or flashing light shall be prohibited, except in emergencies by police and/or fire department personnel. Neon chroma lights and LED rope/tape lights shall be prohibited, unless otherwise approved as an architectural feature of the building by the Zoning Commission.

**(9) Modifications**

Should any exterior light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the Zoning Inspector for approval, together with adequate information to assure compliance with this section, which must be received prior to substitution.

**6.5 OTHER APPLICABLE REGULATIONS**

**6.5.1** It is recommended that all utilities be located underground in all new developments in the MID to the extent technically practicable.

**6.46.6 PERFORMANCE STANDARDS**

**6.4.16.6.1** No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, objectionable fire, explosive, or other hazards including possible potential hazards, noise or vibration, smoke, dust, odor or other form of air pollution, heat, cold, dampness, electrical or other substance, condition or element in such manner or in such amount as to adversely affect the surrounding area or adjoining premises.

**6.4.26.6.2** The standards of performance under this resolution shall apply uniformly to all uses even though non-industrial uses are unlikely to be in conflict therewith. Standards of performance imposed by any other township regulations or federal or state law, which are not expressly mentioned herein, shall also govern. All standards covered within this section or imposed otherwise which refer to federal or state law or regulations include said standards as exist at the time of adoption of this section, and as may be amended by federal or state action in the future.

**6.4.36.6.3** The determination of the existence of any dangerous and/or objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be more apparent.

**6.4.46.6.4** The following provisions, standards and specifications shall apply:

**(1) Fire and Explosion Hazards**

All activities involving and all storage of flammable and explosive materials shall be provided at any point with adequate firefighting and fire suppression equipment and devices in compliance with Federal, State, and local regulations and industry standards. Burning of waste materials and open fire shall be prohibited at any point.

**(2) Radio Activity or Electrical Disturbance**

No activity shall be permitted which violates the requirements and standards of Federal and State radiation protection regulations; and no electrical disturbance or any disturbance resulting from radio or television transmission shall be tolerated which affects adversely the operation at any point of any equipment other than that of the creator of such disturbance.

**(3) Noise**

Table 6.4-A identifies the maximum permitted sound levels within Liberty Township.

Table 6.4-A: Maximum Permitted Sound Levels		
Source Property		Residential Receiving Property [2] [3]
Noise Source	Time [1]	
Commercial	Daytime	75 dBA
	Nighttime	55 dBA
Industrial	Daytime	75 dBA
	Nighttime	55 dBA

**NOTE:**  
 dBA = decibels  
 [1] Daytime = Between the hours of 7:00 A.M. and 10:00 P.M.  
 Nighttime = Between the hours of 10:00 P.M. and 7:00 A.M.  
 [2] Landscaping, walls, mounding or any combination may be used on the source property to reduce the noise levels on the receiving property.  
 [3] Noise levels will be measured on the property line of the receiving property.

**(4) Vibration**

Every use shall be so operated that the maximum ground vibration generated is not perceptible without instruments at any point on the lot line of the lot on which the use is located.

**(5) Odor**

Every use, except for agricultural uses, shall be operated so that no noxious odor is perceptible at any point on the lot line of the lot on which the use is located.

**(6) Smoke**

Every use, except for agricultural uses, shall be operated so that no smoke from any source shall be emitted in excess of 20% opacity, as established by U.S. Environmental Protection Agency Method 9 – Visual Determination of the Opacity of Emissions from Stationary Sources (40CFR Pt. 60, App. A, Meth.9), or, in case of an amendment to this method, by the amended method.

**(7) Toxic Gases**

Every use shall be operated so that there is no emissions of toxic, noxious, or corrosive fumes or gases in excess of applicable state and federal standards.

**(8) Emission of Dirt, Dust, Fly Ash and Other forms of Particulate Matter**

No emission shall be permitted that can cause any damage to human health or to animals, vegetation, or other forms of property, or which can cause excessive soiling at any point. Any emission must comply with applicable federal and state regulations.

**(9) Glare and Heat**

Any operation producing intense glare or heat shall be performed in an enclosure in such a manner as to be imperceptible along any lot line.

**(10) Chemicals**

The storage, use, and manufacture of solid, liquid, and gaseous chemicals, and other materials shall be permitted subject to the following conditions:

- (a) No discharge shall be permitted at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in wastewater treatment, or otherwise cause the emission of dangerous or offensive elements, except in accordance with standards approved by the Ohio Environmental Protection Agency or such other governmental agency as shall have jurisdiction of such activities.
- (b) The storage, use, or manufacture of solid combustible materials or products ranging from free or active burning to intense burning may be permitted, but only if said materials or products are stored, used, or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system. Burning of waste material in open fire is prohibited.
- (c) All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gases shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate firefighting and suppression equipment and devices standard to the industry involved. All above-ground storage, except for agricultural uses, shall be enclosed in fireproof vaults.
- (d) The storage, use, or manufacture of pyrophoric and explosive powders and dusts, and of materials and products which decompose by detonation, and the storage and use of flammable liquids or materials that produce flammable or explosive vapors or gases shall be in strict conformance with the applicable regulations set forth in the "Ohio Rules and Regulations of the Division of the State Fire Marshall for the Manufacture, Storage, Handling, Sale, and Transportation of Flammable and Combustible Liquids."

## 6.56.7 **PROPERTY MAINTENANCE**

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### 6.5.16.7.1 **General Structural Soundness and Maintenance of Buildings**

#### **(1) Applicability**

The standards of this section shall apply to dwelling units and buildings in Liberty Township.

#### **(2) Standards**

Every foundation, exterior wall, and roof of every building and structure shall be so constructed and maintained and be kept in good repair and in safe condition as to make all occupied rooms and other interior areas weather-tight, water-tight, rodent proof and so as to be fit for human habitation and be so as to not adversely affect the neighborhood or area in which they are located. Good repair, maintenance and safe condition shall include but is not limited to the following:

##### **(a) Foundations**

Foundations shall support the building at all points and shall be free of all holes and cracks which admit rodents, water or dampness to the interior of the building or lessen the capability of the foundation to support the building.

##### **(b) Exterior Walls and Surfaces**

Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers or any other condition that might admit rodents, rain or dampness to the interior of the dwelling.

**(c) Windows**

Windows shall be fully supplied with window glass or an approved substitute that is glazed and is without open cracks or holes, shall have sashes in good condition that fits within frames, be capable of being easily opened and held in position by hardware, and maintained so as to exclude adverse weather elements from entering the structure.

**(d) Exterior Doors**

Doors shall be maintained so as to be structurally sound, fit within frames so as to be weatherproof, windproof, and waterproof and be provided with door hinges and door latches which are in good working condition.

**(e) Roof**

Roof members, covering and flashing shall be structurally sound and tight so as to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rainwater from causing dampness in the interior portion of the building.

**(f) Gutters**

Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties.

**(g) Chimneys**

Chimneys shall be free of cracks, holes or missing portions and maintained in sound condition.

**(h) Porches and Decks**

Every porch or deck shall be so constructed and maintained so as to be free of missing, defective, rotting or deteriorated foundations, supports, floors, other members, and steps thereto, so as to be safe to use and kept in sound condition and in good repair.

**(i) Structural Member**

Any structural member of a structure which has become deteriorated or damaged to the extent that it does not serve the purpose as originally intended shall be renewed, restored, repaired, or replaced as is necessary to serve the purpose as originally intended.

**(j) Basement**

Basement or cellar hatchways shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage into the dwelling.

**(k) Decorative Features**

All cornices, entablatures, bell courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

**6-5-26.7.2 Residential Exterior Property Maintenance Standards****(1) Applicability**

The following standards are applicable to all residential structures, dwelling units, residential portions of mixed-use structures and all dwelling units located in commercial buildings.

**(2) Exterior Property and Structure Exteriors**

All buildings and the exterior of all premises shall be property maintained to achieve a presentable appearance and to avoid blighting effects and hazardous conditions.

**(a) Exterior Space**

The exterior open space around each dwelling shall be maintained or so improved so as to provide for:

- (i) The immediate diversion of water away from buildings and proper drainage on the lot;
- (ii) Grass, plantings or other suitable ground cover, which are properly maintained;
- (iii) Yard-walks, parking areas, patio, and driveways of concrete or asphalt pavers, or similar surface, which are of sound construction and properly maintained; and
- (iv) Exterior steps that are of sound construction and properly maintained free of hazardous conditions.

**(b) Maintenance**

The exterior of all premises and every structure thereon including but not limited to walls, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, signs, windows, doors, awnings and all surfaces thereof, shall be maintained so as to avoid any blighting effects on neighboring properties and shall be painted or protected where necessary for the purpose of preservation. All canopies, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies, and similar overhanging extensions, where exposed to public view, shall be maintained in good condition and shall not show evidence of ripping, tearing, or deterioration.

**(c) Fences and Walls**

All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner and maintained in that same manner so that such approved fences, retaining walls, or similar structures shall always be in the state of good structural repair. If any fence, retaining wall, or similar structure is found not to be in the state of good structural repair, it shall be removed, replaced, or repaired as required. Except when constructed of materials that have been designed or manufactured to remain untreated, all fences shall be treated periodically with paint or chemicals so as to retard deterioration.

**(d) Yards**

All yards, courts, and lots shall be kept free of overgrown grasses, debris and other materials that may cause a fire, health, safety hazard, or general unsightliness.

**(e) Hazards**

Hazards and unsanitary conditions shall be eliminated.

**(f) Occupancy**

No temporary buildings, trailers, recreational vehicles, tents, or garages shall be used temporarily or permanently as a residence.

**(g) Junk, Inoperable, or Unlicensed Vehicles**

No junk, inoperable, unlicensed, or unregistered vehicle shall be located on any residential property, except when stored within a completely enclosed building.

**(h) Commercial Vehicle**

No semi-trailer or semi-truck shall be parked on any property located in any residential district except as permitted in Liberty Township Board of Trustees Resolution No. 2018-124 pertaining to parking of semi-trucks and semi-trailers in residential districts, or as hereafter modified.

**(i) Furniture and Appliances**

No furniture or appliance intended for indoor use may be stored outside, unless it is in a completely enclosed porch or patio room.

**(j) Vegetation**

- (i)** All grass, weeds, or rank vegetation shall be periodically cut and in no case shall exceed a height of eight (8) inches.
- (ii)** All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not evidence signs of neglect.
- (iii)** Certain vegetative areas shall be exempt from this provision including, but not limited to, properly maintained and active bio-swales, detention basins, and rain gardens.

**(k) Exterior Stairways**

All exterior stairways on all residential premises shall be in accordance with the following provisions.

- (i)** Stairways shall be maintained free of holes, grooves, and cracks which constitute a safety hazard;
- (ii)** Stairways shall be maintained free of rotted or deteriorated supports;
- (iii)** Stairways shall have treads of uniform width and risers of uniform height; and
- (iv)** Stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings create a hazardous condition, the Zoning Inspector may require their installation in accordance with the provisions of the Butler County Building Code.

**(l) Accessory Structures**

All structures accessory to the dwellings, including detached garages, shall be maintained structurally sound, neatly maintained, and in good repair or shall be razed to grade level and debris removed from the premises.

**(m) Yard Maintenance Equipment**

Yard maintenance equipment shall be housed in a completely enclosed building or in the rear yard of the subject property.

**(n) Firewood Storage**

Outdoor storage of firewood shall be stacked in a neat and orderly manner in the side or rear yard. Storage of firewood shall not be located in the front yard.

**6-5-36.7.3 Nonresidential Exterior Property Maintenance Standards****(1) General Provisions**

Every nonresidential structure or nonresidential portion of a building shall meet all of the provisions and requirements of the official Zoning Resolution, building code, fire code and health regulations applicable to the structure and its intended and present use. Where these codes require the provision of a particular facility or equipment, or where they set a structural or installation standard, such related parts of every commercial structure and commercial unit shall be maintained to the minimum standard provided for in the applicable section of this resolution or to the minimum standard provided for in the above codes, whichever standard is higher.

**(2) Applicability**

The following exterior property maintenance standards are applicable to all nonresidential structures, commercial units, and portions of mixed-use structures which are devoted to commercial use, including all exterior and structural requirements, soundness and maintenance.

**(3) Exterior Property and Structure Exteriors**

All buildings and the exterior of all premises shall be property maintained to achieve a presentable appearance and to avoid blighting effects and hazardous conditions.

**(a) Exterior Space**

The exterior open space around each structure shall be maintained or so improved so as to provide for:

- (i) The immediate diversion of water away from buildings and proper drainage on the lot;
- (ii) Grass, plantings or other suitable ground cover to prevent soil erosion which is or may become detrimental to the structures, lot use or adjacent lots and structures;
- (iii) Yard-walks, parking areas, and driveways and exterior steps which are of a permanently hard, dust free surface of sound construction and properly maintained.

**(b) Maintenance**

- (i) The exterior of all premises and every structure thereon including but not limited to walls, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, store fronts, signs, windows, doors, awnings, marquees, and all surfaces thereof, shall be maintained so as to avoid any blighting effects on neighboring properties and shall be painted or protected where necessary for the purpose of preservation.
- (ii) All canopies, marquees, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies, and similar overhanging extensions, and their supporting structures where exposed to public view, shall be maintained in good condition and shall not show evidence of ripping, tearing, or deterioration. Prohibited and obsolete signs shall be removed or replaced pursuant to the applicable sections of this resolution.

**(c) Fences and Walls**

All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner and maintained in that same manner so that such approved fences, retaining walls, or similar structures shall always be in the state of good structural repair. If any fence, retaining wall, or similar structure is found not to be in the state of good structural repair, it shall be removed, replaced, or repaired as required. Except when constructed of materials that have been designed or manufactured to remain untreated, all fences shall be treated periodically with paint or chemicals so as to retard deterioration.

**(d) Yards**

All yards, courts, and lots shall be kept free of noxious weeds, overgrown grasses, debris and other materials that may cause a fire, health, safety hazard, or general unsightliness.

**(e) Hazards**

Hazards and unsanitary conditions shall be eliminated.

**(f) Occupancy**

No temporary buildings, trailers, recreational vehicles, tents, or garages shall be used temporarily or permanently as a residence.

**(g) Junk, Inoperable, or Unlicensed Vehicles**

No junk, inoperable, or unlicensed vehicle shall be located on any nonresidential property, except when stored within a completely enclosed building or in a manner in conformance with this resolution.

**(h) Commercial Vehicle**

No commercial tractors, semi-trucks, semi-trailers or pole trailers (collectively "commercial vehicles") not owned by or associated with an existing business on a subject property, shall be parked on any commercial lot, except for commercial vehicles making service calls or deliveries to or from a subject property and parked or located in designated off street loading/unloading areas.

**(i) Traffic Markings**

All traffic markings such as directional arrows, lane division lines, parking space lines, stop signs, etc., shall be maintained so as to be clearly visible and easily recognized.

**(j) Conduct of Business**

- (i) All business activity, except for off-street loading, shall be conducted within a completely enclosed building, except where specifically permitted in this resolution.
- (ii) All storage of trash and garbage containers and/or dumpsters shall be effectively screened from view in a manner approved by the Zoning Inspector.
- (iii) All storage of materials, goods or products, including inoperable vehicles, shall be within a completely enclosed building with the exception for those businesses which are permitted or conditionally permitted under the terms of this resolution to conduct business or maintain outdoor storage of materials, goods or products are excepted from compliance with this and subparagraph (i).

**(k) Exterior Light Fixtures**

Exterior lighting fixtures mounted on walls, over steps, paths, walkways, courts, drives, and parking lots shall be neatly maintained in operable condition and lighted for sufficient periods of time before and after business hours to provide for pedestrian and employee safety and properly aimed so as not to shine on adjacent properties per this resolution.

**(l) Vegetation**

- (i) All grass, weeds or rank vegetation shall be periodically cut and in no case shall exceed a height of eight (8) inches.
- (ii) All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not evidence signs of neglect.
- (iii) Certain vegetative areas shall be exempt from this provision including, but not limited to, properly maintained and active bio-swales, detention basins, and rain gardens.

**(m) Exterior Stairways**

All exterior stairways on all commercial premises shall be in accordance with the following procedures:

- (i) Stairways shall be maintained free of holes, grooves, and cracks which constitute a safety hazard;
- (ii) Stairways shall be maintained free of rotted or deteriorated supports;
- (iii) Stairways shall have treads of uniform width and risers of uniform height; and
- (iv) Stairway handrails and / or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings create a hazardous condition, the Zoning Inspector may require their installation in accordance with the provisions of the Butler County Building Code.

**(n) Accessory Structures**

All structures accessory to commercial use, including signs, and detached storage buildings, shall be maintained structurally sound, neatly maintained, and in good repair or shall be razed to grade level and debris removed from the premises.

## **6.66.8 OUTDOOR SALES, DISPLAYS, AND STORAGE**

### **6.6.16.8.1 Applicability**

- (1) Outdoor sales, displays, and storage areas may be permitted unless otherwise specifically prohibited in any zoning district or overlay district or if not specifically listed as permitted on any PUD development plan.
- (2) These provisions apply to outdoor sales, display, and storage areas that are accessory to a principal use and shall not apply to uses where outdoor sales, displays, and storage are the principal use (e.g., vehicle sales, equipment rental, etc.).
- (2)(3) Outdoor sales, display, and storage areas shall be prohibited in the MID and MID(T) unless approved as a conditional use by the Board of Zoning Appeals.

### **6.6.26.8.2 Development Standards**

Outdoor storage, displays, and sales shall be subject to the following standards:

- (1) Outdoor storage, displays, and sales areas shall only be permitted within 20 feet of the principal building subject to the standards of this section.
- (2) All outdoor bulk storage or display shall require a Zoning Certificate and shall be illustrated on the corresponding site plan.

- (3) Such storage and display areas shall be prohibited if they will create any safety hazard for pedestrians. A minimum pathway in areas used for outdoor displays, sales, and storage shall be provided to allow for the flow of pedestrian traffic outside of designated vehicular traffic drives. Such pathways shall have a minimum clearance width of five (5) feet, or the width required to meet the minimum standards of the Americans with Disabilities Act, Butler County Building Department, whichever is greater.
- (4) Where screening or security fencing is provided or required, decorative cast iron, aluminum, wood material, or materials used in the principal building, shall be used for the fencing. Other materials may be permitted if the applicant can demonstrate that they are equal to or better than the materials listed in this section.
- (5) Black plastic-coated chain link fencing shall be permitted only where the fencing is not visible from any public rights-of-way or residential uses.
- (6) All outdoor storage and display areas shall be maintained free of garbage and other debris.
- (7) Outdoor display areas may be permitted provided that the merchandise is displayed within 20 feet of the principal building if it is adjacent to the sidewalk, the walkway adjacent to the building, or in the side yard.
- (8) Outdoor displays or storage of large products that exceed 20 pounds, including, but not limited to mulch (bag or bulk), concrete, salt, vehicles for sale, or other similar products that cannot be easily carried into the store for purchase shall be classified as outdoor storage subject to the following requirements:
  - (a) Outdoor storage shall be prohibited on vacant lots.
  - (b) Outdoor storage may be permitted provided that the storage areas are located in the side or rear yard.
  - (c) All outdoor storage areas shall be screened from view of the public right-of-way by a six-foot (6') fence in conformance with this section. Screening shall not be required if the outdoor storage area is located out of view from any public right-of-way.
- (9) Outdoor cafes and food service areas may be permitted when they comply with the following regulations:
  - (a) Outdoor cafes or food service areas shall be located along a sidewalk adjacent to the principal building or between the principal building and parking area. Outdoor cafes and food service areas shall not be located in such a manner as to require customers and employees to cross driveways or parking areas to go between the café/food service area and the principal building. See Figure 6.6-1.



**Figure 6.6-1:** Outdoor cafes and food service areas shall be located adjacent to the building and, when wider than four (4) feet, shall be separated from the sidewalks by railings.

- (b) Outdoor café and food services areas wider than four (4) feet shall be surrounded by railings or other barrier as determined acceptable by the Zoning Inspector that separates the eating area from the sidewalks or vehicular traffic.
- (c) Umbrellas that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions.
- (d) Enclosing outdoor cafes or food service areas either by a permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district and shall require the issuance of a new Zoning Certificate.
- (e) Temporary walls/tents shall require the issuance of a Zoning Certificate and shall only be permitted during winter months (November – April). Temporary walls/tents shall be constructed of quality materials and supported with a framing structure, subject to approval by the Zoning Inspector and the Liberty Township Fire Department.

**(10) Vending Machines**

- (a) Vending machines may be allowed when located on a designated walkway directly adjacent to the principal building and shall comply with all other generally applicable standards of this section including provisions for safe maneuverability by pedestrians.
- (b) Vending machines shall only be permitted when the walkway is covered by a permanent canopy or roof.

## ARTICLE 7: PARKING, LOADING, AND CIRCULATION

### 7.1 PURPOSE

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The purpose of these parking, loading, and circulation requirements is:

- 7.1.1 To relieve congestion on the streets by requiring that parking be provided on property and off streets in relation to the parking demand generated by the land use of each property.
- 7.1.2 To promote safety and convenience for people by requiring that parking and loading areas, and associated driveways, be located and constructed according to good standards for visibility and accessibility.
- 7.1.3 To protect the light, air, visual amenities, and values of residential areas by the visual screening of large parking and loading areas.

### 7.2 APPLICABILITY

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Unless otherwise specified, the requirements of this article shall apply to the following:

- 7.2.1 A Zoning Certificate application for the construction of a new principal building in all zoning districts;
- 7.2.2 The change of use, alteration, expansion, enlargement, of any use that would require more parking, loading, or vehicle stacking spaces as required in this article.
- 7.2.3 The change of use, alteration, expansion, enlargement, of any use that has an existing nonconforming parking lot, as determined appropriate by the Zoning Inspector.

### 7.3 SIDEWALKS AND WALKWAYS REQUIRED

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#### 7.3.1 Sidewalks Required in Agricultural and Residential Zoning Districts

- (1) Sidewalks shall be required on both sides of the street on all public roads and on a minimum of one side of the street for private drives, in accordance with the Butler County Engineer's Office Standards, for all lots platted in a subdivision after the effective date of this resolution which are located in an, R-E, R-RE, R-SE, R-1, R-2, R-3, or R-4 Zoning District.
- (2) A ten-foot (10') wide paved biker/hiker path shall be required when a connection to an existing biker/hiker path is available. A ten-foot (10') wide paved biker/hiker path shall be required when the subject property is located along a recommended trail network connection as identified in the adopted Comprehensive Vision Plan. Paths shall be constructed in accordance with the Butler County Engineer's Office Standards.
- (3) The Liberty Township Zoning Inspector may require an eight-foot (8') wide biker/hiker path as opposed to a sidewalk if determined appropriate.

#### 7.3.2 Sidewalks Required in Nonresidential Districts

- (1) A six-foot (6') wide concrete sidewalk shall be required for all portions of a parcel that fronts along a public street and a minimum of one side for all private drives internal to the development in accordance with the Butler County Engineer's Office Standards.
- (2) Sidewalks shall be located within the public right-of-way where possible. Where the right-of-way does not permit the location of a sidewalk, such sidewalk shall be located on the property and recorded as a "public access easement".

- (3) A ten-foot (10') wide paved biker/hiker path shall be required when a connection to an existing biker/hiker path is available. A ten-foot (10') wide paved biker/hiker path shall be required when the subject property is located along a recommended trail network connection as identified by the adopted Comprehensive Vision Plan. Paths shall be constructed in accordance with the Butler County Engineer's Office Standards.
- (4) The Liberty Township Zoning Inspector may require an eight-foot (8') wide biker/hiker path as opposed to a sidewalk if determined appropriate.

### 7.3.3 Sidewalks to a Right-of-Way

- (1) Where a sidewalk exists in a public right-of-way adjacent to the site, or is required to be constructed as part of the development approval, a pedestrian connection shall be constructed from the building to the sidewalk.
- (2) The pedestrian connection shall be a concrete path with a minimum width of four (4) feet constructed in accordance with the Butler County Engineer's Office standards. An eight-foot (8') paved biker/hiker path may be permitted as opposed to sidewalks as approved by the Liberty Township Zoning Inspector.
- (3) The sidewalk may be created as part of a driveway provided that it is delineated with a minimum of a painted line and the portion utilized for vehicular traffic is not reduced from the minimum width requirements. See Figure 7.3-1.



*Figure 7.3-1: This image illustrates a sidewalk connection between a building and a public sidewalk in the right-of-way. This connection includes both a separate sidewalk (foreground) and a connection delineated through a painted line (background).*

## 7.4 CROSS ACCESS EASEMENTS

- 7.4.1 The Zoning Inspector shall review all sites in nonresidential zoning districts to determine whether it is necessary to provide cross access easements to parcels in the immediate vicinity in order to achieve better circulation throughout the corridor and to minimize driveway cuts along public roads. Such review will be in conjunction with the Butler County Engineers Office.

**7.4.2** Where a cross access easement is determined to be necessary, shared maintenance agreements shall be filed with the Butler County Recorder and provided to the Zoning Inspector prior to approval. All cross access easements shall comply with the Butler County Engineer's Office Access Management Regulations or as otherwise approved or required.

## **7.5 BICYCLE RACKS**

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Applicants are encouraged to provide bicycle racks and facilities for nonresidential uses including business and public uses.

## **7.6 OFF-STREET PARKING REQUIREMENTS**

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### **7.6.1 Required Parking Spaces**

#### **(1) Rules for Computing Parking Spaces**

##### **(a) Floor Area**

For the purposes of this section, floor area shall mean the sum of the gross horizontal area of all the floors of a building, measured from the faces of the exterior walls, excluding only stairs, washrooms, elevator shafts, and similar non-useable areas.

##### **(b) Use – Listed and Unlisted**

For the purposes of this section, use refers to the categories and groupings listed in Table 7.6-A below. When a proposed use is not listed below, the Zoning Inspector shall review the American Planning Association's Parking Standard and/or estimates prepared by the Institute of Traffic Engineers (ITE) to determine the appropriate number of parking spaces to be required as part of any application.

##### **(c) Multiple Uses**

In the case of multiple uses within a single building, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

#### **(2) Number of Parking Spaces Required**

Table 7.6-A identifies the minimum number of parking spaces required for specific uses.

**Table 7.6-A: Number of Parking Spaces Required**

Use	Number of Parking Spaces Required
<b>Residential Uses</b>	
Multi-Family Dwellings	2 spaces per unit
Nursing Homes, Adult Group Homes, and Small or Large Residential Facilities	1 space per each 3 beds or 1 per 5 residents, whichever is greater
Single-Family Dwellings	2 enclosed spaces per unit
Two-Family Dwellings	2 spaces per unit with a minimum of 1 of the required spaces to be enclosed
Residential Subdivision Pool	1 space per 100 square feet of water area or 1 space per 10 dwelling units, whichever is less
<b>Commercial and Office Uses</b>	
Sexually Oriented Businesses	1 space per 150 square feet of floor area
Auto Sales and Repair	1 space per 200 square feet of sales floor area plus 3 spaces per service bay
Banquet Facilities	1 space per 2 persons at maximum occupancy
Day Care Centers	1 space per 4 children at maximum occupancy
Financial Institutions	1 space per 300 square feet of floor area
Funeral Homes	1 space per 50 square feet of floor area
Hotels and Motels	5 spaces plus 1 space per sleeping room
Offices – Medical and Dentals	1 space per 200 square feet of floor area
Offices – Other	1 space per 400 square feet of floor area
Restaurants, Bars, Cocktail Lounges, and Taverns	1 space per 100 square feet of floor area
Retail and Service Commercial Sales	1 space per 300 square feet of floor area up to 20,000 square feet then 1 space per 250 square feet of floor area thereafter
Theaters	1 space per each 4 seats
<b>Industrial Uses</b>	
Wholesale, Warehousing, Manufacturing & Distribution	1 space per 300 square feet of floor area used for offices plus 1 space per 500 square feet of floor area used for manufacturing or storage plus 1 space per each vehicle used in the business
Research & Development, <a href="#">Data Center, and Advanced Manufacturing</a>	1 space per employee (based on the largest number of employees on one shift) plus 1 space per each vehicle used in the business
<b>Public and Institutional Uses</b>	
Religious Places of Worship	1 space per each 4 seats in the principal auditorium or 2 spaces per classroom, whichever is greater
Educational Facilities and Higher Educational Facilities	1 spaced per each 2 seats in the main auditorium or 5 spaces per each classroom, whichever is greater
Hospitals	1 space per each 3 beds
Libraries, Museums, and Similar Uses	1 space per 400 square feet of floor area
Parks	Spaces are required based upon the facilities included and are to be calculated cumulatively
Athletic Fields	30 spaces per field
Community Centers	1 space per 250 square feet of floor area
Tennis Courts	4 spaces per tennis court
Golf Course	4 spaces per hole plus any additional spaces required for associated uses such as restaurants and/or taverns
Telecommunication Tower	See Section 4.9.19(7)

**7.6.2 Location of Parking Areas**

- (1) Vehicles shall be required to park in designated parking spaces only.
- (2) Parking areas and other paved areas and/or structures shall be setback from the edge of the building a minimum of four (4) feet to allow for a sidewalk, and a minimum of two (2) feet to allow for landscape treatments, for a total of a minimum of six (6) feet, in front of the building.
- (3) Parking facilities for multi-family and non-residential uses shall be located as follows:

**(a) Front Yard**

- (i) Off-street parking areas shall be set back a minimum of 15 feet from the street right-of-way line with the exception of the following locations where parking areas shall be set back a minimum of 40 feet from the street right-of-way line due to future road improvements.
  - A.) Both sides of Cincinnati-Dayton Road between Princeton and the City of Monroe's corporation limits.
  - B.) Princeton-Glendale Road (SR 747) north of Millikin Road to State Route 4.
- (ii) Once any planned improvements identified above have been constructed and/or the right-of-way dedicated for future improvements, the off-street parking area setback requirement shall be 15 feet.

**(b) Front Yard Abutting Agricultural or Residential Districts and Uses**

When any nonresidential zoning district is located directly across the street from any A-1 or RA-1 District, residential zoning district, or recorded residential subdivisions (unless zoned for commercial use or planned for commercial or mixed use by the Liberty Township Comprehensive Plan), the parking and loading facilities shall be set back a minimum of 50 feet from the existing street right-of-way line and any building or structure shall be at least 70 feet from said right-of-way line.

**(c) Side and Rear Yard**

Off-street parking areas shall be set back a minimum of 10 feet from any side or rear lot line unless the lot abuts a residential district, recorded residential subdivisions (unless zoned for commercial use, or planned for a commercial or mixed use by the Liberty Township Comprehensive Vision Plan), or any lot used for residential purposes where the off-street parking shall be set back a minimum of 50 feet from the lot line.

**7.6.3 Design Requirements**

**(1) Minimum Size**

Except in the case of dwelling units, no parking area shall be smaller than five (5) parking spaces with the necessary and corresponding aisle or drive.

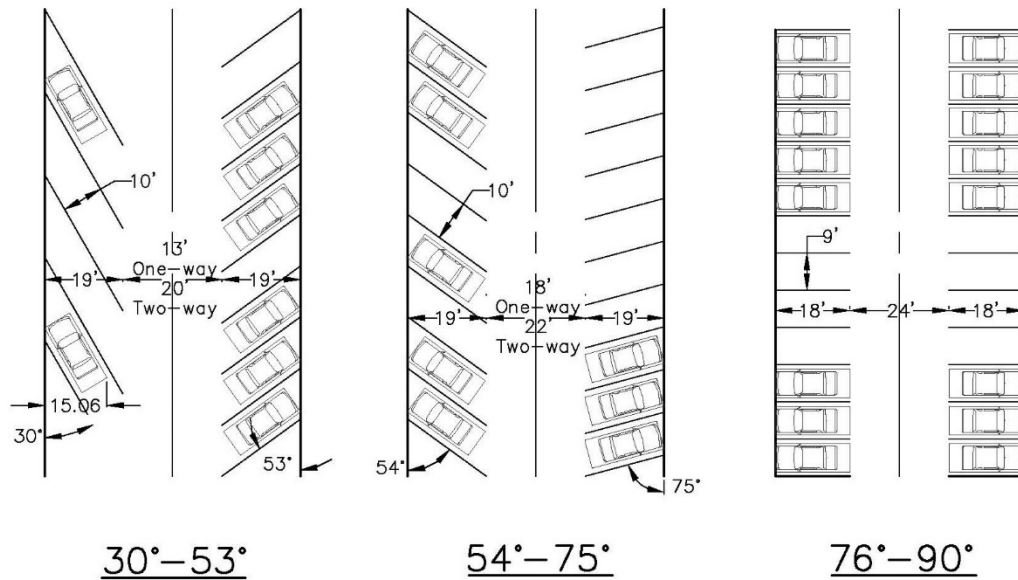
**(2) Access and Driveways**

- (a) There shall be adequate provisions for ingress and egress to all parking areas as regulated by the Butler County Engineer's Office access management regulations.
- (b) The width of a driveway for a multi-family or nonresidential use, at the street right-of-way line, shall have a minimum width of 24 feet and maximum width of 36 feet (unless otherwise permitted or required by the Butler County Engineers Office).
- (c) Shared ingress and egress may be required as determined necessary by the Zoning Inspector per Section 7.4 of this Zoning Resolution.

**(3) Dimensional Requirements**

- (a) The minimum size of a parking space may be altered based on aisle width and angle of parking. Parking stalls and aisle widths shall conform to the minimum standards set forth in Table 7.6-B and Figure 7.6-1.

Angle of Parking (degrees)	One-Way Maneuvering Aisle Width (Feet)	Two-Way Maneuvering Aisle Width (Feet)	Parking Stall Width (Feet)	Parking Stall Length (Feet)
0 – Parallel	13	20	9	23
30 – 53	13	20	10	19
54 – 75	18	22	10	19
76 – 90	24	24	9	18

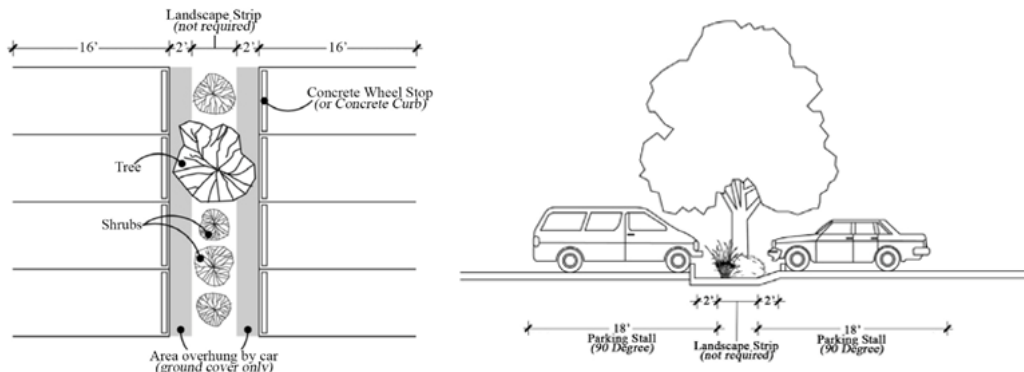


**Figure 7.6-1:** Illustration of parking space dimensions based on angle of parking.

- (b) Parking areas may include compact car parking spaces provided that the parking spaces shall be a minimum of eight (8) feet in width and 14 feet in length. Such parking for compact cars shall not be included in the calculations for required parking.
- (c) A portion of a standard parking space may be landscaped instead of paved as follows:
  - (i) Up to two (2) feet of the front of the space, as measured from a line parallel to the direction of the bumper of the vehicle using the space, may be a landscaped area (See Figure 7.6-2);
  - (ii) A concrete wheel stop, or concrete curb, shall be located a maximum of two (2) feet from the front of the parking space;
  - (iii) Ground cover plantings shall be the only type of landscaping permitted in the two (2) foot area. Alternate quality pervious surfaces may be permitted instead of the

landscaping, such as pervious concrete, pavers, etc. but at no time shall gravel be permitted;

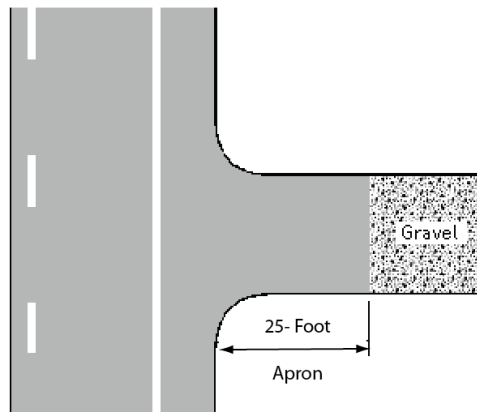
- (iv) The two (2) foot landscaped area of the parking space shall not be counted toward the required open space;
- (v) Taller landscaping may be located in an adjacent landscape strip as long as it doesn't substantially obstruct the two (2) foot area of the parking space at mature growth.



**Figure 7.6-2: Off-Street Parking Landscaping Alternative**

**(4) Surface and Markings**

- (a) All off-street parking areas and driveways shall be surfaced with an asphaltic, porous asphalt, Portland cement binder, pervious concrete, or other like pavement so as to provide a durable and dustless surface with the following exception:
  - (i) Parcels not located in a recorded subdivision or parcels used for agricultural purposes that are two (2) acres or greater in size shall be required to have a minimum 25-foot-deep apron that shall be surfaced with an asphaltic, Portland cement binder, or other like pavement so as to provide a durable and dustless surface. See Figure 7.6-2.



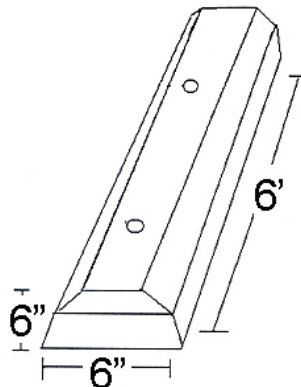
**Figure 7.6-2: A 25-foot driveway apron is required for parcels not located in a recorded subdivision or parcels used for agricultural purposes.**

- (b) Paved parking areas shall be graded and drained as to dispose of all surface water accumulated within the area in accordance with the standards of the Butler County Engineer's Office, and shall be arranged and marked as to provide for safe loading and unloading and parking and storage of self-propelled vehicles.

- (c) Designated parking spaces, drive aisles, and pavement markings shall be marked on the surface of the parking area with paint or permanent marking materials and maintained in a clearly visible condition.
- (d) Where driveways intersect the public right-of-way, the paint lines dividing vehicle paths and other pavement markings shall be in accordance with the State of Ohio Uniform Traffic Control Manual.

**(5) Continuous Curbs and Wheel Stops**

- (a) All parking lots shall be curbed with continuous curbing. The continuous curb shall form a non-interrupted edge around all landscaped areas adjacent to parking and all maneuverability areas.
- (b) Continuous curbing shall be made of asphaltic, Portland cement binder or other similar material and shall have a minimum height of six (6) inches and a minimum width of six (6) inches. The Zoning Inspector shall have the authority to grant a waiver of this requirement as deemed necessary for storm water management (including the use of rain gardens) and snow removal.
- (c) If wheel stops are to be used in the interior of the parking area, each wheel stop shall be a singular block of reinforced concrete, with a minimum height of six (6) inches, a minimum width of six (6) inches and a minimum length of six (6) feet. See Figure 7.6-3. Wheel stops are to be securely attached to the ground and may be used only at the end of parking stalls. Wheel stops may be attached no less than two (2) feet from the rear edge of the parking space.



*Figure 7.6-3: Minimum dimensions for a wheel stop.*

- (d) Wheel stops and/or continuous curbing shall be located a minimum of two (2) feet from any structures, buildings, walls, pedestrian walkways, or plant material, excluding ground cover to prevent a vehicle from driving onto the landscaped area or pedestrian area or hitting any structure of plant material at the edge of the parking area. See Figure 7.6-4.



**Figure 7.6-4:** Wheel stops or continuous curbs shall be setback two (2) feet from pedestrian walkways to prevent vehicles from driving onto the walkways. Where both wheel stops and continuous curbs are present, the two (2) feet shall be measured from the wheel stops.

#### **(6) Maneuverability**

All off-street parking areas shall be designed in a way so as to prevent vehicles from having to back out of the lot onto a public or private street and so as to prevent the moving of one vehicle to access that of another.

#### **(7) Parking Requirements for the Disabled**

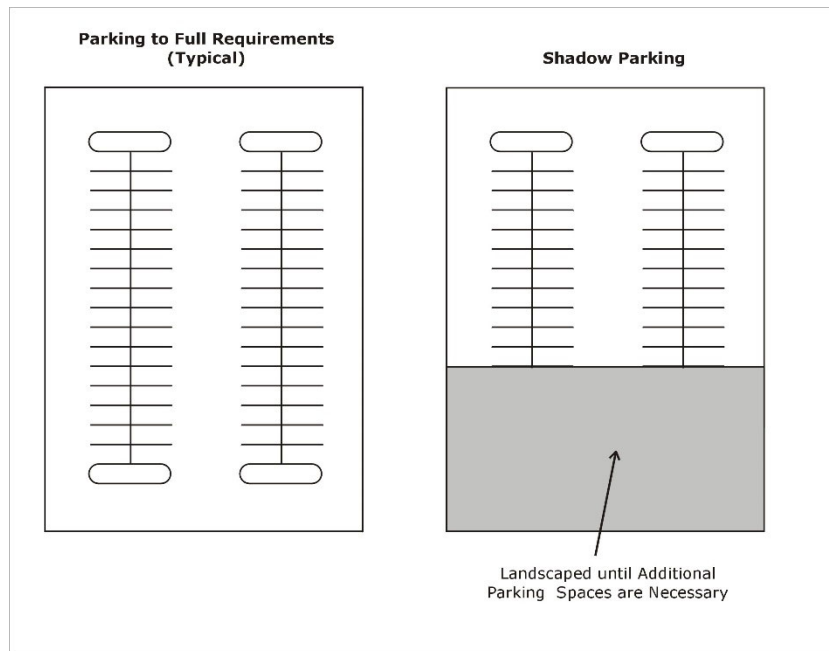
- (a)** Any parking area to be used by the general public shall provide parking spaces designed and located to adequately accommodate the disabled.
- (b)** Such spaces shall be clearly marked as such. The number, design, and location of such spaces shall be consistent with the provisions of the Butler County and/or State of Ohio Building Code.

#### **7.6.4 Special Parking Provisions**

The following are optional methods of accommodating parking as an alternative to constructing an adequate number of parking spaces on an individual lot pursuant to this article. The use of either one of these alternatives shall require review and approval by the BZA pursuant to the Conditional Use review (See Section 3.7 (Appeals, Variances, and Conditional Uses)).

##### **(1) Shadow Parking**

A portion of the required parking spaces may remain landscaped and unpaved or paved with pervious pavers provided that the parking and unpaved areas complies with the following standards. See Figure 7.6-5.



**Figure 7.6-5:** Illustrative example of shadow parking where a portion of the designated parking area is not paved at the same time as the remainder of the parking area.

- (a) The parking plan submitted with the Conditional Use application shall denote the location and layout of that portion of the parking area that currently is no longer deemed required. The plan shall indicate that the “shadow” parking spaces will be constructed according to this resolution in the event that the Zoning Inspector makes a finding, at any time, that all or any portion of this parking is necessary.
- (b) Shadow parking shall not account for more than 25% of the required parking spaces as established in Section 7.6.1 (Required Parking Spaces).
- (c) At no time shall any portion of the required parking area that is so designated for future construction be used for the construction of any structure or paved surface with the exception that pervious pavers may be used to provide temporary parking provided that the pavers allow for grass and other vegetation to grow through the material.
- (d) At no time shall any portion of the required parking or loading area that is so designated for future construction as provided herein be counted as open space or other non-paved areas required by other provisions of this resolution.
- (e) The owner shall initiate construction of the approved "future" parking area, as identified on the approved parking plan, within three (3) months of the receipt of a certified letter or a letter through normal postal service (in the event that the certified letter is not accepted) sent to the owner of record from the Zoning Inspector, identifying that such parking is determined to be necessary.
- (f) Shadow parking areas shall be calculated into the storm water calculations as if the entire shadow parking area was paved.

**(2) Shared or Off-Site Parking**

A portion of the required parking spaces may be located on an adjacent or nearby property if the parking area complies with the following standards.

- (a) Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.
- (b) Off-site parking shall not be used to satisfy the off-street parking standards for residential uses, hospitals, bars (if not incidental to a restaurant), or convenience stores and other convenience-oriented uses. Required parking spaces reserved for persons with disabilities shall not be located in an off-site parking facility.
- (c) Shared or off-site parking shall not be permitted on a vacant lot in a residential zoning district unless permitted by the BZA as part of a Conditional Use review.
- (d) Shared or off-site parking areas shall adhere to the regulations of the same or a more intensive zoning classification than that required for the use served.
- (e) In the event that a shared or off-site parking area is not under the same ownership as the principal use served, a written parking agreement shall be required.
- (f) No shared or off-site parking space shall be located more than 500 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.
- (g) The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request. Shared or off-site parking may be approved if:
  - (i) A sufficient number of spaces is provided to meet the highest demand of the participating uses;
  - (ii) Evidence has been submitted by the parties operating the shared parking facility, to the satisfaction of the Zoning Inspector, documenting the nature of uses and the times when the individual uses will operate so as to demonstrate the lack of potential conflict between them.
  - (iii) Shared or off-site parking shall not account for more than 50% of the required parking spaces as established in Section 7.6.1 (Required Parking Spaces).
  - (iv) Any change in use of the activities served by a shared or off-site parking facility will be deemed an amendment to the shared or off-site parking facility plan and will require BZA review and approval.
  - (v) All shared or off-site parking plans and agreements shall be recorded in the office of the Butler County Recorder and a copy of the recorded document shall be provided to Liberty Township prior to any Zoning Certificate being issued.

## 7.7 VEHICLE STACKING REQUIREMENTS

Where drive-through facilities are permitted, Vehicle stacking spaces shall be provided according to the following provisions:

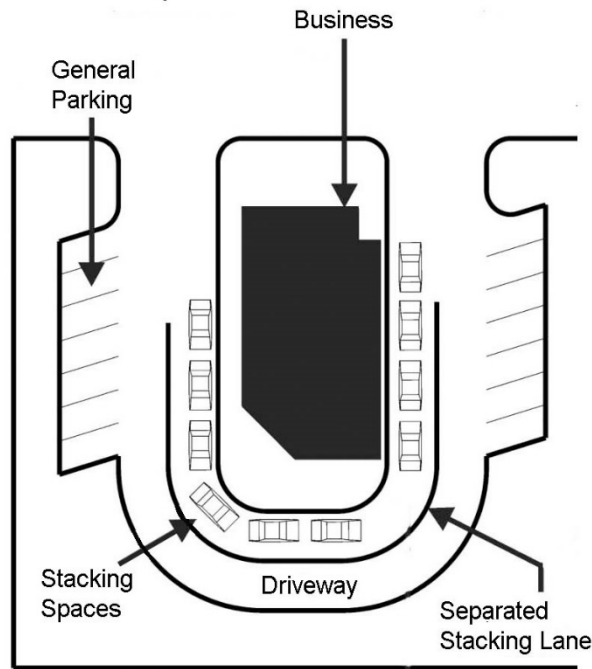
### 7.7.1 Minimum Number of Stacking Spaces

The number of required stacking spaces shall be provided as established in Table 7.7-A and Figure 7.7-1.

Table 7.7-A: Minimum Vehicle Stacking Space Requirements		
Activity	Minimum Stacking Spaces (per lane)	Measured From (and including)
Financial Institutions or Automated Teller Machine (ATM)	3	Teller or Window
Restaurant	8	First Pick-Up Window
Full Service Car Wash	30 /12[1]	Entrance of tunnel / Exit of tunnel
Self-Service Car Wash	4	Washing Bay

Fuel or Gasoline Pump Island	2 [2]	Pump Island
Other	As determined by the Zoning Inspector [3]	

**NOTE:**  
 [1] The 30 spaces required prior to the entrance of the tunnel may be spread across multiple stacking lanes. The 12 stacking spaces shall be required outside of the exit of the wash tunnel to provide areas for the drying of cars, vacuuming, or other ancillary services.  
 [2] For each pump, the space at the pump shall count as one space. One additional stacking space shall be required for each pump.  
 [3] Any other use shall be required to document proof that the provided number and location of stacking spaces are adequate to meet the purpose of this section.



*Figure 7.7-1: Generalized example of vehicle stacking requirements.*

**7.7.2 Design and Layout**

- (1) Pump spaces can count toward the stacking space requirement.
- (2) Stacking spaces shall be a minimum of 10 feet by 20 feet in size.
- (3) Stacking spaces may not impede on- or off-site traffic movements or movements in or out of off-street parking spaces. See Figure 7.7-1.
- (4) Stacking spaces shall be separated from other internal driveways by surface markings or raised medians.
- (5) These stacking space requirements shall be in addition to the off-street parking space requirements.
- (6) When adjacent to a residential zoning district, any lot in a recorded residential subdivision, or any lot used for residential purposes, stacking spaces shall be required to be located on sides of the lot opposite the adjacent residential use.

## 7.8 OFF-STREET LOADING

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### 7.8.1 Applicability

- (1) In all nonresidential zoning districts, the off-street loading requirements of this article shall apply to any building, or part thereof, having a gross floor area of 10,000 square feet or more.
- (2) The Zoning Inspector may waive the above applicability requirement if they find the use is not to be occupied by or for the use of manufacturing, storage, warehouses, goods display, retail store, wholesale store, market, motel, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt of distribution by vehicles of material or merchandise.

### 7.8.2 Number of Off-Street Loading Spaces Required

For buildings, or parts thereof, that exceed 10,000 square feet of gross floor area, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space plus one additional loading space for every additional 20,000 square feet.

### 7.8.3 General Design Standards

Every loading space shall be designed, constructed, and maintained in accordance with the standards and requirements set forth below:

#### (1) Location of Required Loading Spaces

- (a) Loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in any required front yard, nor shall it permit any vehicle to extend into any front yard or across any lot lines of a more restrictive district while the vehicle is being loaded or unloaded.
- (b) Loading spaces shall be set back a minimum of 50 feet from any lot line in a residential district or recorded residential subdivision, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted board fence not less than six (6) feet in height.
- (c) In all other cases, loading spaces shall be set back a minimum of 10 feet from all lot lines.

#### (2) Dimensions

No required loading space shall be less than 12 feet in width or 25 feet in length or have a vertical clearance of less than 14 feet.

#### (3) Access

- (a) Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with traffic movement and parking lot circulation. The Zoning Inspector shall approve access to and from loading spaces.
- (b) No part of any truck or van that is being loaded or unloaded may extend into the right-of-way of a public thoroughfare.
- (c) Loading spaces shall be designed with sufficient apron area to accommodate truck-turning movements and to prevent backing of trucks onto any street right-of-way.

**(4) Screening**

- (a) All operations, materials, and vehicles within any loading space that are visible from a public street or from any residential use shall be screened.
- (b) The screening material shall be at least 6 feet in height and 100% opaque and shall satisfy the buffer requirements of the most restrictive adjacent district.

## 7.9 PARKING AND STORAGE OF RECREATIONAL, COMMERCIAL, AND INOPERATIVE VEHICLES

### 7.9.1 Recreational Vehicles

- (1) All recreational vehicles located in the township shall be licensed in accordance with the laws of the State of Ohio.
- (2) Recreational vehicles shall be permitted to be parked per Table 7.9-A.

Table 7.9-A: Recreational Vehicle Parking		
Where Located	Permitted Yard Location	Parking Surface
In a recorded residential subdivision (Maximum of two (2) recreational vehicles)	Any Yard No more than one recreational vehicle may be parked in the front yard	Paved or paver stones, designated parking space (includes driveway)
On a lot of less than two (2) acres in lot area	Any Yard	Designated parking space (includes driveway, paved, gravel, paver stone, or similar surface)
On a lot of two (2) acres or more in lot area	Any Yard (Must be located 10 feet from any lot line)	Designated parking space (includes driveway, paved, gravel, paver stone, or similar surface)

- (3) Recreational vehicles belonging to visitors of a resident may be permitted to park in the driveway for a period not to exceed 14 days.
- (4) Recreational vehicles must be located at least five (5) feet from a side lot line and at least 10 feet from a rear lot line.
- (5) All recreational vehicles shall be free of fixed connections to water, gas, or sanitary sewer facilities, and at no time be used for living or housekeeping purposes.
- (6) Recreational vehicle parking space shall be accessible to a public or private street by way of a paved driveway.

### 7.9.2 Commercial Vehicles

- (1) In any agricultural or residential zoning district, recorded residential subdivision, or on any lot used for residential purposes, no semi-trailer, semi-truck, or box-truck shall be parked on any property except as permitted in Liberty Township Board of Trustees Resolution No. 2018-037 pertaining to parking of semi-trucks and semi-trailers in residential districts, or as hereafter modified.
- (2) Commercial vehicles used for an agricultural use are exempt from this requirement.



Figure 7.9-1: Examples of commercial vehicles prohibited on residential properties

### 7.9.3 Inoperative Vehicles

In all districts, where not specifically permitted, the repairing, rebuilding, dismantling, or storage of any inoperative vehicle shall be permitted only within a completely enclosed building.

## 7.10 PRIVATE DRIVES

**7.10.1** Private drives shall only be permitted after the effective date of this resolution if approved as part of a PUD.

**7.10.2** Private drives shall have a minimum width of 24 feet.

**7.10.3** A working fire hydrant shall be required to be provided for each 500 feet in length (or portion thereof) of a private drive unless otherwise approved or required by Butler County Water and Sewer Department and the Liberty Township Fire Department.

**7.10.4** All private drives shall be named and all lots developed on a private drive must have the addresses posted at the intersection of the individual driveway with the private drive in a manner that provides for easy identification by emergency vehicles.

**7.10.5** A maintenance agreement among all of the lots served by the private drive shall be required which shall be recorded in the office of the Butler County Recorder and be a part of the chain of title of all lots served by the private drive. The maintenance agreement must provide for the use of the private drive by emergency vehicles;

**7.10.6** All private drives shall be conveyed to a legally established homeowner's, property owner's association, or commercial management entity which shall have the right to levy assessments upon the lots served by the drive, to maintain the driveway, and to ensure that access is provided to all such lots and emergency vehicles;

**7.10.7** All private drives shall comply with the specifications for construction of residential, commercial, or industrial streets as provided in the Butler County Subdivision Regulations except that curb and gutter, sidewalk and/or drainage requirements may be waived if approved by the Butler County Planning Commission and the Liberty Township Zoning Commission.

**7.10.8** Prior to the issuance of any permit by Liberty Township to commence construction of any private drive or any construction related to the private drive (including the residential or commercial use to be located on the private drive), and prior to any actual construction of any private drive or related construction, a cash bond, a letter of credit in favor of the township or a bond with sureties approved by the Fiscal Officer shall be posted with the township by the owner/developer of the

private drive in the amount necessary to ensure that the private drive is constructed in accordance with the above specifications.

**7.10.9** For all private drives, regardless of the number of lots being served, independent written verification, by a third party licensed professional engineer, must be submitted for township review and approval for the following items:

- (1) The above referenced construction standards and specifications have been met.
- (2) The amount of the bond or other assurance needed to ensure the construction of the private drive.
- (3) The cost, bonding amount, construction and testing of a private water line connected to the nearest available public county water line. All such lines shall have adequate water pressure for firefighting purposes as approved by the Liberty Township Fire Department.

## ARTICLE 8: LANDSCAPING AND BUFFERING

### 8.1 PURPOSE

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The purpose of this article is to:

- 8.1.1 Promote and protect the interest of the public convenience, comfort, prosperity, or general welfare in accordance with Article 1 of this resolution;
- 8.1.2 Require buffering between non-compatible land uses to protect, preserve and promote the character and value of surrounding neighborhoods; and
- 8.1.3 Require reasonable landscaping that is beneficial to the residents and businesses of the community.

### 8.2 APPLICABILITY

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Unless otherwise noted, the following landscaping standards shall apply to all development except for single-family dwellings and two-family dwellings.

### 8.3 LANDSCAPING MATERIALS AND STANDARDS

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#### 8.3.1 General Location Requirement

Landscaping shall be installed in locations such that when mature, it does not obscure traffic signs or lights nor obstruct access to fire hydrants nor interfere with adequate motorist sight distance or overhead utility lines.

#### 8.3.2 Existing Landscape Material

- (1) Unless otherwise noted, existing landscape material in healthy condition can be used to satisfy the requirements of this article in whole or in part provided that the existing landscape material meets the minimum standards of this section.
- (2) The Zoning Inspector shall determine satisfaction of this requirement.

#### 8.3.3 Easements

Nothing shall be planted or installed within any underground or overhead utility, drainage, or gas easement without the consent of the utility provider, easement holder, or the township.

#### 8.3.4 Landscaping Materials

Existing vegetation shall be preserved as much as possible in accordance with acceptable nursery industry standards. The following items are suitable for landscaping materials used individually or in combination with each other, subject to the requirements of this resolution and the review and approval by the Zoning Inspector.

##### (1) Walls and Fences

In addition to any other requirements for walls or fences established in this resolution, walls and fences shall be subject to the following:

- (a) When walls or fences are used to fulfill screening requirements, a detailed drawing shall be shown on the plan.
- (b) Where materials are not otherwise specified, walls and fences shall be constructed of weather-proof materials. This includes pressure treating or painting of lumber if it is not redwood or cedar and using aluminum or galvanized hardware.

- (c) Chain link fences with or without wooden or synthetic slat material shall not be allowed when used to satisfy the buffer requirements of this article.
- (d) All fences and walls must be erected so that the finished side faces outward, and the rough or unfinished side faces interior to the property being enclosed. All structural members and support beams shall be located interior to the yard.

## (2) Plants

- (a) Plant materials used in conformance with these provisions shall conform to the American Standard for Nursery Stock and shall have passed any inspection required under state regulations. Trees shall be balled and burlapped or in containers. Shrubs, vines, and ground covers can be planted as bare root as well as balled and burlapped or from containers.

### (i) Deciduous Trees

Deciduous trees shall have a minimum caliper of at least 1.5 inches DBH conforming to acceptable nursery industry procedures at the time of planting. If deciduous trees are to be used for screening purposes, additional materials listed in this article shall be used to create a dense buffer.

### (ii) Evergreen Trees

Evergreen trees shall be a minimum of six (6) feet in height at the time of planting. Evergreen plantings shall be planted at a maximum distance of 20 feet on center to provide an effective buffer unless otherwise specified.

### (iii) Ornamental Trees

Ornamental trees shall have a minimum height of five (5) feet or a minimum caliper of at least 2.5 inches DBH conforming to acceptable nursery industry procedures at the time of planting.

### (iv) Shrubs and Hedges

Shrubs and hedges shall be at least 36 inches in height at the time of planting. All shrubs and hedges shall be designed to provide an effective buffer of at least five (5) feet within a period of four (4) years after planting.

### (v) Grass and Ground Cover

Grass shall be planted in species normally grown in permanent lawns in Butler County, Ohio. In swales or other areas subject to erosion, solid sod shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted at a maximum spacing of one foot on center to provide 75% complete coverage after two (2) growing seasons.

### (vi) Prohibited Trees and Plants

The Zoning Inspector shall maintain a list of prohibited trees and plants that shall not be used in any landscaping required as part of this resolution. The list shall be approved, by resolution, by the Township Trustees. The prohibited trees and plant list only applies to landscaping for nonresidential development sites (including multi-family developments) and any trees or plants located in the right-of-way for all development in all districts.

- (b) Once the minimum landscape requirements have been met, any size plant may be installed on a lot to supplement the minimum requirements.

**(3) Species Diversity**

- (a) When fewer than 40 trees are required on a site, at least two (2) different species shall be utilized, in roughly equal proportions.
- (b) When 40 or more trees are required on a site, at least three (3) different species shall be utilized, in roughly equal proportions.
- (c) Required shrubs shall utilize the same species diversity requirements.
- (d) Nothing in this Subsection shall be construed to prevent the utilization of a larger number of different species than specified above.

**(4) Earth Mounds**

Earth mounds may be used as buffers, however, differences in natural elevation between areas requiring a buffer does not constitute an earth mound. Earth mounds shall be constructed of earthen materials and shall conform to the following:

- (a) Earth mounds shall conform with the grading requirements of the authority having jurisdiction.
- (b) Berms and earth forms shall be designed with physical variations in height and alignment throughout its length.
- (c) Landscaping plant materials may be installed on berms and earth mounds and shall be arranged in an irregular pattern to accentuate the physical variation and achieve a natural appearance.
- (d) Berms and earth mounds shall be located and designed to minimize the disturbance of existing trees located on the site or adjacent thereto.
- (e) Adequate ground cover shall be used and maintained to prevent erosion of the earth mound.
- (f) No mound wastewater treatment system or other similar on-site wastewater treatment system shall count toward the buffering requirement.

## 8.4 BUFFERING AND SCREENING REQUIREMENTS

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### 8.4.1 Streetscape Buffer

- (1) The area of each parcel shall be landscaped with street trees outside of the public right-of-way and within the front yard setback. If the street trees are in the vicinity of the parking lot, they may be counted toward the minimum requirement established in Section 8.5.2 (1) as determined by the Zoning Inspector.
- (2) Trees shall be provided at a rate of one tree per 40 feet of frontage with a minimum of one tree per parcel.
- (3) Trees shall be equally spaced or aligned.
- (4) The location of trees shall be coordinated with adjacent parcels to create a consistency in the spacing of trees.
- (5) Green infrastructure elements, including but not limited to rain gardens and bioswales, are encouraged to be incorporated into the streetscape buffer.

**8.4.2 Lot Perimeter Buffers**

- (1) Table 8.4-A shall define the minimum buffer type required between lots based on adjacent zoning districts and uses. The specific requirements for each buffer type are established in Table 8.4-B.
- (2) Where any activity or land falls under more than one of the categories listed, the most stringent requirements shall be applied.
- (3) No parking areas or driveways shall be permitted within a required buffer area.

Table 8.4-A: Lot Perimeter Buffer Requirements					
PROPOSED USE	ADJACENT TO				
	Single or Two-Family Residential District, Recorded Subdivision or lot used for single family residential purposes	Multi-Family Residential Use or District	Office Use or District	Commercial/Business Use or District	Industrial Use or District
Single-Family or Two-Family	None	None	None	None	None
Multi-Family	Buffer "C"	None	None	None	None
Commercial/Business	Buffer "D"	Buffer "C"	Buffer "A"	Buffer "A"	Buffer "B"
Office	Buffer "D"	Buffer "B"	Buffer "A"	Buffer "A"	Buffer "C"
Industrial	Buffer "D"	Buffer "D"	Buffer "C"	Buffer "B"	Buffer "A"

Table 8.4-B: Minimum Requirements for Buffer Areas by Type			
Buffer Type	Minimum Buffer Width	Minimum Screen Height	Minimum Plant Materials
"A"	10 Feet	None [1]	1 deciduous or evergreen tree per every 40 lineal feet
"B"	20 Feet	3 feet	1 tree per 25 lineal feet with a minimum of 40% evergreen trees
"C"	30 Feet	4 feet	1 tree per 20 lineal feet with a minimum of 50% evergreen trees
"D" [2] [5]	50 Feet	14 feet [3]	1 evergreen tree planted 10 feet on center along the residential side of the wall or fence required in Note [3]. [4]

**NOTES:**

- [1] No minimum screen height is required unless the Zoning Commission or Zoning Inspector finds that screening is needed between similar uses that have varying degrees of density or land use intensity.
- [2] The slope of the mound shall not exceed a 3:1 ratio.
- [3] Landscaping and/or screening elements of Buffer Type "D" buffer shall consist of a six-foot (6') high landscape mound (measured from the highest grade on either side of the mound) with either a brick wall or wooden fence to be located atop the berm. Brick walls shall be eight (8) feet high, eight (8) inches thick, with all wall faces to be brick and the top course to be low rock. Wooden fences eight (8) feet tall board-on-board fencing. Landscaping on the business side of the fence shall be broken up with a variety of landscape materials.
- [4] The distance between trees may be expanded to 40 feet on center when the wall is constructed of brick.
- [5] Uses in the Millikin Innovation District which are adjacent to platted residential subdivisions that are recommended to remain residential pursuant to the adopted Comprehensive Land Use Plan, shall instead utilize the special buffer requirement for Sub-Area C of the Cox Road Corridor Overlay District in Subsection 5.5.1. However, uses in the Millikin Innovation District which are within 300 feet of a residential structure on a lot that is zoned for commercial purposes or planned for a commercial use shall utilize Buffer Type C as well as either a brick wall or wooden fence at least six (6) feet in height.

### 8.4.3 Mechanical Equipment and Service Structure Screening

- (1) All mechanical equipment, including both ground-mounted and roof-mounted equipment, shall be screened from view from adjacent public and private rights-of-way, as well as from all property zoned or used for residential purposes, through the use of landscaping or enclosures, as approved by the Liberty Township Zoning Inspector.
- (2) All electrical boxes, conduits, wires, and similar items attached to a façade shall be painted the same color as the building.

## 8.5 LANDSCAPING REQUIREMENTS

### 8.5.1 Detention and Storm Water Management Facilities

- (1) Detention and storm water management facilities shall be finished mowed and landscaped.
- (2) All retention facilities shall include a water feature.
- (3) The slope of the detention basin shall not exceed 3:1.
- (4) Retaining walls may be used when required and shall be of approved materials as determined by the Zoning Commission or Zoning Inspector.

### 8.5.2 Landscaping and Screening for Parking and Loading Areas

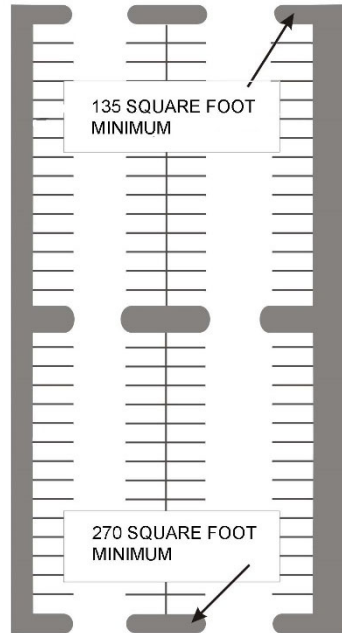
Landscaping and screening in and around parking facilities is intended to shield such uses from adjoining properties, and to soften large expanses of parking areas (See Figure 8.5-1.). Therefore, all parking areas shall be required to include the following:

- (1) One tree for every five (5) parking spaces, to be planted around the perimeter of the lot. These trees shall have a minimum caliper of 1.5 inches DBH for deciduous trees and a minimum height of six (6) feet for evergreens.
- (2) A minimum of three (3) shrubs planted between the trees required in paragraph (1) above.



*Figure 8.5-1: Landscaping and screening is intended to soften the appearance of large expanses of parking areas and can also provide areas for stormwater management.*

- (3) Landscape islands shall be located at the end of each parking row with a minimum size of 135 square feet for single loaded parking rows, and a minimum size of 270 square feet for double loaded rows. See Figure 8.5-2.



**Figure 8.5-2:** The minimum square footage requirements for islands helps ensure that there is enough area for plant growth.

- (4) There shall be a minimum of one (1) tree planted within each landscape island at the end of each parking row. Landscape islands at the end of a double loaded parking row shall include a minimum of two (2) trees. Such trees shall count toward the minimum requirement established in paragraph (1) above.

## 8.6 MAINTENANCE

- 8.6.1** All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The owner of the property shall be responsible for the continued property maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance free from refuse and debris at all times.
- 8.6.2** Unhealthy and dead plants that are required as part of these requirements shall be replaced within one year, or by the next planting season, whichever comes first. The determination of whether a plant is unhealthy or dead shall be at the discretion of the Liberty Township Zoning Inspector.
- 8.6.3** Violation of these maintenance practices shall be a violation of this Zoning Resolution.

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## ARTICLE 9: SIGNS

### 9.1 PURPOSE

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It is the purpose of these sign regulations 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. These regulations are intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community and preserve the scenic and natural beauty of designated areas. These regulations are further intended to reduce signs or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs hanging or projecting over public rights-of-way and enhance community development.

### 9.2 GENERAL PROVISIONS

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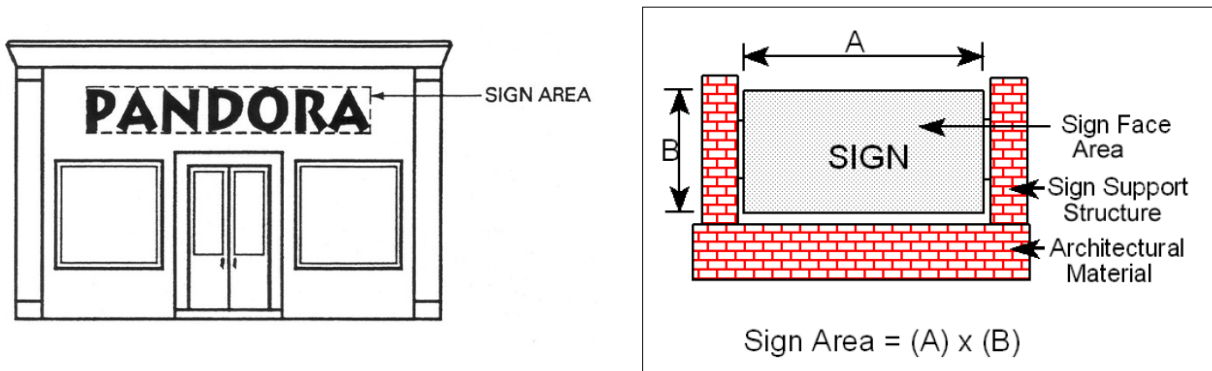
#### 9.2.1 General Sign Standards

- (1) Except as otherwise provided herein, no sign shall be erected, structurally altered, or have a change in the business name and/or copy without first obtaining a permit for such sign from the Zoning Inspector. Repainting, replacement of parts and preventive maintenance shall not require a permit.
- (2) Signs erected and maintained pursuant to and as required by law, any governmental function, ordinance or governmental regulation shall be excluded from the regulations of this section.
- (3) Any illuminated sign or lighting device shall employ only emitting light of 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 lighting device be placed or directed so as to permit the beams and illumination.
- (4) No signs shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine, or public shelter or placed in any public right-of-way.
- (5) No sign shall contain words, images, or graphic illustrations of an obscene nature. No sign shall contain coarse, vulgar, or profane language.
- (6) All signs shall meet the vertical and horizontal clearance requirements of local utility companies.
- (7) Regulation of signs along interstates and primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto.
- (8) Signs not operating properly (e.g., lighting that is no longer functioning as approved, damaged, broken, missing or exposed parts or pieces, loose or exposed wiring or parts, etc.) shall be required to bring the light into working order or removed, as approved within 30 days.
- (9) Any type of sign not specified in this section shall be reviewed and approved or disapproved by the Zoning Inspector based on the sign meeting the purpose of this Article 9 (Signs) and any other applicable section of Article 9 (Signs).

### 9.2.2 Computations

The following principles shall control the computation of sign area and sign height.

- (1) The area of a sign face, which is also the sign area of a wall sign or other sign with only one face, shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that shall encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color that is an integral part of the background of the display or used to differentiate the sign from backdrop or structure against which it is placed. This does not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets Zoning Resolution regulations and is clearly incidental to the display itself. See Figure 9.2-1.



*Figure 9.2-1: Illustration of sign area calculation for a wall sign (left) and a ground sign (right).*

- (2) Ground sign display areas shall not be wider than the base or sign support structure. See Figure 9.2-1.
- (3) The sign area for a sign with more than one face (multi-faced signs) shall be computed by adding together the area of all sign faces visible from any one point.
- (4) When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than 24 inches apart, the sign area shall be computed by the measurement of one of the faces.

### 9.2.3 Prohibited Signs

The following types of signs are specifically prohibited:

- (1) Pennants, banners (except under Section 9.4.3 (Temporary Signs for Special Events)), streamers, flag signage, and similar type devices;
- (2) Any signs with parts or elements that revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention. This subsection and the one in Section 9.2.3 (3); shall not apply to any sign performing a public service function indicating time, temperature, or similar services;
- (3) LED, electronic or digital reader boards, except as otherwise permitted in Section 9.4.5 (7);
- (4) All portable signs (mobile signs on wheels, etc.) (See Figure 9.2-2.);
- (5) Beacons and searchlights, except for emergency purposes;

- (6) Advertising signs attached to, painted on or placed on a stationary motor vehicle, trailer, or other licensed or unlicensed vehicle or conveyance which is located in such a manner to serve exclusively as a permanent, temporary, or portable sign;
- (7) No signs shall be displayed at locations other than on the premises for which the sign serves, whether permanent or temporary, except for Article 9.4.7 (Billboards and Off-Premise Signs).
- (8) Balloons filled with helium, gas, air or any other gaseous material either suspended from or affixed to a structure, vehicle or ground (See Figure 9.2-2.);
- (9) Pole signs (See Figure 9.2-2.);
- (10) Neon signage, rope lighting, and LED lights that line storefronts;
- (11) Painted wall signs; and
- (12) Human signs, including those that may be worn as a costume or held or manipulated by a human.



Figure 9.2-2: Examples of prohibited sign types.

## 9.3 SIGNS NOT REQUIRING A PERMIT

**9.3.1** The following signs shall be permitted in any zoning district and shall not require a permit:

- (1) One sign per front yard advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed 12 square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet. Signs advertising the sale, lease or rental of property shall not be located on any lot, property or premises other than the property to which the sign pertains and shall be removed within one (1) week of closing, rental agreement or occupancy, whichever occurs first;
- (2) Professional name plates not to exceed two (2) square feet in area; and
- (3) Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area (also see 9.4.6 (6)).
- (4) Properties zoned or planned and being marketed for commercial or industrial uses and located adjacent to SR 129 or I-75 shall be permitted one sign (in addition to the front yard sign) advertising the sale, lease, or rental of the property on which the sign is located and shall not exceed 64 square feet in area per side and 12 feet in height.
- (5) Properties zoned or planned and being marketed for commercial or industrial uses and located adjacent to a roadway that is planned for commercial development shall be permitted one (1) sign advertising the sale, lease, or rental of the property on which the sign is located and shall not exceed 32 square feet in area per side and eight (8) feet in height.
- (6) All such signs shall be set back a minimum of 10 feet from any street right-of-way and adjoining property lines and shall comply regarding traffic and pedestrian visibility.

**9.3.2** Vehicular directional signs which provide directional assistance to access a multi-family or nonresidential development located on the parcel where the sign is located provided:

- (1) No such sign shall exceed six (6) square feet in sign area;
- (2) All such signs shall be set back a minimum of 10 feet from any street right-of-way or adjoining property line and shall comply regarding traffic visibility;
- (3) No such signs or any portion of the structure they may be integral with, shall exceed four (4) feet in height;
- (4) Such signs shall be limited to one (1) sign per access point (not to exceed four (4) per parcel);
- (5) All such signs shall be ground signs (no pole mounted) and have a base constructed of the same materials and colors used on the majority of the principal structure for which the sign is serving;
- (6) All such signs shall have foundation plantings on the edges/ends opposite the sign face; and
- (7) No such sign(s) may contain logos or advertising copy.

**9.3.3** Pedestrian directional signs, containing no advertising, may be posted in a multi-family or nonresidential development, provided they do not exceed four (4) square feet per side, are at least 20 feet from the street right-of-way line, and cause no visibility problems.

**9.3.4 Temporary Noncommercial Speech Signs**

- (1) Temporary noncommercial speech signs shall not be posted in any place or in any manner that is destructive to public property upon posting or removal.

- (2) Temporary noncommercial speech signs shall be set back a minimum of 10 feet from the street right-of-way line and all adjoining property lines.
- (3) The maximum height of temporary noncommercial speech signs shall be eight (8) feet.
- (4) Temporary noncommercial speech signs shall include political and election signs.
- (5) No such sign shall exceed 16 square feet in area.

## 9.4 SIGNS REQUIRING A PERMIT

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### 9.4.1 Sign Permit Required

- (1) Signs permitted within this section shall require a sign permit that shall be reviewed in the same manner as a Zoning Certificate (See Section 3.4 Zoning Certificate and Site Plan Review).
- (2) All applications for sign permits must be accompanied by a scaled sketch or drawing showing the size, manner of anchoring, proposed lighting, foundation landscaping plan (if applicable), street address (if applicable), and the location of the sign to be erected on the premises. If in the judgment of the Zoning Inspector it appears that a proposed sign, even though it otherwise meets the provisions of this article, would create a hazard, or adversely affect health, safety, or morals, they may deny a permit. In such a case, the applicant may appeal the denial to the BZA.

### 9.4.2 Signs for Principally Permitted Nonresidential Uses in Residential and Agricultural Districts

#### (1) Ground Signs

- (a) One ground sign per front yard (including limited access roads) for principally permitted, nonresidential uses in a residential or agricultural zoning district as outlined in Table 4.7-A, are permitted provided they do not exceed 32 square feet per side (two (2) sides maximum).
- (b) The maximum height of the ground sign shall be eight (8) feet.
- (c) Signs shall be set back a minimum of 10 feet from the street right-of-way line and adjoining property lines, and a minimum of 20 feet from any intersecting street right-of-way lines to ensure clear sight distance when only one sign. Where two (2) signs are proposed on a corner lot, the minimum setback from any intersecting street right-of-way lines shall be 40 feet.
- (d) The sign shall be skirted to the ground with materials similar to the principal structure on the parcel and shall have foundation landscape plantings. When no principal structure is present for a principally permitted use, the sign may be exempt from skirting requirements. Figure 9.4-1.
- (e) Ground sign display area shall not be wider than the base or sign support structure.



*Figure 9.4-1: Illustration of a sign for a principally permitted use in a residential zoning district brick base with foundation plantings.*

- (f) The ground sign shall incorporate the street address with four-inch (4") tall letters. The sign area around the street address shall not be counted as part of the overall sign area.
- (g) Signs that front on a limited access road, or where the address is on a street different than the sign location, will not be required to provide the street address.
- (h) Ground signs may be illuminated using external, or direct source illumination, positioned in a manner so as to not create glare on adjacent properties or roadways.

## **(2) Wall Signs**

- (a) One wall sign shall be permitted for the principal structure near the main customer entrance. Such signs shall not exceed 24 square feet
- (b) Wall signs shall be individually mounted letters or channel letters that protrude a minimum of one (1) inch from the building wall.
- (c) Raceways are not permitted.
- (d) Wall signs may be illuminated using external, concealed, or direct source illumination.

### **9.4.3 Temporary Signs**

- (1) One (1) temporary sign may be erected for a period not to exceed 15 days, no more than four times a year. The Zoning Inspector may approve different installation increments, but at no time shall the display period for a temporary sign for a property exceed 60 days per calendar year.
- (2) The sign shall not exceed 24 square feet in area per side (two (2) sides maximum).
- (3) The maximum height of the signs shall be eight (8) feet.
- (4) Signs shall be set back a minimum of 10 feet from the street right-of-way line and all adjoining property lines, and a minimum of 20 feet from any intersecting street right-of-way lines to ensure clear sight distance.

### **9.4.4 Entrance Monuments**

- (1) All proposed subdivision/development entrance signs shall comply with the following standards:
  - (a) The maximum height of an entrance structure shall be 10 feet from grade.

- (b) The minimum setback shall be 10 feet from the proposed street right-of-way line(s) as determined on the Butler County Thoroughfare Plan. Clear site distance must be maintained relative to both vehicular and pedestrian traffic.
  - (c) The area of any proposed sign that identifies the subdivision shall be proportional to the overall entrance structure.
  - (d) Proof of an established mechanism to ensure the ongoing maintenance of the entire entrance structure and associated landscaping shall be submitted to the Zoning Inspector as part of the sign permit application.
  - (e) Fences (Kentucky board, split rail, vinyl, aluminum, wrought iron, etc.), excluding chain link, not exceeding 54 inches and 50% opacity are permitted along the frontage of any recorded subdivision.
  - (f) Cabinet/light box signs and raceways are prohibited to be used for entry monument signage.
  - (g) The entrance feature shall include foundation landscape plantings the entire length of the feature.
- (2) On single family residential lots (not part of a recorded subdivision) of five (5) acres or more with a minimum of 200 feet of continuous street frontage, entrance features shall be permitted (e.g., walls, fences, etc.) at a height not to exceed six (6) feet from grade.
- (a) The minimum setback shall be 10 feet from the proposed street right-of-way line(s) as determined on the Butler County Thoroughfare Plan. Clear site distance must be maintained relative to both vehicular and pedestrian traffic.
  - (b) Fences integral or attached to such wall or entrance features shall be permitted not exceeding 54 inches in height above the elevation of the surface of the ground and not exceeding 50% opacity in elevation. Such fence may be located in any required yard or court
  - (c) Entrance features shall only be located adjacent to the driveway.
  - (d) The entrance feature shall require a Zoning Certificate.

#### 9.4.5 Signs for Commercial, Office, and Industrial Districts

##### (1) Ground Signs

Ground signs that are accessory to a permitted use shall be permitted in accordance with the following:

- (a) One ground sign shall be permitted per parcel.
- (b) The maximum sign area shall be 32 square feet per side in the B-1 District and 48 square feet per side in the B-2, O-1, O-2, ~~and~~ M-1, and MID Districts.
- (c) The maximum sign height shall be eight (8) feet.
- (d) The ground signs must be located on a base constructed of the same materials as the principal structure of the lot, which shall be a minimum of 20 inches tall. When the principal structure is constructed primarily of a material other than brick/stone, the base of the sign shall be constructed of brick/stone material using mortar and common construction practices (See Figure 9.4-1).
- (e) Ground sign display areas shall not be wider than the base or sign support structure.
- (f) The sign shall have foundation landscape plantings (See Figure 9.4-2.).



**Figure 9.4-2:** Foundation landscaping plantings around a ground sign for a shopping center.

- (g) Signs shall be set back a minimum of 10 feet from the street right-of-way line and all adjoining property lines. Signs shall also be set back a minimum of 20 feet from any intersecting street right-of-way lines to ensure clear sight distance.
- (h) The ground sign shall incorporate the street address with four-inch tall letters. The sign area around the street address shall not be counted as part of the overall sign area.
- (i) Ground signs may be illuminated using external, internal, concealed, or direct source illumination unless otherwise specified.

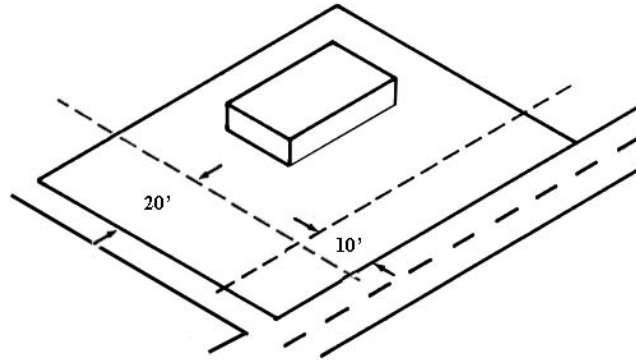
**(2) Ground Signs for Large Floor Area Structures**

Ground signs that are accessory to a permitted shopping center, office building, office park or campus, multi-tenant buildings, or other property with at least 30,000 square feet of retail, office, or industrial floor area within a B-2, O-1, O-2, ~~or~~ M-1, or MID District shall be permitted in accordance with the following:

- (a) One ground sign that identifies the name and address of any tenant or the name of the development may be located on the property or at the entrance of the park or subdivision.
- (b) Such sign may be located on the same lot as another business ground sign as permitted in Subsection 9.4.5 (1) above subject to not being located closer than 100 feet.
- (c) The ground signs must be located on a base constructed of the same materials as the principal structures of the lot, which shall be a minimum of 20 inches tall. When the principal structure is constructed primarily of a material other than brick/stone, the base of the sign shall be constructed of brick/stone material using mortar and common construction practices (See Figure 9.4-1).
- (d) The maximum sign area and height shall be as established in Table 9.4-A.

Table 9.4-A: Maximum Sign Area and Sign Height for Large Structures		
Square Feet of Floor Area	Square Feet of Sign Area	Maximum Height (Feet)
0 – 29,999	0	0
30,000 – 49,999	60 per side	10
50,000 – 99,999	80 per side	12
100,000 – 199,999	100 per side	15
200,000 or Larger	120 per side	18

- (e) Signs shall be set back a minimum of 10 feet from the street right-of-way line and a minimum of 20 feet from any intersecting street right-of-way lines to ensure clear sight distance. See Figure 9.4-1.



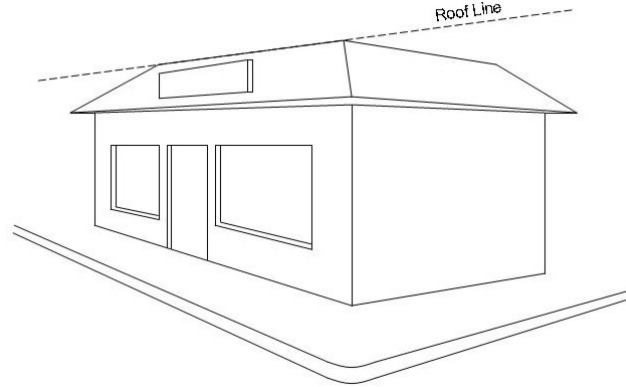
*Figure 9.4-3: Setback requirements for signs for large floor area structures.*

- (f) Any business park or regional shopping center sign that incorporates a tower, monument, or landmark design and exceeds the permitted feet in height shall require a variance approval by the Liberty Township Board of Zoning Appeals. If the sign is located in an overlay district, all variances shall be processed according to Section 5.12.
- (g) The sign shall have foundation landscape plantings (See Figure 9.4-2.).

**(3) Wall Signs**

Wall signs (integral or attached), projecting, or awning signs which are accessory to the business or use located on the premise. Such signs shall be subject to the following requirements:

- (a) The total amount of square feet permitted for such signs shall not exceed four percent (4%) of the total square footage of the front building wall elevation that fronts a public or private drive, or 24 square feet, whichever is greater. The total allowed signage for the front building wall elevation may be distributed to non-frontage elevations; however, at no time shall the signage exceed four percent (4%) of the elevation that the signage is located on.
- (b) Corner or double frontage lots (including limited access and private drive roads) shall be permitted four percent (4%) of the total square footage of each front building wall elevation that fronts a public or private drive, and shall not be cumulative or exceed 24 square feet, whichever is greater. The total allowed signage for a front building wall elevation may be distributed to non-frontage elevations; however, at no time shall the signage exceed four percent (4%) of the elevation that the signage is located on.
- (c) No sign shall project more than two (2) feet beyond any building façade or wall unless otherwise approved as a projecting sign under Section 9.4.5 (7) below.
- (d) No sign shall project above the roof line. See Figure 9.4-5.
- (e) For multi-tenant buildings, the total amount of square footage permitted for such signs for each individual tenant shall not exceed four percent (4%) of the total square footage of the front building wall elevation for that specific individual tenant.
- (f) For multi-tenant buildings, signs shall be mounted where the tenant has frontage. Signs shall not be located over any other tenant frontage.



**Figure 9.4-4:** Illustration of roof line.

#### (4) Menu Boards

One menu board per order point shall be permitted per parcel with a drive-through facility under the following provisions:

- (a) The menu board is accessory to a principal permitted use.
- (b) The maximum sign area shall be 48 square feet.
- (c) The maximum sign height shall be eight (8) feet.
- (d) The menu board shall be skirted to the ground with like materials of the principal structure on the parcel and have foundation landscape plantings.
- (e) Menu boards shall be set back a minimum of 15 feet from the street right-of-way line and any lot lines.
- (f) The signs shall be effectively screened from adjacent properties using a variety of landscape plantings.
- (g) The menu board may utilize an LED screen for 100% of the allowable display area, subject to the restrictions contained in Section 9.4.5(7). The menu board shall be permitted to employ instantaneous feedback to confirm customer orders. All other movement shall comply with Section 9.4.5(7).

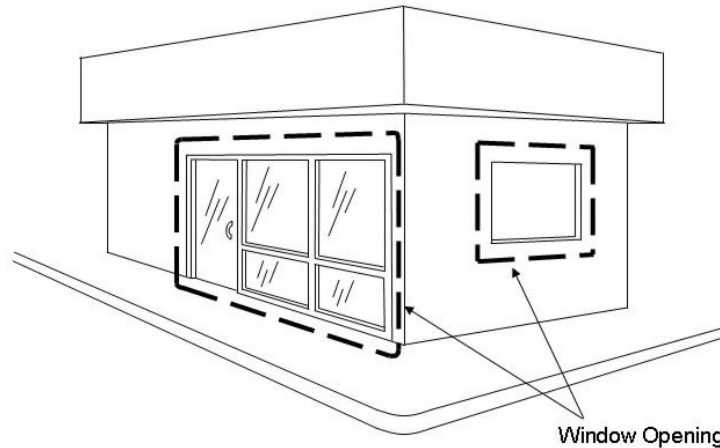
#### (5) Address Numerals

Address numerals placed on the front wall of a building facing a public or private street or placed on a building wall to help identify the location of said building are subject to the following requirements:

- (a) The total amount of square feet permitted for such sign shall not exceed one percent (1%) of the total square footage of the wall elevation in which said sign is located.
- (b) Corner or double frontage lots (including limited access and private drive roads) shall be permitted one percent (1%) of the total square footage of each wall elevation in which said sign is located.
- (c) No sign shall project more than two (2) feet beyond any building face or wall.
- (d) The area of the address numerals shall not count towards the square footage permitted in Section 9.4.6 (3).

**(6) Window Signs**

- (a) All signs located within, attached or mounted to, or located within a space two (2) feet inside of and positioned to be visible from outside of any window, shall be deemed a window sign.
- (b) Address numerals not more than 10 inches tall and store hours in lettering not exceeding five (5) inches tall, not exceeding a total of five (5) square feet in cumulative display area, and that are not illuminated in any way, are not deemed window signs and shall be permitted without a Zoning Certificate.
- (c) Window signs are only permitted on windows that face a public right-of-way (including private roads) but excluding limited access roads and private driveways and drive aisles.
- (d) Window signage shall not exceed 25% of the total area of each window opening. See Figure 9.4-5.
- (e) The total amount of square feet of window sign shall be deducted from the total permitted wall signage allowed per Section 9.4.6 (3).



*Figure 9.4-5: Location of window openings that are used in the calculation of the sign area for window signs.*

**(7) Digital Reader Signs**

Digital reader signs may be permitted in B-2 zoning districts (not within an overlay district, and shall be subject to the following additional restrictions:

- (a) Digital reader signs shall be limited to ground signs only (as established and regulated by Section 9.4.6 (1)) and shall not exceed 25% of the square footage of the sign area.
- (b) Such technology shall be programmed so that the message or image on the sign changes no more than every 10 seconds.
- (c) There shall be no effects of movement, flashing, scintillation, or similar effects in the individual images.
- (d) Changes of images shall be substantially instantaneous as seen by the human eye and shall not use fading, rolling, window shading, dissolving, or similar effects as part of the change.
- (e) Video technology in signs shall use automatic level controls to reduce light levels at night and under cloudy or other darkened conditions, in accordance with the following standards:

- (i) All electronic or digital display unit message boards shall have installed ambient light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the electronic board based on ambient light conditions.
  - (ii) Electronic or digital display unit message boards shall at no time exceed the illumination levels established in Section 6.3.3 for the defined activity level for the subject use.
- (f) Any sign using electronic or electro-mechanical technology for changeable copy message boards, which malfunctions, fails, or ceases to operate in its usual or normal programmed manner causing therein motion, movement, flashing or any other similar effects, shall be repaired or disconnected within 48 hours by the owner or operator of such sign.

#### **9.4.6 Billboards and Off-Premise Signs**

Billboards and off-premise signs shall be permitted subject to any applicable federal or state law and the following provisions:

- (1) Such signs are permitted as a principal structure in commercial, industrial and agricultural zones only, or on land used for agricultural purposes.
- (2) Such signs may be no closer than 1,000 feet to another such sign.
- (3) Such signs may not be closer to a residential zone or subdivision than 1,000 feet.
- (4) Such signs shall be constructed utilizing only one steel support post, have no more than two (2) sides, back to back, be illuminated only from below and the degree of illumination shall not exceed 125-foot candles.
- (5) Such signs shall be set back from any street right-of-way a distance equal to the greatest front yard setback for principally permitted uses in the zoning district in which the sign is proposed or 100 feet, whichever is greater.
- (6) Such signs may be no larger than 672 square feet, have a sign face height of no more than 15 feet, and a total sign height not exceeding 30 feet.

### **9.5 NONCONFORMING SIGNS**

**9.5.1** A sign lawfully existing at the time of adoption of this resolution but which does not meet the regulations and requirements of this article shall be a nonconforming sign, which shall terminate by abandonment. A sign shall be considered abandoned when any of the following occurs:

- (1) The sign is associated with an abandoned use.
- (2) The sign remains after a business has been closed to the public for two (2) years or more.
- (3) The sign is not maintained and together with all supports, braces, guys and anchors is in a state of disrepair.

Based upon these definitions, abandonment shall be determined by the Zoning Inspector. Upon findings that the sign is abandoned, the right to maintain and use each sign shall terminate immediately.

#### **9.5.2 Loss of Legal Nonconforming Status**

- (1) A legal nonconforming sign shall immediately lose its legal nonconforming status, and therefore must be brought into conformance with this resolution or be removed if:
  - (a) The sign is altered in copy (except for changeable copy signs) or structure;

- (b) It is enlarged, relocated, or replaced;
  - (c) It is part of an establishment which discontinues operation for two (2) years or more;
  - (d) It is structurally damaged to an extent greater than one half of its estimated replacement value.
- (2) Similarly, any legal nonconforming advertising structure so damaged must be brought into compliance or be removed.

### 9.5.3 Existing Legal Nonconforming Multi-Tenant Signs

Individual tenant panels only or individual tenant sign area only may be changed, modified, or replaced if equal to or lesser than the existing tenant sign area or panel when the multi-tenant sign was permitted, constructed, or erected. Individual tenant panels or individual tenant signs shall require the issuance of a Zoning Certificate.

## 9.6 OBSOLETE SIGNS

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Signs identifying businesses no longer in existence, products no longer being sold, or commercial services no longer being rendered shall be removed from the premises within 90 days from the date of termination of such activities.

## ARTICLE 10: VIOLATIONS AND PENALTIES

### 10.1 VIOLATIONS

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No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used, in violation of this Zoning Resolution. Each day's continuation of a violation of this section may be deemed a separate offense.

### 10.2 PENALTIES

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Any person, firm or corporation violating any regulation, provision, amendment or supplement to this Zoning Resolution, or failing to obey any lawful order of the Liberty Township Zoning Inspector issued pursuant thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined the maximum amount allowed by the Ohio Revised Code. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offence.

### 10.3 REMEDIES

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- 10.3.1** In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of Sections 519.01 to 519.99, inclusive, of the ORC, or in violation of this resolution, the Board of Township Trustees, the township's law director or legal counsel, the Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.
- 10.3.2** The Board of Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this section.

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# ARTICLE 11: DEFINITIONS AND RULES FOR INTERPRETATION

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## 11.1 RULES OF CONSTRUCTION AND INTERPRETATION

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### 11.1.1 Intent

All provisions, terms, phrases, and expressions contained in this resolution shall be construed according to this resolution's stated purpose and intent.

### 11.1.2 Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as including, such as, or similar language are intended to provide examples, and not to be exhaustive lists of all possibilities.

### 11.1.3 References to Other Regulations, Publications and Documents

Whenever reference is made to a resolution, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), resolution, statute, or document or to the relevant successor document, unless otherwise expressly stated.

### 11.1.4 Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of Liberty Township, unless otherwise expressly stated.

### 11.1.5 Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the township to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

### 11.1.6 Technical Words

Technical words and phrases not otherwise defined in this resolution that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

### 11.1.7 Mandatory and Discretionary Terms

The word shall is always mandatory, and the words may or should are always permissive.

### 11.1.8 Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (1) "And" indicates that all connected items, conditions, provisions, or events shall apply; and
- (2) "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.

### 11.1.9 Tense and Usage

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

**11.1.10 Gender**

The masculine shall include the feminine, and vice versa.

**11.1.11 Meaning**

For the purpose of this resolution, words and phrases shall have the meanings set forth in this article.

**11.1.12 Other Terms Not Defined**

Words and phrases not otherwise defined in this resolution shall be construed according to the have the meaning given in the latest edition of the Merriam Webster's *Collegiate Dictionary*.

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**11.2 DEFINITIONS**

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**24 Hour a Day Business**

A business that operates 24 hours a day.

**Abutting or Adjacent**

The land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement, or street (excluding State Route 4, State Route 129, and Interstate 75).

**Access Easements**

An easement granted by a land owner to certain individuals or the general public to travel across their land to access another property or a street.

**Accessory Telecommunications**

Telecommunications Towers between eight (8) feet and 35 feet in height, including Distributed Antenna Systems (DAS) and small cells sites, communication nodes, antennas, fiber-optic cables, radio transceivers, and any additional equipment associated with transmission, which are typically used to supplement the service of larger Telecommunications Towers and reduce the need for additional larger Telecommunications Towers.

**Accessory Use or Building**

A use or structure subordinate in area, extent or purpose to the principal use or principal building on the same lot and serving a purpose customarily incidental to the principal use or the principal building on the same lot.

**Adult Arcade**

An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five (5) or fewer persons each, are regularly used to show films, motion pictures, computer hardware or software, video cassettes, slides, or other photographic reproductions which are characterized by the depiction of specified sexual activities or specified anatomical areas.

**Adult Book or Video Store**

An establishment whose principal business purpose, or significant stock in trade of more than 20%, or significant portion of its floor area of more than 20%, is allocated to adult material; or having more than 20% of their gross receipts derived from adult material.

**Adult Cabaret**

A nightclub, bar, restaurant, "bottle club", or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:

- Person(s) who appear nude or in a state of nudity or semi-nude; or

- Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
- Films, motion pictures, video cassettes, computer hardware or software, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by the depiction or description of specified sexual activities or specified anatomical areas.

**Adult Entertainment**

Any establishment which regularly features or as a continuing course of conduct has performances by a topless and/or bottomless dancer, stripper or similar entertainer(s), where such performances are characterized by the display or exposure of specified anatomical areas.

**Adult Family Home**

A residence or facility, as defined and regulated in Chapter 5119.341 of the Ohio Revised Code, which provides accommodations for three (3) to five (5) unrelated adults and provides supervision and personal care services to at least three (3) of the unrelated adults.

**Adult Group Home**

A residence or facility, as defined and regulated in Chapter 5119.341 of the Ohio Revised Code, which provides accommodations for six (6) to 16 unrelated adults and provides supervision and personal care services to at least three (3) of the unrelated adults.

**Adult Massage**

A method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching or vibrating with the hand or any instruments for pay.

**Adult Massage Establishment**

Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as part of in connection with specified sexual activities, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas. The definition of sexually oriented businesses shall not include the practice of massage in any licensed hospital, nursing home or medical clinic, nor by any licensed physician, surgeon, chiropractor, osteopath, physical therapist or massage therapist nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program, nor barbershop or beauty salons in which massages are not administered to specified anatomical areas.

**Adult Material**

Any book, novelties, sexual paraphernalia, magazine, periodicals, newspaper, pamphlet, poster, print picture, slide, transparency, figure, image, description, motion picture film, video, phonographic record or tape, compact disc (CD), digital video disc (DVD), computer hardware or software, or other tangible thing, that is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

**Adult Mini Motion Picture Theater**

An enclosed building with a capacity of less than 50 persons where films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

**Adult Motel**

A motel, hotel, or similar commercial establishment which:

- Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmission, 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 which advertises the availability of this sexually oriented type of materials by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
- Offers a sleeping rooms for rent for a period of time less than 10 hours; or
- Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than 10 hours.

**Adult Motion Picture Theater**

An enclosed building with a capacity of fifty (50) or more persons where films, motion pictures, video cassettes, digital video discs (DVD), slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

**Adult Nude Model Studio**

Any place where a person, who regularly appears in a state of nudity or displays specified anatomical areas, is provided money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

**Adult Nude or State of Nudity**

The showing, representation, or depiction of human male or female genitals, bare buttock, anus, or the areola or nipple of the female breast with less than a full, opaque covering of any portion thereof below the top of the areola, or of uncovered male genitals in a discernible turgid state.

**Adult Service**

Any service which is distinguished or characterized by an emphasis on specified sexual activities, specified anatomical areas, sexual excitement, or human bodily functions of elimination.

**Adult, Semi-Nude**

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

**Adult, Specified Anatomical Areas**

Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; human male genitals in a discernible turgid state even if completely and opaquely covered.

**Adult, Specified Sexual Activities**

Human genitals in a state of sexual stimulation or arousal; human acts, real or stimulated, of masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts; bestiality.

**Advanced Manufacturing**

Any manufacturing housed entirely within a building relating to the use or application of advanced manufacturing technologies, precision tooling (including 3-D Printing), equipment and processing technologies, environmental and energy technologies, information technology, and artificial intelligence technology. It often requires a high level of unique skill training that is specific to each company and commonly involves computer technology, robotics, or other innovation to improve a product or process.

**Agricultural District**

Any property or portion thereof located within the unincorporated area of Liberty Township that has been established as an A-1 district according to the terms set forth in the Liberty Township Zoning Resolution.

**Agriculture**

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

**Alley or Alleyway**

A street intended to provide access to the rear or side of lots or buildings and not intended for the purpose of through vehicular traffic.

**Animal Hospital**

A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use of a kennel shall be limited to short-term boarding and shall be related and incidental to the hospital use.

**Antenna**

Any exterior transmitting or receiving devices mounted on a tower, pole, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

**Applicant**

Unless otherwise specified, an owner of a property or an agent for the owner, including, a subdivider, developer, attorney, or similar representative, who has filed an application for development review pursuant to Article 3 (Development Review Procedures).

**Application**

The process by which the applicant submits a request for any type of development review or approval identified in Chapter 3 (Development Review Procedures) of this resolution. Applications include all written documentation, verbal statements, and representations, in whatever forms and quantities as required by the township.

**Auto Related Retail**

Retail establishments specializing in the sale of new or remanufactured automobile parts and products.

**Auto Repair**

Any business that derives or expects to derive more than 50% of its gross revenue from the repair of automobiles and trucks. Examples of repair include but are not limited to: body work, painting, dismantling and reassembling or reconstruction of automobiles and trucks.

**Auto Sales and Rental**

Any business that derives or expects to derive more than 50% of its gross revenue from the sale or rental of new or pre-owned automobiles and trucks that are sold, leased, or rented in a roadworthy state of condition.

**Auto Service**

Any business that derives or expects to derive more than 50% of its gross revenue from the maintenance of automobiles and trucks. Examples of maintenance include but are not limited to: oil changes, tire replacement, light suspension work, coolant system repair, air conditioning system maintenance and repair, audio, or exhaust system repair.

**Automated Teller Machines (ATM)**

An automated device that performs banking or financial functions.

**Banquet Facility**

A facility or building available for lease by private parties that may include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption during scheduled events not open to the public, and/or outdoor gardens, decks, or reception facilities.

**Bar**

A place located in a permanent building provided with space and accommodations wherein, in consideration of the payment of money, alcoholic beverages are habitually prepared, sold, and served as the principal business (more than 50% of the gross annual revenues of the business are or are expected to be generated from the sale of alcoholic beverages) under a permit issued by the Ohio Department of Liquor Control. Bar includes cocktail lounges, taverns, saloons, pubs and the like.

**Basement**

The part of a building that is wholly or partly below ground level with an entrance from interior of the structure.

**BCEO**

The Butler County Engineer's Office.

**Bed and Breakfast Establishment**

A residential facility that serves as a single family unit for a permanent family and also includes temporary sleeping rooms for tourists and transient guests.

**Berm**

In the context of landscaping, bufferyard, or screening requirements, shall mean a mound of earth typically used to shield, screen, and buffer undesirable views and to separate potentially incompatible uses. See Figure 11.2-1 below.

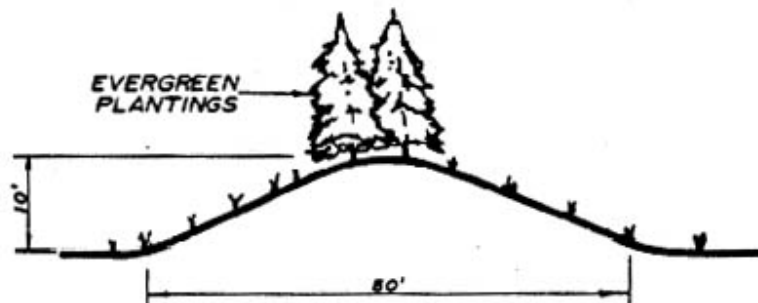


Figure 11.2-1: Illustration of a berm used for screening.

**Billiard Parlor**

A business establishment containing more than two (2) pool or billiard tables that is the principal use of the business.

**Board of Township Trustees**

The Board of Township Trustees of Liberty Township, Butler County, Ohio.

**Board of Zoning Appeals**

The Liberty Township Board of Zoning Appeals.

**Brewpub**

Establishment primarily engaged in the retail sale of prepared food for consumption, which includes the brewing of beer as an accessory use. The brewing operation processes the ingredients to make beer and ale by mashing, cooking, and fermenting. The brewing operation does not include the production of any other alcoholic beverage.

**Buffer or Bufferyard**

An area of natural or planted vegetation adjoining or surrounding a land use and unoccupied in its entirety by any building structure, paving or portion of such land use, for the purposes of separating, screening, and softening the effects of the land use, no part of which buffer is used for active recreation or parking, or interior access drives. A buffer may include a wall, fence, or berm as provided in accordance with the provisions of Article 8 (Landscaping and Buffering).

**Building**

Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

**Building Front**

The façade of a building, which may or may not face a front yard (see definition of Yard, Front), and includes the primary entry for visitors to use.

**Building Rear**

The façade of a building which is directly opposite the building front. A building rear may or may not include features such as secondary entry, garage entry, or windows.

**Building Side**

Any building façade which is not directly opposite the building front and may face a front, side, or rear yard (see definition of Yard). Building side(s) may or may not include features such as secondary entry, garage entry, or windows.

**Building Material Sales**

An establishment or place of business primarily engaged in retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures. (See Table 4.7-A)

**Building Setback Line**

A line designating the distance which buildings must be set back from an existing or proposed lot line, sidewalk, street, or right-of-way.

**Building Trades**

Businesses related to the construction of buildings including, but not limited to, carpentry, electrical, plumbing, and heating/air conditioning, and the like.

**Building, Height of**

The vertical distance of a building or structure as measured in accordance with Section 4.10.1.

**Building, Multi-Tenant**

A building that contains separate and distinct spaces that are intended to be used, leased, or sold individually all within a single structure.

**BZA**

See “Board of Zoning Appeals.”

**Car Wash, Full-Service**

A car wash where the operation of washing the car is handled by the operator, employees, or through assistance by self-propelled wash racks. A full-service car wash may include incidental uses such as detailing, drying, and vacuuming areas.

**Car Wash, Self-Service**

A car wash wherein the customer provides labor and where no self-propelled wash racks are provided.

**Cellar**

The part of a building that is wholly or partly below ground level with an entrance exclusively from exterior of the structure.

**Cemetery**

A place for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

**Club, Lodges, or Other Meeting Places**

A building or portion thereof or premises owned or operated by a corporation, association, or group of persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

**Cocktail Lounge**

See definition of “Bar.”

**Co-location/Shared Use**

Use of a common Telecommunications Tower or common site by more than one wireless communication license holder or by one wireless license holder for more than one type of communications technology and/or placement of a Telecommunications Tower on a structure owned or operated by a utility or other public entity. All new Telecommunications Towers shall be engineered, designed and constructed to be capable of sharing the tower with other providers, to co-locate with other existing wireless communications tower and to accommodate the future collocation of other wireless communications towers.

**Commercial Message**

Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

**Commercial Recreation, Indoor**

A recreational facility where all activities occur within a fully enclosed building and which is operated for commercial profit.

**Commercial Tractor**

Commercial tractor means every motor vehicle having motive power designed or used for drawing other vehicles and not so constructed as to carry any load thereon, or designed or used for drawing other vehicles while carrying a portion of such other vehicles, or load thereon, or both.

**Common Open Space**

Land areas not occupied by buildings, structures, parking areas, streets, driveways, or alleys, except as permitted in a PUD. Open space shall not include upper floor decks and/or balconies. In no instance shall any area of a lot constituting the minimum lot area of said lot or any existing right-of-way or public dedication be counted as constituting open space.

**Comprehensive Vision Plan**

A long-range planning document for Liberty Township as adopted on February 4, 2014 and as amended from time to time.

**Conditional Use**

Conditional uses are uses that may have a significant impact and thus require an administrative hearing for approval. Conditional uses may allow a property owner to put his/her property to a use which the regulations expressly permit under conditions specified in the zoning regulations.

**Condominium**

A multi-family dwelling or development containing individual owners' dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of a homeowner's or property owner's association and/or Ohio Condominium law.

**Country Club**

A club organized and operated primarily for social and outdoor recreational purposes and related accessory uses. Country club facilities may include, but are not limited to, golf, swimming, riding, outdoor recreation, clubhouses, locker rooms, and pro-shops.

**County**

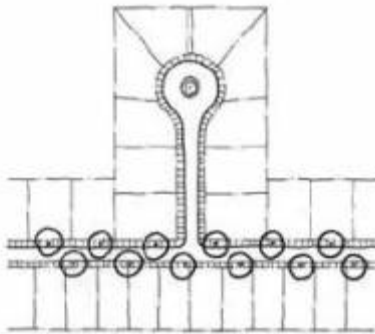
Butler County, Ohio

**County Commissioners**

Board of County Commissioners of Butler County, Ohio.

**Cul-de-Sac**

A street with a single common ingress and egress with a turnaround at the end.



*Figure 11.2-2: Illustration of a cul-de-sac with a landscaping island in the center.*

**Dance Hall**

An establishment where members of the public can gather for dancing on a recurring basis, regardless if there is a charge for admission.

**Data Center**

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

**Day Care Center**

A facility operated for the purpose of providing care, protection, and guidance to individuals during part of a 24-hour day. This term includes nursery schools, preschools, adult day care centers, child day care centers, or other similar uses. Day care center does not include public or private educational facilities or any facility offering care to individuals for a full 24-hour period.

**DBH**

The diameter-at-breast-height and is used to measure the caliper of a tree trunk at the specific height of 4.5 feet above the ground.

**Development**

Any manmade change to improved or unimproved land, including but not limited to the construction of buildings or other structure, mining, dredging, filling, grading, paving, excavation, or drilling.

**Discount Retail Store**

A store that sells merchandise, especially consumer goods, at a discount from the manufacturer's suggested retail price and/or which sells discontinued items or larger quantities of overstocked items.

**Distributed Antenna Systems (DAS)**

Network of spatially separated antennas connected to a transport medium that provides wireless service within a geographic area or structure.

**Distribution Centers, Large**

A warehouse use that 500,000 square feet or more that is used as a central location to supply merchandise and commodities to multiple retail locations.

**Distribution Center, Small**

A warehouse use less than 500,000 square feet that is used as a central location to supply merchandise and commodities to multiple retail locations.

**District**

A portion of the unincorporated area of the township within which certain uniform regulations and requirements govern the use of buildings and lots, the size of yards, building heights, and other man-made improvements.

**Domestic Animal**

An animal that is tame or domesticated and not normally found in the wild state. Hybrids of animals normally found in the wild state are not included within the meaning of domestic animal.

**Drive-Through Facility**

An establishment that encourages or permits customers to receive services, or obtain goods while remaining in their motor vehicles.

**Driveway**

A private way, other than a street or alley, that provides access to at least one lot of record for the use of vehicles and pedestrians.

**Drop Off Box**

Any stationary or freestanding container, receptacle or similar device located on a property and used for the solicitation and collection of donated items including, but not limited to, clothing, books, shoes, furniture, paper, or other non-perishable items.

**Dwelling**

A building or portion thereof used exclusively for residential purposes, including single-family, two-family, and multi-family dwellings, but not including hotels, motels, tents, recreational vehicle, cabins, or boarding or lodging houses.

**Dwelling Unit**

A single unit of one or more rooms providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation but not including a tent, cabin, hotel, motel, recreational vehicle, or other temporary or transient structure or facility. A dwelling unit shall not include a manufactured home except for permanently sited manufactured homes that conform to the requirements for such uses.

**Dwelling, Detached**

A dwelling unit that is not attached to any other dwelling unit.

**Dwelling, Multi-Family**

A building or portion thereof designed for or used exclusively for residential purposes by three (3) or more families or housekeeping units. Multi-family dwelling shall include apartment buildings, condominiums, elderly housing, and buildings where three (3) or more dwellings are attached by common walls or floors within a single structure.

**Dwelling, Single-Family**

A building designed for or used exclusively for residential purposes by one family or housekeeping unit.

**Dwelling, Two-Family**

A building or portion thereof designed for or used exclusively for residential purposes by two (2) families or housekeeping units.

**Educational Facility**

Buildings or structures used to teach students. Educational facilities may include primary schools, elementary schools, middle schools, or high schools. Educational facilities shall not include, colleges, vocational schools, and other similar uses.

**Educational Facility, Higher**

Buildings or structures used to teach students at a level beyond primary schools, elementary schools, middle schools, and high schools. Higher educational facilities shall include, but not be limited to, colleges, vocational schools, universities, training centers and other similar uses.

**Entertainment Venue**

A building, room, or indoor premises that is open to the public and hosts entertainment events such as, but not limited to, music, concerts, recorded music for dancing, comedy acts, or other live stage entertainment, regardless of whether or not a ticket or payment is required for admission. This definition does not include: banquet facility; bar, cocktail lounge, or tavern; commercial recreation, indoor; night club; or sexually oriented business.

**Equipment Building**

Any structure used to contain ancillary equipment for a Telecommunications Tower which includes cabinets, shelters, a build out of an existing structure, pedestals, and other similar structures.

**Equipment Rental**

An establishment primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar industrial equipment.

**Essential Services**

Unless specified elsewhere, essential services are services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, overhead gas, electrical, steam, water, sanitary sewage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

**Evergreen Shrub**

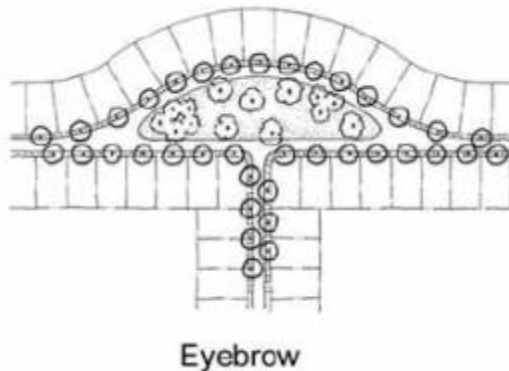
A shrub that remains green throughout the year.

**Evergreen Tree**

A tree that remains green throughout the year with an expected height of at least 40 feet.

**Eyebrow**

An area along a street that allows for wider pavement or a paved area parallel to a street that may be separated by a landscaped island in the shape of an eyebrow.



*Figure 11.2-3: Illustration of a street eyebrow with street trees.*

**Family**

A person living alone, or two (2) or more persons related by blood or marriage or a group of not more than five (5) persons who need not be related, living together as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, motel or hotel, fraternity or sorority house.

**Fence**

Fence shall mean an artificial barrier or divider constructed to provide privacy, to prevent escape or intrusion, to mark a boundary, or to enclose an area.

**Financial Institution**

Establishments engaged in deposit banking. Financial institutions may include, but are not limited to, commercial banks, loan or mortgage companies, stockbrokers, savings institutions, credit unions, and other similar uses. Automated Teller Machines (ATMs) shall not be considered a financial institution. See definition of "Automated Teller Machine".

**Firework Retail Sales**

A retail commercial use where over 10% of the sales is related to the sale of fireworks.

**Flag**

Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

**Flex Space (Office Warehouse)**

One-story buildings with high ceilings, rear loading docks, surface parking and generous landscaping designed to accommodate companies needing a combination of office, light manufacturing/assembly, wholesale, and warehouse space.

**Floor Area, Gross**

The sum of the horizontal areas of each floor of the building, measured from the exterior walls or from the center of party line walls, including the floor area of accessory buildings and structures. Where gross floor area is not specified, the term floor area shall be calculated as the net floor area.

**Floor Area, Net**

The sum of the horizontal areas of each floor of the building, measured from the exterior walls or from the center of party line walls, including the floor area of accessory buildings and structures but excluding areas used exclusively for the parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl spaces or areas occupied by mechanical equipment, toilets, or restrooms.

**Front Facade**

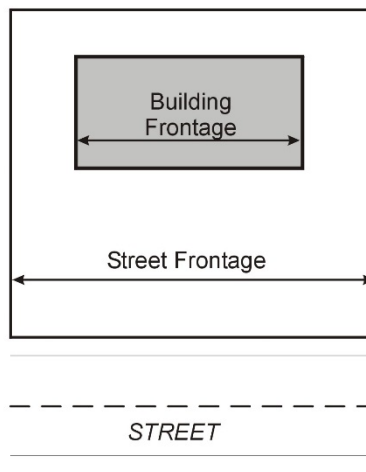
Those portions of a façade which face, and are most parallel, to the front lot line.

**Frontage, Building**

The length of an enclosed building facing a public or private street. See Figure 11.2-4.

**Frontage, Street**

The distance for which the front boundary line of the lot and the street line are coincident. See Figure 11.2-4.



*Figure 11.2-4: Illustration of street frontage versus building frontage.*

**Fuel or Convenience Store**

A small retail commercial use, that may or may not be associated with the retail sale of gasoline or diesel fuels, that offers for sale convenience goods such as prepackaged food items, tobacco, periodicals, and other household goods.

**Funeral Home**

A building or part thereof used for human funeral services and which may include space for the embalming and other services used in the preparation of the dead for burial, the storage of caskets, funeral urns, and other related supplies, the storage of funeral vehicles, facilities for cremation, chapels, and other related uses.

**Garage**

An accessory building primarily intended for and used for the enclosed storage or shelter of private motor vehicles of the owner or occupant of the principal building.

**Garden Border Fence**

An informal structure not to exceed three (3) feet in height that is not permanently secured in the ground which serves as a border to flower beds or vegetable gardens in the rear yard and does not enclose more than 25% of the yard.

**Garden, Landscape Supply, and Home Improvement Centers**

A retail establishment where the primary sales are of garden, landscaping, or home improvement supplies.

**Golf Course**

A tract of land laid out with at least nine (9) holes for playing a game of golf with improved tees, greens, fairways, and hazards.

**Government and Public Uses**

A building or land used and/or controlled exclusively for governmental or public purposes by any department or branch of government including township, state, county, or other recognized public entity. Such use may include, but is not limited to, township offices, public works, libraries, post offices, and other uses not defined separately within this Article. Government and public use shall not include schools or other educational facilities as defined elsewhere in this resolution.

**Grade, Finished**

The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

**Grass**

A species of perennial grass grown as permanent lawns or for landscape purposes, as distinguished from those species grown for agricultural or commercial seed purposes.

**Greenhouse**

A glassed or translucent enclosure used for the cultivation and protection of plants.

**Gross Project Area**

The total area of a project that includes all internal streets and easements, less right-of-way dedication along existing public roads.

**Gross Vehicle Weight (GVW)**

The weight of a vehicle including all equipment, fuel, body, load, and occupants as specified by the manufacturer.

**Ground Cover**

A plant growing less than two (2) feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Ground covers also provide permanent covering of open ground to prevent erosion and/or create visual appeal.

**Guyed Tower**

A telecommunications tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the tower structure itself.

**Heavy Industrial Use**

The manufacturing of products from raw or unprocessed materials. -This category shall also include any establishment or facility using large unscreened outdoor structures that cannot be integrated into the building design. Any industrial use that generates noise, odor, vibration, illumination, or particulate that may be offensive or obnoxious to adjacent land uses, or requires a significant amount of on-site hazardous chemical storage shall be classified under this land use. ~~Examples include but are not limited to the production of the following: large-scale food and beverage operations, lumber, milling, and planing facilities; aggregate, concrete, and asphalt plants; foundries, forge shops, open air welding, and other intensive metal fabrication facilities; chemical manufacturing.~~

**Home Occupation**

An occupation or profession for financial gain or profit which is incidental to and carried on entirely within a dwelling unit located on a lot, exclusive of attached garage or patio areas, by resident occupants of the dwelling unit and which occupation is clearly incidental to and accessory to the residential use of the property.

**Hospital, Medical Center, and Outpatient Clinic**

A facility providing physical or mental health services, outpatient, inpatient or over-night accommodations of predominantly short-term nature, and medical or surgical care of the sick or injured.

**Hotel**

A building containing more than four (4) individual rooms for the purpose of providing, for periods not exceeding 30 days, overnight lodging facilities to the general public for compensation with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception. Rooms shall be accessed from an enclosed interior space. See also the definition for "Motel."

**Hotel, Extended Stay**

A building containing more than four (4) individual rooms for the purpose of providing, for periods exceeding 30 days (regardless of the presence of leases for shorter periods of time), overnight lodging facilities to the general public for compensation with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception. Rooms shall be accessed from an enclosed interior space.

**Household Pet**

An animal that is tame or domesticated and not normally found in the wild state. Hybrids of animals normally found in the wild state are not included within the meaning of domestic animal.

**Housekeeping Unit, Single**

Any household whose members are an interactive group of persons jointly occupying a dwelling unit, including joint access to and use of all common areas including living, single kitchen, and eating areas within the dwelling unit, and sharing household activities and responsibilities such as meals, chores, expenses, and maintenance, and whose makeup is determined by the members of the unit rather than by the landlord, property manager, or other third party.

**Impervious Surface**

Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. Impervious surface shall include roofs and similar structures, driveways, parking areas, and sidewalks.

**Improved Platted Subdivision**

A platted subdivision approved by (i) Butler County under Ohio Revised Code Section 711.05, (ii) the Butler County Planning Commission under Ohio Revised Code Section 711.09 or Section 711.10, or (iii) any area consisting of fifteen or more lots approved under Ohio Revised Code Section 711.131, which subdivision or area consists of fifteen or more lots of record, which are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road.

**Indoor Commercial Recreation**

~~A recreational facility where all activities occur within a fully enclosed building and which is operated for commercial profit.~~

**Inoperative Vehicle**

An inoperative vehicle is one that is: (1) Three model years or older; (2) Apparently inoperable; (3) Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission; (4) not currently licensed for use on roads.

**Institutional Care Facility**

Any facility for the elderly, infirm, or individuals requiring rehabilitation or treatment for addiction, mental health disorders, or physical infirmities, in which three (3) or more unrelated individuals may stay on a predominantly intermediate or long-term basis, and where inpatient care and living accommodations are provided in exchange for compensation from any source. Institutional care facilities include, but are not limited to, nursing homes, assisted living facilities, hospices, addiction treatment facilities, mental health treatment facilities, inpatient physical rehabilitation facilities, convalescent homes, or similar uses. Institutional care facilities shall not include hospitals, medical offices, medical or dental clinics, urgent care centers, outpatient physical rehabilitation centers, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured without a component of predominantly intermediate or long-term stays.

**Internet Café**

An Internet Café or cybercafé is a place which provides internet access to the public, usually for a fee. These businesses usually provide snacks and drinks, hence the café in the name. The fee for using a computer is usually charged as a time-based rate. Internet Café does not include viewing or ability to view pornographic or sexually oriented materials.

**Internet Sweepstakes Café**

An internet sweepstakes café or sweepstakes café promotes the sale of prepaid internet time cards or phone cards or similar device to retail customers in varying amounts for use at its business location which entitle each cardholder to participate in sweepstakes. The sweepstakes system allows a customer to use the phone card or internet time cards or similar device at a game terminal to browse the internet or participate in games which reveal sweepstakes entries, prizes, prize values or the like.

**Junk**

Scrap, abandoned or discarded metal, paper, wood, plastic, rubber, glass, building materials, equipment, bottles, appliances, furniture, rags, trash, rubbish, inoperable motor vehicles or parts thereof, or similar materials/items.

**Kennel**

Any structure or premises on which more than five (5) dogs and/or cats that are more than five (5) months of age are kept.

**Knuckle**

The part of street with a radius that creates an approximate 90-degree change in direction.

**Laboratory**

A building or part thereof in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.

**Land Use Plan**

The Liberty Township Land Use Plan, as most recently adopted by the Township Trustees.

**Landscaping**

The improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects.

**Light Industrial Use**

~~The manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, or vibrations is not noticeable from the adjacent properties. Product assembling or mixing, where previously processed components or manufactured parts produced off-site are fitted together into a machine or blended or blown or extruded to form a non-combustible and non-explosive product. Product packaging, including bottling, canning, packing, wrapping, and boxing of products assembled. The assembling or packaging shall not produce noise, vibration, hazardous waste materials, or particulate that creates significant negative impacts to adjacent land uses. Odors produced on-site shall not negatively affect other businesses or properties in the area. Examples of assembling include but are not limited to the production of the following: clothes; furniture (where wood is milled off-site); pharmaceuticals; hardware; toys; mechanical components; electric or electronic components; small vehicle assembly; and computer software.~~

The manufacturing, production, processing, fabrication, assembly, treatment, repair, or packaging of finished products, predominantly from previously prepared materials or from raw materials that do not need refining. Light industrial uses are solely operated within a fully enclosed structure where noise, odor, light, or vibrations are undetectable from adjacent properties.

**Light, Cutoff**

An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section 6.3 (Exterior Lighting).

**Light, Non-Cutoff**

An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section 6.3 (Exterior Lighting).

**Lighting, Exterior**

Any source of light that is installed or mounted outside of an enclosed building or structure, but not including streetlights installed or maintained along public streets by a government agency or public utility.

**Live Sex Act Business**

Any business in which one or more persons may view, or may participate in, a live sex act for consideration. A “live sex act” is any act whereby one or more persons engages in a live performance or live conduct which contains oral sexual contact or sexual intercourse. “Oral sexual contact” means oral contact with the penis, vulva or anus. “Sexual intercourse” means penetration into the penis, vulva or anus by any part of the body or by any object or manual masturbatory contact with the penis or vulva. “Consideration” means the payment of money or the exchange of any item of value for: (a) the right to enter the business premises or any portion thereof; or (b) the right to remain on the business premises or any portion thereof; or (c) the right to purchase any item permitting the right to enter, or remain on, the business premises or any portion thereof; or (d) the right to a membership granting the right to enter, or remain on, the business premises or any portion thereof. Live sex act businesses may include, but are not limited to, sexual encounter establishments and sexual encounter centers as they are defined in the Ohio Revised Code.

**Loading Space**

An off-street area, used exclusively for the temporary parking of commercial vehicles which are loading or unloading merchandise or materials.

**Lot**

A parcel of land, including the open spaces required by this resolution, occupied or intended for occupancy by a use permitted for the zoning district in which the lot is located, such parcel having the minimum frontage on a dedicated street as required by this resolution.

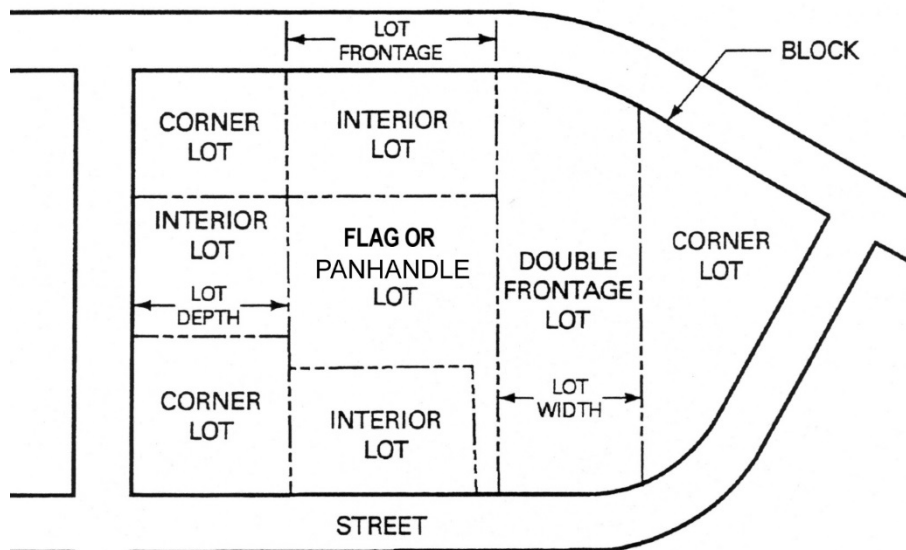


Figure 11.2-5: Example of lot types, lot width, lot depth, and lot frontage.

**Lot Area**

The total area within the lot lines of a lot, excluding any street right-of-way or other legal public dedication.

**Lot Coverage**

The maximum percentage of the lot area covered by buildings either primary and/or accessory, parking fields, pavement, or driveways, as required by this resolution.

**Lot Depth**

The mean horizontal distance between the front and rear lot lines.

**Lot Frontage**

That portion of a lot running along the right-of-way line of any adjoining unlimited access public thoroughfare, except that the minimum lot frontage may be measured at the building setback line as provided in Section 4.10.1 (Measurements, Computations, and Exceptions).

**Lot Line, Front**

The front property line, which is coterminous with the street right-of-way. A front lot line is generally parallel to or less than 45 degrees to the rear lot line. The front lot line is generally opposite the rear lot line. A corner lot or double frontage lot has more than one front lot line.

**Lot Line, Rear**

A property boundary opposite a front yard. A rear lot line is generally parallel to or less than 45 degrees to the front street right-of-way line. A lot line greater than 45 degrees from the front street right-of-way line would be a side lot line.

**Lot Line, Residential**

A lot line of any property containing a residential use.

**Lot Line, Side**

An internal property line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line.

**Lot Lines**

The lines bounding a lot, except that where a lot line lies within a public right-of-way, the edge of the right-of-way shall be considered the lot line for purposes of determining lot area, coverage and setback requirements.

**Lot of Record**

A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Butler County, or a parcel of land, the deed to which was recorded in said office prior to the effective date of this resolution.

**Lot Width**

The width of the lot measured at the building setback line, which shall be parallel to the lot frontage. See Figure 11.2-5.

**Lot, Corner**

A lot abutting upon two (2) or more public streets at their intersections or upon two (2) or more parts of the same street, which in either case, form an interior angle of less than 135 degrees. See Figure 11.2-5.

**Lot, Double Frontage**

A lot, other than a corner lot, which has frontage on two (2) streets. See Figure 11.2-5.

**Lot, Interior**

A lot with frontage on only one street. See Figure 11.2-5.

**Lot, Panhandle or Flag**

The panhandle or flag is an access corridor with not less than 25 feet of street frontage on a public street to a lot or parcel located behind parcels with normally required street frontage. See Figure 11.2-5.

**Lot, Triple Frontage**

A lot, other than a corner lot, which has frontage on three (3) or more streets. See Figure 11.2-5.

**Manufactured Home**

A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the “Manufactured Housing Construction and Safety Act of 1974,” 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

**Manufacturing**

Operations including, but not limited to, the manufacturing, compounding, processing, packaging, assembling, and finishing of products such as: automotive, bakery goods, cosmetics, pharmaceuticals, electrical appliances, heating and ventilation equipment, signs, furniture, metal fabrication or welding, and the like.

**Marijuana Business**

Any business, laboratory, or other enterprise that cultivates, processes, distributes, tests, or sells marijuana or any derivative of marijuana.

**Medical Equipment/Supplies**

Any use associated with the sale of items used to aid in the diagnosis, monitoring, or treatment of medical conditions.

**Microbrewery**

Establishments engaged in on-site brewing of beer and sales of beer by the glass for on-premise consumption. These establishments are primarily used for the production of beer and ale and may include retail and food service as an accessory use. The brewing operation processes the ingredients to make beer and ale by mashing, cooking, and fermenting. The brewing operation does not include the production of any other alcoholic beverage.

**Mixed-Use Building**

A building that contains both a commercial and office use, a commercial and residential use, or an office and residential use as required by this resolution.

**Mobile Home**

A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than 35 body feet in length or, when erected on site, is 320 or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C) (4) of Section 3781.06 of the Ohio Revised Code or as an industrialized unit as defined in division (C) (3) of Section 3781.06 of the Ohio Revised Code.

**Monopole Tower**

A structure composed of a single spire anchored to a foundation used to support telecommunications equipment.

**Motel**

A building or group of buildings, comprising individual sleeping or living units for the accommodation of transient guests, not containing individual cooking or kitchen facilities and distinct and separate from bed and breakfast, boarding house and dormitory. Rooms may be accessed from an unenclosed space. See also the definition of “Hotel.”

**Night Club**

A place operated for profit, where food is served for consumption on the premises and one or more forms of amusement are provided or permitted for a consideration that may be in the form of a cover charge or may be included in the price of the food and beverages, or both, purchased by patrons. Not including sexually oriented businesses, game rooms, video arcades.

**Nonconforming Building or Structure**

Any building or structure that does not meet the limitations on building size and location on a lot, for the district in which such building is located, for the use to which such building is being put to use.

**Nonconforming Lot**

A lot which does not conform to the minimum regulations for the district in which it is located.

**Nonconforming Use**

A use that does not conform to the regulations for the district in which it is located.

**Nonresidential District**

Any property or portion thereof located within the unincorporated area of Liberty Township that has been established as a B-1, B-2, O-1, O-2, M-1, B-PUD, MU-PUD, or R-CO district according to the terms set forth in the Liberty Township Zoning Resolution.

**Nursing Homes**

Housing for the elderly or infirm in which 3 or more unrelated individuals may live on a short-term or long-term basis and where both food and care are provided for compensation. Institutional housing includes, but is not limited to elderly housing, nursing homes, assisted living facilities, and hospices. Institutional housing shall not include hospitals, medical offices/clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

**Office**

A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government that does not include retail sales as the primary use or activity.

**Office Park or Campus**

An office use that may include ancillary facilities such as cafeteria, food service, day care, financial institutions, exercise and fitness, spas, or any other retail/service use established inside an office building that serves the employees of said office building, park or campus.

**Off-Street Loading**

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

**ORC**

The Ohio Revised Code.

**Outdoor Wood Furnace**

Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An outdoor wood furnace may also be referred to as an outdoor wood boiler or outdoor wood-fired hydronic heater.

**Parking Areas**

Any public or private land area designed and used for parking motor vehicles including parking lots, parking garages, private driveways, and legally designated areas on public streets.

**Parking Lot**

A permanently surfaced open area, other than a street or other public way, used for the parking of automobiles and available to the public whether a fee, free, or as an accommodation for clients and customers.

**Parking Spaces**

An area, either within a structure or in the open, exclusive of driveways or access drives, for the parking of a single vehicle. Parking spaces shall measure 9' x 18' at a minimum and must contain a minimum of 162 square feet.

**Parks and Open Space**

Any public or private land available for recreational, educational, cultural, or aesthetic use.

**Pawn Shop**

An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

**Pedestrian Connections**

Sidewalks, trails, or other paved or unpaved pathways that provides a designated place for pedestrians to walk, run, skate, or ride bikes and where vehicular traffic is prohibited.

**Pergola**

A structure consisting of parallel colonnades supporting an open roof of girders and cross rafters.

**Personal Improvement Service**

Informational, instructional, personal improvement, and similar services of a nonprofessional nature. Typical uses include barber shops, beauty shops, health clubs, yoga or dance studios, driving schools, and martial arts studios. A massage establishment operated by a licensed massage therapist is also included within the "personal improvement service" use category.

**Pharmaceutical Use**

A building used for the research, development, and manufacturing of pharmaceutical products.

**Planned Unit Development**

A development that is planned for a single use, or to integrate a variety of uses with collateral uses, in which lot size, setback lines, yard areas, and building types may be varied and modified to achieve particular design objectives and make provision for open spaces, common areas, utilities, public improvements, and collateral uses.

**Planning Commission**

Butler County, Ohio Planning Commission.

**Playground**

A piece of land used for recreational purposes with improvements targeted for use by children.

**Pole Trailer**

Pole trailer means every trailer or semi-trailer attached to the towing vehicle by means of a reach, pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

**Pool Hall**

See definition of "billiard parlor."

**Principal Building or Structure**

The building or structure containing the main or principal uses of the lot.

**Private Drive**

A privately owned roadway providing access for vehicles to a parking space, garage, dwelling, business, or property. Private drive shall not include parking lot drive aisles and shall be clearly defined.

**Public Buildings or Publicly Owned Buildings**

See definition of “Government and Public Uses.”

**Public Park**

A natural or landscaped area, buildings, or structures, provided by a unit of government, to meet the active or passive recreational needs of the residents of Liberty Township.

**Rain Garden**

A rain garden is a planted depression that allows rainwater runoff from impervious areas such as roofs, driveways, walkways, and compacted lawn areas the opportunity to be absorbed.



*Figure 11.2-6: Example of a rain garden incorporated with parking lot landscaping.*

**R-District**

Any property or portion thereof located within the unincorporated area of Liberty Township that has been established as an R-E, R-RE, R-SE, R-1, R-2, R-3, R-4, or R-PUD district according to the terms set forth in the Liberty Township Zoning Resolution.

**Recorded Subdivision**

Shall mean a subdivision plan that has been approved by Butler County and recorded with the Butler County Recorder’s Office.

**Recreation Facilities**

Indoor or outdoor activities/facilities including, but not limited to, baseball fields, swimming pools, tennis courts, skating rinks, golf driving ranges, and the like.

**Recreational Vehicles**

A transportable vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

**Religious Place of Worship**

A building used principally for religious worship. The word “religious place of worship” or “church” shall not include or mean an undertaker’s chapel or a funeral home. Churches shall exist as public buildings, and as such, shall meet state and local building codes.

**Research and Development**

An establishment where people conduct research, development, or controlled production of high-technology instruments, industrial or scientific products, commodities for sale, or laboratories conducting educational and medicinal research and testing.

**Residential District**

Residential district means any property or portion thereof located within the unincorporated area of Liberty Township that has been established as an A-1, R-E, R-RE, R-SE, R-1, R-2, R-3, R-4 or R-PUD district according to the terms set forth in the Liberty Township Zoning Resolution.

**Residential Facility**

A home or facility, as defined and regulated in Section 5123.19 of the ORC, in which a mentally retarded or developmentally disabled person resides, except the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under Section 5126.05 of the Ohio Revised Code, a county home or district home operated pursuant to Chapter 5155 of the Ohio Revised Code, or a dwelling in which the only mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living. See also “Adult Family Home” and “Adult Group Home.”

**Residential Facility, Large**

A residential facility where there is supervision in a family setting of nine (9) to 16 persons.

**Residential Facility, Small**

A residential facility where there is supervision in a family setting of six (6) to eight (8) persons.

**Restaurant**

A place located in a permanent building provided with space and accommodations wherein, in consideration of the payment of money, hot meals are habitually prepared, sold, and served from opening until closing, as the principal business (more than 50% of the gross annual revenues of the business shall be generated from the sale of food). Restaurant does not include pharmacies, confectionery stores, lunch stands, night clubs, gas stations or convenience stores.

**Restaurants, Drive-In**

A restaurant where vehicles pull in to a designated parking space to place orders and where food and drinks may be consumed in the vehicle while parked.

**~~Restaurants, Drive-Thru~~**

~~A restaurant that has at least one drive-through facility attached to the use.~~

**Restaurant, Fast Casual**

A restaurant where 80 percent of the business comes from dine-in or carry-out orders. A fast casual restaurant typically does not include a drive-through or pick-up window, but if permitted and present, the drive-through hours of operation are limited to the indoor dining hours.

**Restaurants, Quick Service Drive-Thru**

A restaurant where less than 80 percent of the business comes from dine-in or carry out orders. Quick service restaurants heavily utilize drive-throughs or pick-up windows for the delivery of food or meals to customers.

**Restaurants, Sit-Down**

A restaurant where there are no drive-through or drive-in facilities and all service is provided to customers who are seated in the building. Sit-down restaurants may provide customer pick-up services where customers may park in a parking space and enter the building to pick up food or meals.

**Retail and Service Commercial Uses**

Uses including, but not limited to, groceries and other food stores, coffee shops, soda fountains, internet café, ice cream parlors, drugstores, barber shops, beauty salons, bakeries, dry cleaning, Laundromats, tailoring, shoe repair shop, electrical appliance repair/servicing, and the like.

**Retail Lumber Yard**

An outdoor facility where there are retail sales of lumber and other building materials.

**Right-of-Way**

Right-of-way means land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes and includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the State of Ohio or any of its political subdivisions.

**Self-Support (Lattice) Tower**

A telecommunication tower that consists of vertical and horizontal supports and crossed metal braces.

**Semi-Trailer**

Any non-motive powered commercial vehicle that is designed and intended to be towed by another vehicle in a manner that part of the weight of the vehicle being towed rests on and is carried by the towing vehicle.

**Semi-Truck**

Any motor vehicle designed and used primarily for towing other vehicles and not so constructed so as to carry a load other than a part of the weight of the vehicle and load so towed.

**Setback**

The shortest distance, measured horizontally, between any part of a building or feature, other than those expressly permitted to project into required setbacks per Section 4.10.5(d), and the front, side, or rear lot line.

**Sexually Oriented Business**

Any adult arcade, adult book/video store, adult cabaret, adult mini motion picture theater, adult motel, adult motion picture theater, adult massage establishment, adult nude model studio, adult escort agency, or any other business providing adult material, adult entertainment, adult services, or other uses classified as “adult entertainment establishments” in Section 503.51 of the Ohio Revised Code.

**Shed**

See definition of “Storage/Utility Shed”.

**Sign**

Any writing, pictorial representation, emblem flag, or any other figures of similar character which is a structure or part thereof or is attached or in any manner represented on a building or structure; and is used to announce, direct attention to, or advertise and is visible from outside a building. The word sign includes the word “billboard” but does not include the flag, pennant or insignia of any nation state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event, further, this definition shall not be held to include any board, sign or surface used to display any official notices issued by any court or public office or posted by a public officer in the performance of a public duty.

**Sign Area**

The entire area of the sign face as measured according to Section 9.2.2 (Computations).

**Sign, Channel Letter**

Channel Letter signs are individually illuminated letters and graphics. Standard Channel Letters are made up of a U-Channel base with colored Plexiglas faces. Reverse Channel Letters are signs that have metal faces and returns (sides of letters) but have a clear plastic backing. These letters are designed to be mounted a minimum of one (1) inch away from the wall. At night, these letters create a halo-lit effect. “Open” face channel letter signs are prohibited in this resolution. See Figure 11.2-7.



Figure 11.2-7: Illustration of a channel letter sign.

**Sign, Construction**

A temporary sign to give information about construction that is currently in progress on the property on which the sign is located.

**Sign, Copy**

The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic or alphabetic form.

**Sign, Directional**

A sign which provides directional assistance to access an establishment conveniently and safely.

**Sign, Ground**

A sign which is skirted to the ground on a base and with a display area not wider than the base or foundation.

**Sign, Nonconforming**

A sign which was erected legally but does not comply with the subsequently enacted provisions pertaining to signs.

**Sign, Political**

A temporary sign which endorses a candidate for office or promotes an issue which will be voted upon at an officially sanctioned national, state, or local election.

**Sign, Real Estate**

A temporary sign advertising the real estate upon which the sign is located as being for rent, sale or lease.

**Sign, Temporary**

A sign not constructed or intended for display on a permanent basis.

**Sign, Wall**

A sign attached essentially parallel to and extending not more than 24 inches from the wall of a building with no copy on the sides or edges. This definition includes individual letter and channel signs.

**Stable, Private**

A structure wherein an owner or occupant of the premises may keep such horses and ponies as said owner or occupant owns.

**Stable, Public**

A structure for the keeping of horses and ponies that is used by the general public either free of charge or for remuneration purposes as a commercial establishment.

**Stealth Design (Telecommunications Tower)**

Camouflaging methods applied to Telecommunications Towers, antenna and other facilities, which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antenna, building mounted antenna designed to match the existing structure and facilities to resemble clock towers, bell steeples, trees, shrubs, flag poles and light poles.

**Storage Facility**

A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

**Storage Facility, Indoor**

A building consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property, which are all accessed from the interior of the building. The building features a main customer entrance and no storage units are accessible directly from the exterior of the building.

**Storage/Sale of Grain, Livestock Feed, or Fuel**

Storage facilities for grain, feed, or fuel used whereby such goods may be sold directly or distributed to other facilities.

**Storage/Utility Shed**

A single-storied fully enclosed structure, constructed of wood, metal, plastic, or similar material used for storage of materials that service the principally permitted use/structure on the same lot.

**Story**

That portion of a building, included between the surface of any floor and the surface of the floor next above it or if there be no floor above it, then the space between the floor and the ceiling next above it.

**Story, Half**

A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story.

**Street or Road, Arterial**

Public streets primarily intended to carry large volumes of through traffic connecting major activity centers to other major traffic generators. Access to abutting properties is to be limited to carefully controlled points. See the Butler County Engineer's Office Thoroughfare Plan.

**Street or Road, Collector**

Public streets which carry traffic from local streets to arterial streets and for the purposes of this Zoning Resolution shall be considered a street of higher classification than a local street. See the Butler County Engineer's Office Thoroughfare Plan. Collector streets may be further classified as minor or major collectors.

**Street or Road, Public**

Public street means the entire width, either curb to curb, or edge of pavement to edge of pavement, open to the use of the public as a thoroughfare for purposes of vehicular travel. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term. See the Butler County Engineer's Office Thoroughfare Plan.

**Structural Alteration**

Any change in the structural members of a building, such as walls, columns, beams or girders.

**Structure**

Anything constructed or erected or installed or located, the use of which requires location on the ground or attached to something having location on the ground, including but without limiting the generality of the foregoing, parking lots, parking lot lights, landscaping, dumpster screening, signage, fences, advertising signs, billboards, backstops for tennis courts, and pergolas. Includes Building.

**Swimming Pool**

A permanent, open tank or other structure not located within a completely enclosed building so as to contain at least three (3) feet of water at any point used for swimming, diving, or bathing, by the residents, tenants, or occupants of the subject property.

**Taproom/Wine Bar**

An establishment that serves malt beverages and/or wine with a minimum of 50% of the gross floor area devoted to the retail sales of malt beverages, wine, and related products. Taprooms/Wine Bars do not include the service or sale of distilled spirits.

**Tattoo /Piercing Parlors or Studios**

Businesses that provide tattoo or body piercing services.

**Tavern**

See definition of “Bar.”

**Technology**

Businesses where the primary use is related to research and development and/or high-technology industries including, but not limited to, medical, computers, and electronics.

**Telecommunications**

The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

**Telecommunications Tower**

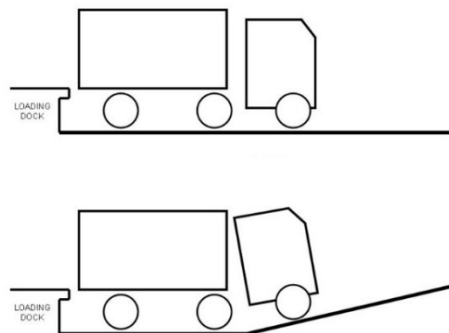
Any free-standing structure or any structure to be attached to a building or other structure in the unincorporated area of Liberty Township, Butler County, Ohio, that is proposed to be owned or principally used by a public utility engaged in the provisions of telecommunications services.

**Township Fiscal Officer**

Shall be the elected Fiscal Officer of Liberty Township.

**Truck Dock**

Any permanent or semi-permanent structure used to access a truck or trailer from an elevated position relative to the adjacent drive or loading space. See Section 7.8 (Off-Street Loading) for requirements. See Figure 11.2-8



*Figure 11.2-8: Examples of truck loading docks.*

**Truck, Trailer, and Farm Implement Sales and Service**

Any business that where the primary business is the sales and/or service of trucks, trailers, and farm implements, whether new or used.

**Type-A Family Day Care Home**

A permanent residence of the provider in which child day care or publicly funded day-care is provided for 7 to 12 children at one time or is the permanent residence of the provider in which child day care is provided to 4 to 12 children at one time if 4 or more children are under 2 years of age at one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to the provider and who are on the premises of the Type-A day care home shall be counted. Type-A day care homes do not include homes where all of the children being cared for are siblings and the residence is the home of the siblings. Type-A day cares homes do not include any child day camp as defined in ORC Section 5104.01.

**Type-B Family Day Care Home**

A permanent residence of the provider in which child day care is provided for 1 to 6 children at one time and in which no more than 3 children are under 2 years of age at one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to the provider and who are on the premises of the Type-B day care home shall be counted. Type-B day care homes do not include homes where all of the children being cared for are siblings and the residence is the home of the siblings. Type-B day cares homes do not include any child day camp as defined in ORC Section 5104.01.

**Use**

Any purpose for which a lot, building, or other structure, or a tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

**Use, Conditional**

A use, not permitted by right, that has a particular impact on the surrounding area or neighborhood that cannot be predetermined and controlled by general regulations. Uses that may be permitted after review and approval as hereinafter provided.

**Use, Principal**

The primary use and chief purpose of a lot or structure.

**Use, Temporary**

A use that is not permanent and may be permitted for a specified period of time.

**Variance**

A relaxation of the terms of this resolution where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this resolution would result in unnecessary and undue hardship.

**Vending Machines**

Machines designed to dispense, whether automatically or not, products to the ultimate user include, CD/DVD rental/sales, propane tanks, ATM's, firewood, shopping carts (except those areas provided in a parking lot), etc.

**Veterinary Clinic**

See definition of "animal hospital."

**Video Game or Pinball Arcade**

An establishment that contains electric or electronic machines that provides amusement and entertainment as the primary use of the establishment.

**Warehousing, Large**

The storage of merchandise or commodities within a completely enclosed structure 500,000 square feet or more that is not for the purpose of use or sale on the subject property. Does not include “Storage Facility.” See also the definition of “distribution center, large.”

**Warehousing, Small**

The storage of merchandise or commodities within a completely enclosed structure less than 500,000 square feet that is not for the purpose of use or sale on the subject property. Does not include “Storage Facility.” See also the definition of “distribution center, small.”

**Wholesale Commercial Use**

An establishment for the sale of merchandise to retail and service commercial uses, office uses, or institutional uses, or to other wholesalers. Wholesale commercial uses may also mean acting as an agent or broker in the buying or selling of merchandise; but not selling to the general public.

**Yard, Front**

An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except for trees and landscaping and except as hereinafter specified.

**Yard, Rear**

An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except for trees and landscaping and except as hereinafter specified.

**Yard, Side**

An open space extending from the front yard to the rear yard between a building and nearest side lot line, unoccupied and unobstructed from the ground upward except for trees and landscaping and except as hereinafter specified.

**Zoning Certificate**

A document issued by the Zoning Inspector authorizing buildings, structures or uses consistent with the terms of this resolution and for the purpose of carrying out and enforcing its provisions.

**Zoning Commission**

The Liberty Township Zoning Commission, as constituted pursuant to Ohio Revised Code Chapter 519.

**Zoning District**

See definition of “District.”

**Zoning Inspector**

The Director of Planning and Zoning, his/her assistants, or any other person designated by the Board of Township Trustees to perform the statutory duties of the Zoning Inspector.

**Zoning Map**

The Zoning Map of Liberty Township, Butler County, Ohio.