ZONING RESOLUTION

OF

LIVERPOOL TOWNSHIP

MEDINA COUNTY, OHIO

ADOPTED

SEPTEMBER 1950

AS AMENDED THROUGH

September 2021

Purpose

For the purpose of promoting public health, safety and morals and general welfare; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements; the Board of Trustees of this Township finds it necessary and advisable to regulate the location, height, bulk, number of stories and size of buildings and other structures, percentages of lot areas which may be occupied, building set-back lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures including the use of land for trade, industry, residence, recreation or other purposes and for such purposes divides the unincorporated area of the Township into districts and/or zones.

This Zoning Resolution has been developed in connection with the adopted Liverpool Township Development Policy Plan and Thoroughfare Plan, the Medina County Development Policy Plan, the adopted Medina County Subdivision Regulations, the Medina County Thoroughfare Plan and the Medina County Storm Water Management and Sediment Control Regulations.

This Zoning Resolution has been adopted in accordance with the provisions of Chapter 519 of the Ohio Revised Code.

TABLE OF CONTENTS

ARTICLE I Title, Interpretation And Enactment

Section 101 Title
Section 102 Minimum Requirements
Section 103 Separability
Section 104 Conflicting Resolution
Section 105 Limitations

ARTICLE II General Regulations

Section 201 Establishment of Districts
Section 202 Uniformity Of Regulations
Section 203 Zoning District Maps
Section 204 Interpretation Of District Boundaries
Section 205 Required Compliances
Section 206 Exempt Uses
Section 207 Nuisance Prohibited
Section 208 General Regulations Of Lots
Section 209 Lot Storage
Section 210 General Regulation Of Structures And Construction
Section 211 Swimming Pools
Section 211.1 Purpose
Section 211.2 Private Swimming Pools
Section 211.3 Review Criteria For Construction And Maintenance
Section 212 Lakes And Ponds
Section 213 Erosion Control
Section 214 Minimum Living Area
Section 215 Home Occupations
Section 216 Site Plan Review And Conformance
Section 217 Oil And Gas Well Regulations
Section 218 Fences
Section 219 Private Street And Common Driveway Standards
Section 220 Wind Energy Systems
Section 220.1 Conditionally Permitted Use
Section 220.2 Regulations for Tower Mounted Wind Energy Systems (Including Temporary Anemometers)
Section 220.3 Regulations for Structure Mounted Wind Energy Systems

ARTICLE III District Regulations

Section 301 **Rural Residential District (R-R)**
Section 301.1 Purpose
Section 301.2 Uses
Section 301.3 Lot Requirements
Section 301.4 Yard Requirements
Section 302 **Commercial District (C-1)**
Section 302.1 Purpose
Section 302.2 Uses
Section 302.3 Area And Yard Requirements
Section 302.4 Supplementary Regulations

ARTICLE III (continued)

Section 303	**Industrial District (I)**
Section 303.1	Purpose
Section 303.2	Uses
Section 303.3	Lot and Yard Requirements
Section 303.4	Supplementary Regulations
Section 304	**Limited Manufacturing And Research (M)**
Section 304.1	Purpose
Section 304.2	Uses
Section 304.3	Lot and Yard Requirements
Section 304.4	Performance Standards
Section 304.5	Supplementary Regulations
Section 305	**Flood Plain District (FP)**
Section 305.1	Purpose
Section 305.2	Data Sources and Map
Section 305.3	Overlay District
Section 305.4	Limitations and Warning
Section 305.5	Regulations Pertaining to Flood Plain Areas (FP)
Section 306	**Controlled Density Zoning (CDZ), Overlay District**
Section 306.1	Purpose
Section 306.2	Boundaries
Section 306.3	Conditionally Permitted Use
Section 306.4	Permitted Uses
Section 306.5	Density Requirements
Section 306.6	Lot Area and Frontage Requirements
Section 306.7	Yard Requirements
Section 306.8	General Requirements
Section 306.9	Roadways in CDZ Developments
Section 306.10	Association and Private Street Maintenance Agreements
Section 306.11	Definitions

ARTICLE IV Sign Regulations

Section 401	Purpose
Section 402	Classification Of Signs
Section 403	General Regulations
Section 404	Temporary Sign Regulations
Section 405	Computations
Section 406	Maintenance
Section 407	Administrative Procedures
Section 408	Alteration and Removal Of Nonconforming Signs
Section 409	Construction Standards

ARTICLE V Parking and Loading Requirements

Section 501	General Requirements
Section 502	Parking Space Requirements
Section 503	Loading Space Requirements
Section 504	Commercial/Industrial On-Site Vehicular Storage
Section 505	Other Uses
Section 506	Parking Area Dimensions
Section 507	Parking Area Design
Section 508	Entrances and Exits
Section 509	Yard Restrictions

ARTICLE VI Conditional Zoning Certificates

Section 601 Purpose
Section 602 Procedure
Section 603 Basis Of Determination
Section 604 General Conditions For All Conditional Uses
Section 605 Specific And Supplementary Conditions

ARTICLE VII Nonconforming Uses, Buildings and Lots

Section 701 Purpose
Section 702 Policy
Section 703 Regulations
Section 704 Certificate Of Nonconforming Use
Section 705 Nonconforming Lots

ARTICLE VIII Administration and Enforcement

Section 801 Zoning Inspector
Section 802 Board Of Zoning Appeals
Section 803 Zoning Commission
Section 804 Zoning Certificate Application And Issuance
Section 805 Schedule Of Fees, Charges, And Expenses
Section 806 Enforcement

ARTICLE IX Board Of Zoning Appeals

Section 901 General
Section 902 Composition And Appointment
Section 903 Organization
Section 904 Powers
Section 905 Administrative Appeals
Section 906 Variance Appeals
Section 907 Procedure Of Administrative And Variance Appeals

ARTICLE X Amendments

Section 1001 General
Section 1002 Procedure

ARTICLE XI Definitions

ARTICLE I

Title, Interpretation and Enactment

Section 101 Title

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

Section 102 Minimum Requirements

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

Section 103 Separability

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

Section 104 Conflicting Resolution

All resolutions or parts of resolutions in conflict with this Zoning Resolution or inconsistent with the provisions of the Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect. This Resolution shall become effective thirty days after the date of approval by the Liverpool Township Trustees according to the procedures established in Section 591.12 of the Ohio Revised Code.

Section 105 Limitations

The provisions in this Resolution are considered reasonable for promoting public health, safety, and general welfare in Liverpool Township. Compliance of a use, lot or structure with the requirements of this Resolution and the issuance of a zoning certificate do not imply any assurances as to the economic or physical suitability of such a use, lot or structure within any of the Township zoning districts.

ARTICLE II

General Regulations

Section 201 Establishment of Districts

The following zoning districts are hereby established for the unincorporated area of Liverpool Township, Medina County, Ohio. For the interpretation of this Resolution, the zoning districts have been formulated to realize the general purposes set forth in the preamble to this Resolution. In addition, the specific purpose of each zoning district shall be as stated:

R-R	Rural Residential District
C-1	Commercial District
I	Industrial District
M	Limited Manufacturing & Research District
FP	Flood Plain District

Section 202 Uniformity of Regulations

All regulations shall be uniform for each class or kind of building or other structure, or use throughout each district or zone, except as specifically provided.

Section 203 Zoning District Maps

The districts or zones and their boundary lines are indicated upon a map entitled "Liverpool Township Zoning Districts Map", which map, together with all notations, references and other matters shown thereof is hereby attached to and made a part of this Resolution. A copy of the map shall be maintained in the office of the Township Fiscal Officer, and shall be updated to show all amendments or changes.

Section 204 Interpretation of District Boundaries

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

A. Where Boundaries Approximately Follow Streets, Alleys, or Highways - Where district boundaries are indicated as approximately following the center line of streets, the center line alleys, or the center lines of highways, such lines shall be interpreted to be district boundaries.

B. Where Boundaries Parallel Street Center Lines or Highway Center Lines - Where district boundaries are so indicated that they are approximately parallel to the center lines of street, the center lines of alleys, or the center lines of the highway, such district boundaries shall be interpreted as being parallel and such a distance as indicated on the map. If no distance is given, dimensions shall be determined by the use of the scale shown on the zoning map.

Section 205 Required Compliances

Prior to any new building construction, application for and issuance of a zoning certificate must be obtained from the Zoning Inspector. No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building, structure or land be used in a manner which does not comply with all of the district provisions established by this Resolution for the district in which the building, structure or land is located. Uses which are omitted from this Resolution as not being specifically permitted shall be considered prohibited until, by amendment, such use will be consistent with this Resolution. Any change in use, enlargement, or alteration requires application for a new zoning certificate. (See Section 804 for Zoning Certificate application procedures.)

Section 206 Exempt Uses

A. Agriculture - Nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land upon which said buildings or structures are located. An Agriculture Structure/ Use Exemption Certificate shall be filed with the Zoning Inspector prior to the construction of any such buildings or structures. The filing of such an Exemption Certificate shall not require a fee.

B. Public Utilities and Railroads - Nothing contained in these regulations shall prohibit the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by operation of its business except as it relates to Telecommunication Towers. Telecommunication Towers are not permitted within the Residential District.
(Recommended 04/13/2000. Adopted 05/16/2000.)

C. Oil and Gas Wells - Nothing contained in this Resolution shall require the application for or issuance of a zoning certificate prior to the drilling and operation of an oil or gas well in Liverpool Township. The drilling and operation of such wells are permitted use in all districts and shall comply with the requirements of Section 217.

D. Land and buildings owned by Liverpool Township at the time of enactment of this Section 206(D) shall be regulated by this Zoning Resolution with the exception that the permitted and conditionally permitted uses in the C-1 Commercial District may be approved for any such land regardless of the zoning district where it is located and provided that compliance with the regulations of the C-1 Commercial District is maintained. (Recommended 02/03/2003. Adopted 03/02/2003.)

Section 207 Nuisance Prohibited

No use shall be permitted or authorized to be established, which, when conducted in compliance with the provisions of this Resolution, and any additional conditions and requirements prescribed, is or may become hazardous, or unreasonably noxious, or offensive to the general public welfare.

Section 208 General Regulations of Lots

A. Street Frontage - Every principal building shall be located on a lot having frontage on a public or private street unless otherwise provided for in the Controlled Density Zoning provisions herein and shall also have a driveway entering onto such a street. (Recommended 06/06/1996. Adopted 07/16/1996.)

B. Change in Ownership - No space which, for the purpose of a building, has been counted or calculated as part of a side yard, rear yard, front yard, or other open space required by this Resolution, may, by reason of change in ownership or otherwise, be counted or calculated to satisfy the yard or other open space requirement of or for any other building.

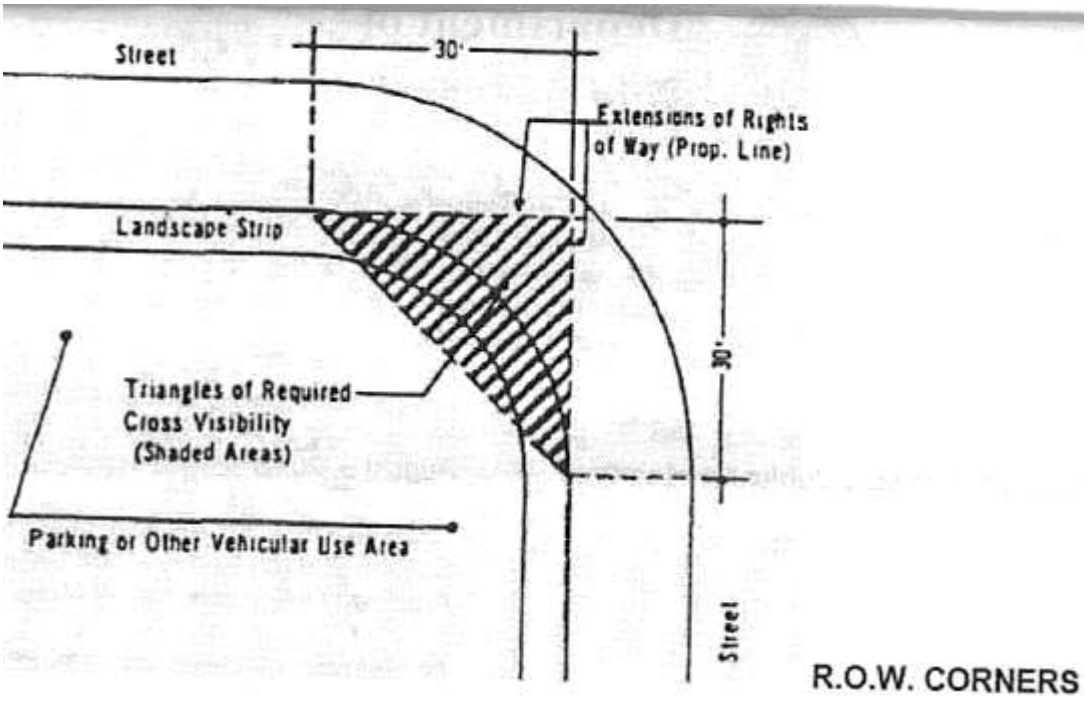
C. Projections into Yard Areas - Every part of a required yard shall be open to the sky unobstructed, except: (1) accessory building in a rear yard, (2) parking of automobiles as regulated by Article V, and (3) fences. Terraces, uncovered porches, platforms, and ornamental features which do not extend more than two (2) feet above the level of the ground or first story, may project into a required side or rear yard, provided these projections be at least fifteen (15) feet from the adjacent lot line.

D. No parcel of land held under one ownership on which a building or buildings are located at the time this Resolution becomes effective shall be so reduced or subdivided such that the resulting lot width, lot area or yard dimensions are below the minimum requirements of this Resolution.

E. Corner Lots:

1. Required Yards Facing Street - Corner lots in all districts shall have the minimum required front yard setback from the street the building faces or is planning to face. For corner lots, the side yard setback from the street shall be fifty (50) feet in all districts, except as otherwise provided. (Recommended 10/06/2011. Adopted 11/15/2011.)

2. Visibility at Corner Lots - No obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street right-of-way lines and a line connecting them at points thirty (30) feet from the intersection of the street right-of-way lines.



(Recommended 8/09/2012. Adopted 09/18/2012.)

F. Because of the existing shortage and high costs of conventional energy sources, Liverpool Township officials encourage the use of solar energy for the heating and cooling of buildings and for providing hot water for use in buildings or swimming pools. Therefore, the use of solar energy collectors for the purpose of providing energy for heating and/or cooling is a permitted use in all zoning districts. Solar collectors shall be considered as structures and shall meet all zoning regulations, including height and yard regulations of the Township.

Section 209 Lot Storage

A. Junk Motor Vehicles - Junk motor vehicles or unlicensed motor vehicles which are parked on any lot for more than fifteen (15) days shall be stored within an enclosed building with permanently attached walls.

B. Junk - No lot in any district shall be used for outside storage or processing of junk.

C. Vehicle Storage - No motor vehicle, boat or recreational vehicle may be stored closer than five (5) feet to any property line.

D. Heavy Motor Vehicles - No heavy motor vehicles except school buses may be parked or stored outdoors in any residential district or land used for residential purposes except while being loaded or unloaded. No such vehicles are permitted to have any engines running while unoccupied. (Recommended 8/09/2012. Adopted 09/18/2012.)

Section 210 General Regulation of Structures And Construction

A. Construction Begun Prior to Zoning - Nothing contained in these regulations shall hinder the construction of a building or prohibit its use where construction has started before the effective date of these regulations provided that a valid zoning certificate has been obtained and provided further that such building shall be completed within two (2) years from the date of passage of the regulations. An extension beyond the normal two (2) year effective period may be requested from and granted by the Zoning Inspector.

B. Township Roads - On all building sites located on townships roads, the culvert for the drive must be approved by the Medina County Engineer's Office. The property owner shall furnish the culvert as specified by the Medina County Engineer. A copy of the driveway permit shall be furnished to the Liverpool Township Zoning Inspector.

C. New Drives - Gravel is to be applied to all new drives prior to the construction of any structure to eliminate mud being tracked onto existing roads. Any mud tracked onto roads is to be removed the same day it is deposited on the road.

D. Building Height

1. Except as specifically stated in other parts of these regulations, no building shall be erected, constructed, enlarged, reconstructed or structurally altered to exceed a maximum height of thirty-five (35) feet.

2. Fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, or similar structures may be erected above the height limits herein. The above exceptions may not be erected to exceed fifteen (15) feet over the height limit; nor shall such structure be used for any purpose other than a use incidental to the main use of the building.

3. Private communication aerials/masts (such as CB antennas) may be erected to a height of seventy-five (75) feet provided the aerial is set back a distance from the side or rear property line equal in length to the height of the antenna minus the width of the minimum side or rear yard in that zoning district (i.e. a 75-foot antenna would have to be set back 60 feet from the side lot line in the R-R District). This requirement applies only where the minimum side or rear yard requirement is less than the antenna height. The setback of an antenna from the existing principal building on an adjacent property shall be greater than the height of the proposed antenna.

E. Sewage System - No zoning certificate will be issued by the Township Zoning Inspector unless there is furnished with the application for said permit an approval by the Medina County Health Department or sewer permit from the Medina County Sanitary Engineer.

F. Driveways - The use of a portion of, or any part of, a driveway or principal means of access to a dwelling may not be shared by other dwellings except as provided in Section 219. No driveway or principal means of access to a dwelling shall be less than five (5) feet from a property side line. (Recommended 06/06/1996. Adopted 07/16/1996.)

G. Private Streets - Private streets shall not be permitted in any district except as provided in Section 219. (Recommended 06/06/1996. Adopted 07/16/1996.)

H. Public Streets - The arrangement, character and location of all streets deeded to the public or subject to public easement should be in accordance with the adopted Liverpool Township Thoroughfare Plan, the Medina County Thoroughfare Plan, and the adopted Medina County Subdivision Regulations. The design of proposed public streets should provide for both the continuation of existing streets and public access to adjacent unplatted lands so that the entire area can be served with a coordinated public system.

I. Principal Building - No more than one (1) dwelling unit shall be permitted on any lot unless otherwise specifically stated in this Resolution, and every dwelling shall be located on a lot having the required frontage on a public street except as provided for in Section 306. (Recommended 06/06/1996. Adopted 07/16/1996.)

J. Accessory Buildings - An accessory building shall comply with all yard regulations applicable to the principal building, except as otherwise provided. No zoning certificate shall be issued for any accessory building unless a legal principal building exists on the same property, or unless an unexpired zoning certificate for a proposed principal building is in effect.
(Amendment – Section 210(J) rewritten. Recommended 12/19/1991. Adopted 03/05/1992.)
(Amendment – Section 210(J) rewritten. Recommended 10/06/2011. Adopted 11/15/2011.)

K. Temporary Buildings - Temporary buildings, tool sheds, and trailers for use incidental to construction work may be erected in any of the zoning districts; however, such temporary buildings shall be removed within one (1) year from start of construction. A zoning permit for all temporary buildings shall be obtained from the Zoning Inspector.

L. Upon issuance of a permit by the Township Zoning Inspector, a mobile home may be used as a temporary residence while a permanent dwelling is being constructed or re-constructed. This permit is valid for a period of six (6) months and may be renewed by the Township Zoning Inspector. Upon expiration of the permit, the mobile home shall be removed from the property.

Section 211 Swimming Pools As Accessory Uses

"Swimming pool" is deemed an accessory use and/or structure for the purpose of permits.
(Recommended 08/20/1992. Adopted 10/06/1992.)

Section 211.1 Purpose

It is the purpose of Sections 211 through 211.3 inclusive to promote the public health, safety, and welfare through the regulation of swimming pool facilities which are constructed, operated, or maintained as an accessory use.
(Recommended 08/20/1992. Adopted 10/06/1992.)

Section 211.2 Private Swimming Pools

No private swimming pool (exclusive of portable swimming pools with an area of less than two hundred (200) square feet) shall be allowed except as an accessory use and shall comply with the following requirements:

A. The pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests.

B. The pool and accessory structures thereof, including the area used by bathers, shall be located so as to conform to all accessory building yard requirements.

C. The swimming pool, or a larger area containing the pool, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than four (4) feet in height and shall be maintained in good condition with a self-latching gate. Such fence or wall shall be constructed so as to have no openings, holes or gaps greater than three (3) inches in any dimension, except for doors or gates. Pools above-ground having vertical surfaces of at least four (4) feet in height above grade level shall have fences and self-latching gates only where access may be had to the pool. (Recommended 08/20/1992. Adopted 10/06/1992.)

Section 211.3 Review Criteria For Construction and Maintenance

A. No person shall construct or install a new private swimming pool or alter an existing private swimming pool until all appropriate permits have been obtained from the Medina County Building Department and the Medina County Health Department (if applicable), the submitted plan has been reviewed by the Zoning Inspector, and a permit has been issued.

B. The pool installation or its alteration, shall be inspected by the Zoning Inspector and he shall require that all construction conforms to the approved plans. (Recommended 08/20/1992. Adopted 10/06/1992.)

Section 212 Lakes and Ponds

Public or private ponds or lakes containing over one and one-half (1 1/2) feet of water depth shall be considered as structures for the purpose of permits. A pond shall be constructed such that its surface area and embankments are located on a single lot, except as provided in Section 306 (Recommended 6/06/96. Adopted 7/16/96.) All structures and/or embankments associated with a pond shall be located at least twenty-five (25) feet from all property lines and at least fifty (50) feet from any road right-of-way. In no case shall a pond or lake be located closer than twenty-five (25) feet to a main building. For purposes of setback and yard requirements, the point of measurement for the pond (other than structures) shall be the design high water line, as depicted on the submitted plans, or the base of any embankment where it reaches the normal grade line.

Ponds and lakes shall meet standards and specifications of Medina County Soil and Water Conservation District and Chapter 1521 of the Ohio Revised Code. Lakes or ponds used for domestic water supply shall also meet the requirements of Chapter 2 of the Medina County Sanitary Code.

Upon making application for a zoning permit, the applicant is required to submit to the Zoning Inspector a copy of the proposed pond and/or lake plans which have been reviewed and stamped by the Medina County Soil and Water Conservation District; and in the cases of lakes/ponds used for domestic water supply, by the Medina County Health Department.

The Zoning Inspector shall inspect ponds and lakes during their construction and shall require that all construction conform to the approval plans. The Zoning Inspector may request a review by the Medina County Soil and Water Conservation District or by a registered civil engineer to ensure conformity with approval plans. (Recommended

12/05/1989. Adopted 01/02/1990.)

Section 213 Erosion Control

Any land disturbance activity shall comply with the rules and regulations for Medina County Stormwater Management and Sediment Control.

Section 214 Minimum Living Area

No structure shall be erected, reconstructed, or converted for use as one-family dwelling unit unless the following minimum living area per dwelling unit is provided:

1. 1,140 square feet for dwellings having greater than 600 square feet of basement.

2. 1,280 square feet for dwellings having no basement or a basement of less than 600 square feet.

No structure shall be erected, reconstructed or converted for use as a two-family dwelling unless the minimum living area per family dwelling unit is no less than eighty-five percent (85%) of that required above for one-family dwelling unit.

Section 215 Home Occupations

Home occupations may be permitted as an accessory use according to the definitions and criteria established below and the district regulations of Article III.

A. Definition

1. Type 1 home occupation is a nonresidential use conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling.

2. Type 2 home occupation is a non-residential use conducted in an accessory building on a residential property and is carried on by the property's residents and a maximum of one employee, which use is clearly incidental and secondary to the use of the property for dwelling purposes.

B. Type 1 Criteria:

1. Such use shall be conducted by persons residing on the premises, with no non-resident employees;

2. Such occupation shall be carried on entirely within the dwelling;

3. Such occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than twenty-five percent (25%) of the living area of the dwelling unit shall be used in the conduct of the home occupation. If the basement of a residence is used in the conduct of a home occupation, not more than fifty percent (50%) of the floor area of the basement shall be used for such purposes;

4. No activity, materials, goods or equipment indicative of the occupation shall be visible from the public way or adjacent property;

5. The proposed use shall not constitute primary or incidental storage facilities for a business, industrial or agricultural activity conducted elsewhere;

6. No traffic shall be generated by such occupation in greater volume than would normally be expected in a residential neighborhood. Any need for parking generated by the home occupation shall meet the off-street parking requirements as specified in this Resolution and shall be provided on-site;

7. No alteration to the exterior of the residential building shall be made which changes its character as a dwelling;

8. No equipment or process shall be used in such home occupation which would cause a nuisance to neighbors such as noise, vibration, glare, fumes, odors, or electrical interference;

9. Signs shall be permitted subject to Article IV.

C. Type 2 Criteria:

1. Such use shall be conducted by persons residing on the premises with no more than one non-resident employee;

2. Such occupation shall be carried on entirely within an accessory structure that is separated from all property lines by at least one hundred (100) feet;

3. Such occupation shall be clearly incidental and subordinate to the land use for residential purposes, and there shall be no new buildings or building expansion specifically constructed for any home occupation.

4. No activity, material, goods, or equipment indicative of the occupation shall be visible from any public way or adjacent property.

5. The proposed use shall not constitute primary or incidental storage facilities for a business, industrial or agricultural activity conducted elsewhere;

6. No traffic shall be generated by such occupation in greater volume than would normally be expected in a residential neighborhood. Any need for parking generated by the home occupation shall meet the off-street parking requirements as specified in this Resolution and shall be provided on-site;

7. Signs shall be permitted, subject to Article IV;

8. Accessory structures for home occupations may be a garage or other building. The maximum floor area for a Type 2 home occupation shall be eight hundred (800) square feet.

9. Accessory structures for home occupations shall comply with all additional requirements in the applicable zoning district;

10. No equipment or process shall be used in such home occupation which would cause a nuisance to neighbors such as noise, vibration, glare, fumes, odors, or electrical interference. Evidence of the above objectionable elements shall not be discernable beyond the lot lines of the property.

Section 216 Site Plan Review and Conformance

A. General - All uses as specifically required elsewhere in this Resolution shall have a site plan as part of zoning certificate application.

In order to promote the orderly development of the site plan to required specifications, the Zoning Inspector, and/or the Zoning Board of Appeals, as applicable, shall encourage informal discussions by

and with the applicant prior to formal application for a zoning certificate.

Procedures, requirements, and standards for review of site plans are established below.

Applications with site plans for permitted uses shall be reviewed and acted upon by the Zoning Inspector within forty-five (45) days after receipt. Applications with site plans for conditionally permitted uses shall be reviewed by the Board of Appeals at one or more of its public meetings, and shall be acted upon by the Board of Appeals within forty-five (45) days after the first public meeting at which the application for conditionally permitted uses is reviewed. Decisions shall be approval, approval with modifications, or disapproval of the application with the site plan.

B. Assistance - The site plan, along with the complete application it supports, shall be submitted by the Zoning Inspector for permitted uses (except for changes of occupancy at the discretion of the Zoning Inspector), and may be submitted by the Board of Zoning Appeals for conditionally permitted uses, to the Zoning Commission. The Zoning Commission shall review the application and provide written comments on appropriate sections of the site plan to the deciding authority. Site plans may also be referred for review and comment to any agency having expertise felt to be of value.
(Recommended 08/14/1997. Adopted 09/02/1997.)

C. Application Requirements - The site plan shall be drawn to a legible scale, shall show where the property is located in relation to nearby properties and roads; the total property involved with locations of all existing and proposed structures; the types of buildings and their uses; existing and proposed topographical features of the lot; activity areas; a circulation and parking plan; planting and landscape plan; an outdoor lighting plan showing the location and types of fixtures, their purpose, intensity, and the area being lighted; an outdoor sound system plan showing the location of speakers and their purpose; and drawings of the exterior of structures. The application shall contain sufficient information to permit evaluation of compliance with review standards of Section 216(D) of this code, and where such information is lacking, additional data may be requested to permit evaluation of compliance with the standards set forth herein.

A written description of the proposed development or operation shall be provided in sufficient detail to indicate possible emission of energy or matter beyond the lot lines, with engineering plans for the handling of any excesses thereof. The site plan shall include drawings of accessory buildings, signs, and screening for trash or other outdoor storage areas.
(Recommended 08/14/1997. Adopted 09/02/1997.)

D. Review Standards - Review and action on site plan applications shall be based on the following standards:

1. The site plan shall show that thoroughfares, service roads, driveways, and parking areas are designed to encourage pedestrian and vehicular traffic safety on both public and private lands.

2. All the development features including the principal buildings, open spaces, service roads, driveways, and parking areas shall be located and related as to minimize the possibility of adverse effects upon adjacent development.

3. Maximum possible visual and auditory privacy for surrounding properties and occupants shall be provided through good design and use of proper building materials, landscaping, and living screening such as non-deciduous trees. Outdoor sound system speakers shall be located and utilized so as not to violate Section 207, NUISANCE PROHIBITED.
(Recommended 08/14/1997. Adopted 09/02/1997.)

4. Screening of parking areas, service areas, and refuse storage areas from surrounding properties shall be provided through landscaping and/or ornamental walls or fences where necessary to promote harmony with adjacent development.

5. On-site traffic circulation shall be designed to make possible adequate fire and police protection.

6. In case of an industrial use, adequate provisions shall be made for the disposal of industrial wastes. Wastes containing poisonous, corrosive, flammable, or explosive solids, liquids or gases, oils or grease shall not be discharged into sanitary sewer or into water courses.

7. Grading and surface drainage provisions shall be designed to minimize adverse effects on abutted properties, streams, and public streets and to minimize the possibility of erosion. Such provisions shall be in compliance with the rules and regulations for Medina County Stormwater Management and Sediment Control.

8. Curb cuts, internal drives, parking areas, and pedestrian walkways shall be arranged to promote safe and efficient movement within the site, between adjacent sites, and between the site and the adjacent thoroughfare system.

9. The number and location of openings from the site to adjacent thoroughfares shall be designed to maintain the traffic movement function of arterial and collector streets.

10. The overall development concept shall reflect the intent and recommendation of applicable comprehensive plans adopted by Liverpool Township.

11. All lighting shall be directed away from adjacent streets or roads so as not to impair safe movement of traffic. No lighting shall shine directly on adjacent properties or on adjacent residences. Driveways, parking and other activity areas shall be lighted with downward directed fixtures. Spot and flood lights shall be for accent lighting only, such as flag poles, entrance ways, signs, landscaping, etc. (Recommended 08/14/1997. Adopted 09/02/1997.)

E. Conformance with Site Plan

1. All developments, construction, and planned operations must conform to all the requirements, conditions, and safeguards specified in an Approved Site Plan. Such site plans are those approved by the Zoning Inspector, after review and recommendations from the Zoning Commission, prior to the issuance of a zoning permit or the Board of Zoning Appeals prior to the issuance of a conditional zoning certificate. Full compliance with the approved site plan includes the requirement that the developer and/or builder satisfy the standards listed in Section 216(D) as well as, when applicable, the supplemental regulations in Sections 302.4, 303.4, or 304.4.

2. The Zoning Inspector shall inspect all developments and/or construction sites when the planned development and/or construction sites is completed in order to assess compliance with the approved site plan. Periodic inspections may also be made during development or construction as deemed necessary by the Zoning Inspector.

3. To secure full compliance with an approved site plan, the Zoning Inspector or the Board of Zoning Appeals shall require a performance bond or other similar financial guarantee to be submitted by the developer or builder. **The bond or** funds will be deposited and retained by the Township Fiscal Officer. The purpose of the performance bond is to protect the Township from any potential cost which might be incurred in correcting failures of a developer/builder to fully comply with the requirements, conditions, and safeguards contained in the approved site plan. Examples of such costs may include, but not be limited to, those incurred in completing a development or construction, correcting any unsafe conditions, and/or mitigating situations which create a nuisance.

   a. The required amount of funds in the performance bond shall be ten percent (10%) of the estimated cost of the development or construction at its completion. The estimated cost shall be provided by the developer or builder and will be approved by the Zoning Inspector after sufficient data and supporting information are provided to confirm its accuracy.

b. The performance bond funds shall be released to the developer or builder only after the Zoning Inspector determines that the development or construction as described in the approved site plan has been completed and complies with all the requirements, conditions, and safeguards specified in that plan. If all the requirements, conditions, and safeguards have not been satisfied, the Township Trustees may decide to retain some amount of performance bond funds at the recommendation of the Zoning Inspector. The amount of funds retained will be based on the estimated costs necessary to correct those failures to comply with the approved site plan and will only be used for that purpose.

(Section 216(E) rewritten. Recommended 10/03/2019. Adopted 1/21/2020.)

F. Issuance and Revocation of Zoning Certificate

1. Upon the approval of a site plan application and the deposit of a performance bond or other financial guarantee in an appropriate amount, the Zoning Inspector, for permitted uses, or the Board of Appeals for conditionally permitted uses, shall issue a zoning certificate specifying the conditions of the approval. If a zoning certificate expires (Section 804F), any deposit of a performance bond or financial guarantee shall be returned to the depositor, and each application thereafter shall be accompanied by the required data and fees.

Section 217 Oil and Gas Well Regulations

Purpose

Liverpool Township is known to be the location of oil and natural gas deposits. This section sets forth certain requirements which will insure that any operations incidental to the exploration, extraction, or storage of oil and gas take place in a manner wholly compatible with the surrounding land uses in the Township and do not endanger the public health, safety, and welfare. In the event that there is any conflict between these zoning rules and regulations and State laws adopted pursuant to Chapter 1509 of the Ohio Revised Code and/or federal laws, the most stringent regulations shall apply.

A. Precautions shall be taken to prevent and/or mitigate possible fire and explosion hazards and the following regulations shall be followed:

1. For Fire Department use there shall be filed with the Zoning Inspector:
   a. A plat drawn to scale and maintained in an up-to-date status reflecting the point of ingress and egress for the site from a designated public road as well as the locations of the wellhead, storage tanks, gathering lines, and all power and oil flow line shutoffs.
   b. The telephone numbers of responsible persons to be contacted in the case of an emergency.

2. Information required by State law such as emergency numbers shall also be posted at the well site.

3. Shut-off valves shall be painted a conspicuous color (such as fluorescent orange) for easy identification in an emergency.

4. Fences, valves, etc., shall be keyed alike with keys on deposit with the Fire Department.

5. No residence or occupied building shall be erected within one hundred fifty (150) feet from any oil or gas well, storage tanks, and/or separator units, abandoned or not abandoned. (Recommended 01/09/2003. Adopted 02/04/2003.)

6. All storage tanks shall be at least one hundred (100) feet from any road right-of-way line.

7. The truck loading area must be outside the road right-of-way with no parking of tank trucks, drilling rigs, or any other vehicles within the road right-of-way.

8. Access roads to the oil well storage tanks shall be properly constructed and maintained to allow year round access for public safety vehicles.

9. The immediate areas surrounding the drill site and storage tanks for a distance of thirty (30) feet shall be kept mowed and free of obstructions including trees and overhanging branches.

10. No open fires shall be permitted within two hundred (200) feet of any gas well or storage tanks except as otherwise provided by law or regulation.

11. Subject to State requirements, flaring may be permitted into a pit only after notifying the Township fire department.

12. The centerline of any new private street or common driveway may not be constructed within sixty (60) feet of any existing oil or gas well, storage tanks, and/or separator units, abandoned or not abandoned. (Recommended 01/09/2003. Adopted 02/04/2003.)

B. Well and storage site operations/maintenance shall be conducted to minimize any adverse impacts on the health, safety, and general welfare of the surrounding lands and the Township in general and the following regulations shall be followed:

1. Gas and oil well storage facilities shall be no closer than fifty (50) feet from any property line. Such facilities shall be buffered from adjacent residential properties by a fifty (50) feet wide strip landscaped and maintained to minimize any undesirable effects on the adjacent properties. The Zoning Inspector shall be notified prior to the setting of storage tanks.

2. All gas and oil lines shall be buried a minimum of thirty (30) inches below the surface and all lines shall be drawn on the plat required in regulation A. 1. a. of this section.

3. Tanks, gathering lines, and fittings shall be kept in good repair and maintained on a regular basis. Tanks shall be kept painted, manholes shall be locked and remote fill valves shall be locked.

4. No drilling equipment shall be moved to the drilling site until a properly sized drive culvert is installed as per State, County, or Township requirements.

5. Mud from drilling or maintenance operations shall not be deposited on public roads. If mud is tracked on roads, it shall be removed immediately by the permit holder or driller.

6. All temporary or permanent retention pits over three (3) feet in depth shall be fenced.

(Section B deleted; Section C re-lettered as B. Recommended 01/09/2003. Adopted 02/04/2003.)

Section 218 Fences

Fences may be permitted in any required yard, or along the edge of any yard, provided that such fences conform to the specifications set forth hereunder. For the purpose of this Resolution, fences are not considered structures.

A. Fences, unless stipulated as screening requirements in other parts of the Zoning Resolution, may be permitted within the front, side, or rear lot lines to a height of not more than six (6) feet above the grade. For safety and aesthetics, fences shall be well maintained, harmonious, and appropriate in appearance with the existing character of the immediate area. Fences shall not present a hazard to existing or future neighboring uses. Vegetation, such as trees and shrubs, used as a fence, may be higher than six (6) feet, but shall be maintained and trimmed so as not to constitute a nuisance to adjoining property owners.

B. Fences in the front yard

1. No fence shall be permitted within the road right-of-way. Vehicular access gate openings must be a minimum of twelve (12) feet in width. For corner lots, refer to Section 208(E)(2).

2. A snow fence or fence of similar type may be erected or placed during the period from November 1st to April 1st for the sole purpose of preventing the drifting of snow on roadways, driveways, or sidewalks. (Amended 08/17/1993 - Effective 09/17/1993)

Section 219 Private Street And Common Driveway Standards

Private streets and common driveways may be permitted only in the Controlled Density Zoning, Overlay District in conformance with Section 306 and subject to the following construction standards. Private streets are subject to site plan review as provided for in Section 306.2.

A. Basic Street Construction Standards

1.	Right-of-Way Width	2 - 5 Lots - Shall be 40 feet 6 - 20 Lots - Shall be 45 feet 20+ Lots - Shall be 50 feet
2.	Pavement Width	2 - 5 Lots - 12 feet minimum 6 - 20 Lots - 18 feet minimum 20+ Lots - 20 feet minimum
3.	Minimum Surface Materials	2 - 5 Lots - Crushed aggregate 6 - 20 Lots - Concrete or Bituminous 20+ Lots - Medina County Public Street Standards
4.	Grade	15% Maximum Grade 18% Allowed for 100 feet stretches 8% grade maximum when approaching a public road
5.	Berm	A three (3) foot graded gravel compacted berm at both sides of the pavement
6.	Setback	Drive surface or slopes not less than ten (10) feet from the right-of-way line
7.	Inside Curve Radius	No less than fifty (50) feet
8.	Pavement Design	In accordance with applicable Medina County pavement design criteria
9.	Overall Design	Designed to accommodate a speed rating of twenty-five (25) miles per hour

B. Bridge Requirements

1. Private street bridge surface shall not be less than twelve (12) feet in width. This width shall be greater if required by the Liverpool Township Fire Chief.

2. Bridges and culverts shall be designed to carry ASTO HSO-20 loading.

3. Private road bridges, culverts, and other applicable features shall be designed by an Ohio

Registered Professional Engineer and inspected and approved by the Medina County Engineer's Office.

C. Other Requirements

1. Circular or tee turnouts are required every five hundred (500) feet. The turnout shall be ten (10) feet deep by fifty (50) feet long with a twenty-five (25) foot taper.

2. If a private street leaves the public roadway on an upgrade, the design and construction shall include a vertical curve or a saddle to prevent the flow of surface drainage from said private street onto the traveled portion of the public roadway. Any graded surface of banks shall have a slope of not steeper than 2:1.

3. Provisions shall be made for removal of all obstructions including vegetation and vehicle parking which could impede access by emergency vehicles.

4. The construction and design of the private street shall be reviewed by representatives of the Medina County Engineer and Liverpool Township Fire Chief for comment and/or recommendations.

5. Guard rails or other related barriers shall be provided where appropriate.

6. The private street shall not be utilized for extension to adjacent property.

7. A cul-de-sac at the end of a private street for larger subdivisions shall have a minimum of fifty (50) feet pavement radius.

8. Radii at intersections shall be approved by the Medina County Engineer's Office.

D. Maintenance Requirements

1. The private street shall be maintained by a homeowner's association or an agreement by associated home owners as per Section 306.10. The agreement shall be constructed in such a way as to ensure that the provisions of Section 219 are maintained at all times.

E. Common Driveways

Common Driveways are permitted as a means of providing access and circulation to and within a Controlled Density Subdivision provided that they are constructed to the following specifications:

1. The maximum allowable number of lots serviced by a common driveway is five (5).

2. That the driveway is constructed as per Section 219, subsections (A), (B), and (C) excepting therefrom any required right-of-way width and homeowner's association as stated in Section 306.10.

3. That there are deed restrictions to provide a mechanism covering the common use and funding for the permanent maintenance of said driveway. These restrictions are also to contain the following language:

"The undersigned grantee(s) hereby acknowledge that (he/she/they) understand that the premises herein described is located on a non-dedicated right-of-way. And further, the grantee(s) understand that no government body is responsible for care and maintenance of said right-of-way. Said right-of-way shall be maintained by the grantee(s) for emergency service delivery."

(Section 219 - Recommended 06/06/1996. Adopted 07/16/1996.)

Section 220 WIND ENERGY SYSTEMS

Section 220.1 Conditionally Permitted Use

Wind energy systems that operate at an aggregate capacity of less than five megawatts may be permitted as a conditional use in all zoning districts after submission of an application per Article VI and only after site plans have been reviewed and approved according to Section 216 and upon issuance of a conditional zoning certificate by the Board of Zoning Appeals subject to the general requirements of Liverpool Township Zoning Resolution and to the specific requirements of Section 220.

Section 220.2 Regulations for Tower Mounted Wind Energy Systems (Including Temporary Anemometers)

A. Lot Area Requirement - 5 acre minimum

B. Yard Requirements - Side yard setback and rear yard setback must be greater than or equal to the radius of the fall zone as defined in Article XI.

   1. Tower mounted wind energy systems are not permitted in any front yard.

C. General Requirements
   1. Height Restriction - The tower mounted wind energy system total height shall not exceed one hundred fifty (150) feet in height.

   2. Blade Ground Clearance - The vertical distance from ground level to the tip of a wind generator blade when the blade is at its lowest point shall be at least twenty-five (25) feet.

   3. Access - The tower shall have either: 1) tower climbing apparatus located no closer than ten (10) feet to the ground level at the base of the structure; 2) a locked anti-climb device installed on the tower; or 3) a secure enclosed access.

   4. No lighting shall be allowed unless required by the Federal Aviation Administration (FAA).

   5. All signs, both temporary and permanent, are prohibited on wind energy systems.

   6. Manufacturer, installer, owner, voltage, any applicable warnings, emergency contact personnel and 24-hour emergency phone numbers must be attached to the wind energy system so that emergency vehicles can locate the responsible parties.

   7. All wiring associated with the operation of a wind energy system shall be located underground.

   8. The wind energy system tower must meet all applicable federal, state, and local codes.

   9. Maintenance – The property owner is responsible for ensuring that the wind turbine operates as designed and in compliance with the guidelines of the Liverpool Township Zoning Resolution. If at any time a wind energy system becomes unsafe for any reason, the owner shall remove or repair the wind energy system immediately.

Section 220.3 Regulations for Structure Mounted Wind Energy Systems

A. Lot Area And Frontage Requirements - Must meet all minimum requirements for structures under the regulations of each zoning district.

B. Yard Requirements - Must meet all minimum requirements for structures under the regulations of each

zoning district.

C. General Requirements:

1. No lighting shall be allowed unless required by the Federal Aviation Administration (FAA).

2. All signs, both temporary and permanent, are prohibited on wind energy systems.

3. Manufacturer, installer, owner, voltage, any applicable warnings, emergency contact personnel and 24-hour emergency phone numbers must be attached to the wind energy system so that emergency vehicles can locate the responsible parties.

4. All wiring associated with the operation of a wind energy system shall be located underground.

5. The structure mounted wind energy system must meet all applicable federal, state, and local codes.

6. Maintenance – The property owner is responsible for ensuring that the wind turbine operates as designed and in compliance with the guidelines of the Liverpool Township Zoning Resolution. If at any time a wind energy system becomes unsafe for any reason, the owner shall remove or repair the wind energy system immediately.

(Recommended 7/07/2011. Adopted 8/16/2011.)

ARTICLE III

District Regulations

Section 301 Rural Residential District (R-R)

Section 301.1 Purpose

The purpose of this district is to provide for rural residential development at a low density which will promote the continuation of the predominant rural residential character of the Township. Where central sewer and water facilities are not available it is the intention of this district to allow residential development of sufficiently low density to preclude creation of public health and safety problems which could result in the need to extend central facilities in an uneconomical fashion. Where central sewer and water are available, it is the intention of this district to provide for low density residential development at a density of one (1) acre per dwelling unit. To ensure that existing and planned sewer and water facilities are most efficiently utilized, the one (1) acre per dwelling unit density will not be permitted outside the planned service areas as indicated in the Liverpool Township Development Policy Plan.

Section 301.2 Uses

A. Permitted Uses

1. One-family and two-family dwellings
2. Roadside stands
3. Accessory buildings and uses
4. Signs as regulated by Article IV
5. Parking as regulated by Article V
6. Type 1 home occupations, as regulated in Section 215
7. Swimming pools, as regulated in Section 211

B. Conditionally Permitted Uses - Within the R-R district, the following uses may be permitted as conditional uses only after site plans have been reviewed and approved accordingly to Section 216 and upon issuance of a conditional zoning certificate by the Board of Zoning Appeals, subject to the general requirements of this Article as well as Articles IV, V, and VI and to the specific requirements of the Subsections of Section 605 referred to below.

1. Churches and other places of worship subject to Section 604 and Section 605, subsections 1, 2, 6, 12 and 13.
2. Educational, religious, or philanthropic institutions subject to Section 604 and Section 605, subsections 1, 2, 3, 4, 6, 7, 8, 9, 10, 12, and 13.
3. Governmentally or private owned and/or operated recreation areas which include overnight camping, either as a primary or secondary activity subject to Section 604 and Section 605, subsections 1, 6, 11, 13, 14, 18, and 19.

4. Governmentally or privately operated recreation areas such as: picnic areas, playgrounds, parks, swimming facilities, golf courses, tennis clubs, country clubs, and similar recreational facilities or uses of similar character. Uses similar in character to the following shall be excluded: Commercial recreational uses such as drive-in theaters, miniature golf courses, golf driving ranges, rifle ranges, trapshooting, skeet-shooting ranges, pistol ranges, or other ranges for the use of firearms, the operation of snowmobiles, motorcycles, and all terrain vehicles when conducted as a business such as by renting such vehicles or charging a fee in order to operate such vehicles on private property or the inviting of spectators to view the operation of such vehicles or allowing competition among such vehicles with or without charging a fee. Uses permitted under this category shall be subject to Section 604 and Section 605, subsections 1, 2, 3, 5, 6, 11, 13, 14, 18, and 19.

5. Governmentally owned and/or operated buildings and facilities other than those listed above subject to Section 604 and Section 605, subsections 1, 3, 4, 6, 8, 9, 10, and 13.

6. Cemeteries for the internment of human remains subject to Section 604 and Section 605, subsections 1 and 22. (Recommended 12/02/2004. Adopted 12/21/2004.)

7. Strip mining subject to Section 604 and Section 605, subsections 1 and 23.

8. Public and private aviation fields, subject to Section 604 and Section 605, subsections 1 and 25.

9. Type 2 home occupations subject to Section 604 and Section 215(A) and (C).

10. Nursing homes and rest homes with accompanying ancillary services as defined in Section 3721 of the Ohio Revised Code and subject to Section 604 and Section 605, subsections 1 and 26.

11. Family Care Facilities which are facilities which provide accommodation services, and/or personal assistance services in a private residence for a period of more than twenty-four (24) hours, either for consideration or not, to five (5) or fewer unrelated individuals who are dependent upon others for such services. Individuals who are receiving these services shall be integrated into the family environment. Family Care Facilities shall not include residents who require "skilled nursing care". Family Care Facilities shall not include nursing homes and rest homes as defined in Ohio Revised Code 3721. Family Care Facilities shall be subject to the conditions of Article VI and specifically Sections 604 and 605(A), subsections 1, 6, 19, 27, and 605(B).

12. Wind Energy Systems, subject to Section 220, 604, and 605.

13. Agritourism subject to Section 604 and Section 605, subsection A.27. (Recommended 08/05/2021. Adopted 09/15/2021.)

C. Prohibited Uses

1. Telecommunication Towers.

(Amendment – Section 301.2(C) added. Recommended 04/13/2000. Adopted 05/16/2000.)

D. Limitations on Agricultural Use

Agricultural use of any parcel in any platted subdivision approved under Ohio Revised Code Sections 711.05 or 711.10 or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Revised Code 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 shall be subject to the following limitations:

1) On lots of one (1) acre or less, agriculture shall be prohibited;

2) On lots greater than one (1) acre but not greater than five (5) acres by structures used for agricultural purposes shall be subject to applicable yard restrictions per Section 301.4.

(Amendment – Section 301.2(D) added. Recommended 06/07/2018. Adopted 07/17/2018.)

Section 301.3 Lot Requirements

A. Minimum Lot Area - Exclusive of road right-of-ways.

1. Single family dwellings
   a. with both central water and sewer - one (1) acre
   b. with on-site water or central water and on-site septic - two (2) acres

(Recommended 10/09/2014. Adopted 11/18/2014.)

2. Two-family dwellings
   a. with both central water and sewer - 1.5 acres
   b. with on-site water or central water and on-site septic - 3.5 acres

(Recommended 10/09/2014. Adopted 11/18/2014.)

B. Minimum Lot Frontage Width Continuous to Building Line

1. Single family dwellings
   a. with both central water and sewer - 120 feet
   b. with on-site water or central water and on-site septic - 150 feet

(Recommended 10/09/2014. Adopted 11/18/2014.)

2. Two-family dwelling
   a. with both central water and sewer - 150 feet
   b. with on-site water or central water and on-site septic - 225 feet

(Recommended 10/09/2014. Adopted 11/18/2014.)

3. Major Subdivisions - When new streets are developed, the minimum lot frontage for single family dwellings fronting on the bulb portion of a cul-de-sac shall be:
   a. with both central water and sewer - 60 feet
   b. with on-site water or central water and on-site septic - 75 feet

(Recommended 10/09/2014. Adopted 11/18/2014.)

(Amendment - Sec. 301.3(B)(3) added. Recommended: 07/11/1991. Adopted 08/06/1991.)
(Amendment to Section 301.3(B) – Recommended 04/05/2001. Adopted 05/01/2001,)

C. Minimum Lot Width at Building Line

1. Single-family dwelling
   a. with both central water and sewer - 120 feet
   b. with on-site water or central water and on-site septic - 150 feet

(Recommended 10/09/2014. Adopted 11/18/2014.)

2. Two-family dwelling
   a. with both central water and sewer - 150 feet
   b. with on-site water or central water and on-site septic - 225 feet

(Recommended 10/09/2014. Adopted 11/18/2014.)

D. The above lot requirements shall not apply if the Medina County Health Department shall require more

land to satisfactorily dispose of sewage effluent. The amount so required shall be the required lot area.

Section 301.4 Yard Requirements

A. Minimum Setback from Right-of-Way Line - one hundred (100) feet, except as provided in Section 301.4(G).

B. Minimum Side Yard Setback from Property Line - fifteen (15) feet
(Recommended 10/06/2011. Adopted 11/15/2011.)

C. Minimum Rear Yard Setback from Property Line - fifty (50) feet
(Recommended 10/06/2011. Adopted 11/15/2011.)

E. In all cases, the right-of-way shall be assumed to be at least thirty (30) feet from the centerline of the street.

F. Accessory buildings shall meet all yard requirements except the minimum rear yard requirement is twenty (20) feet. For lots less than two (2) acres, the total square footage of all accessory buildings shall not exceed 2.25% of the total square footage of the lot.
(Recommended 10/06/2011. Adopted 11/15/2011.)
(Recommended 10/09/2014. Adopted 11/18/2014.)
(Recommended 8/05/2021. Adopted 9/15/2021.)

F. See Section 208(E)(1) for corner lots.

G. Minimum Setback from Right-of Way Line for Roadside Stands - ten (10) feet.

Section 302 Commercial District (C-1)

Section 302.1 Purpose

The purpose of this district is to provide for a variety of retail, service, and administrative establishments to serve the daily and weekly household and personal needs of the residents of Liverpool Township. The C-1 district regulations are designed to provide for commercial development that can be located on relatively close proximity to residential uses.

Section 302.2 Uses

A. Permitted Uses

1. Use and uses permitted in residential districts shall be permitted in C-1 district.

2. Living quarters adjoining business establishments, restaurant, lunchroom, garage.

3. Establishments engaged primarily in the fields of finance, insurance, and real estate, such as banks (walk-in or drive-in), credit agencies, investment firms, real estate, and insurance firms.

4. Establishments engaged in providing a variety of services to individuals and business establishments, such as personal services; miscellaneous business services; medical and health services; engineering and architectural services; legal services, accounting, auditing and bookkeeping services; non-profit, professional, charitable and labor organizations; dance studio and school; bowling alley; and motion picture and theatrical playhouse.

5. Establishments engaged in retail trade, such as drug stores, books and stationery, apparel, florist, garden supply, automobile accessory, antiques, sporting goods, jewelry, optical goods, furniture, home furnishings, office equipment, office supplies, beverages, restaurants, hardware and food stores not exceeding 7,500 square feet.

6. Churches and other buildings for the purpose of religious worship.

7. Publicly owned and/or operated buildings and facilities.

8. Clubs, lodges, fraternal, charitable, or social organizations.

9. Veterinary clinic or hospital.

10. Educational, religious, or philanthropic institutions.

11. Other uses similar in character to those listed above in accordance with the purpose of the C-1 District, as determined by the Zoning Inspector.

12. Signs as regulated by Article IV.

13. Parking and loading as regulated by Article V.

B. Conditionally Permitted Uses - Within the C-1 District the following uses may be permitted as conditional uses only after site plans have been reviewed and approved according to Section 216 and upon issuance of a conditional zoning certificate by the Board of Zoning Appeals, subject to the general requirements of this Article as well as Articles IV, V, and VI and to the specific requirements of the Subsections of Sections 605 referred below:

1. Drive-in establishments including restaurants and refreshments stands, but excluding drive-in theaters and commercial amusement parks, subject to Section 604 and Section 605, Subsections 1, 6, 8, and 15.

2. Gasoline service station, garage, and automotive repair, subject to Section 604 and Section 605, subsections 1, 6, 8, 17, 20, and 21.

3. The following uses may be conducted not closer than one hundred (100) feet from any residential district or existing residential use, subject to Section 604 and Section 605, subsections 1, 6, 13, 15, 16, and 20.
   a. Carpenter, cabinet, upholstering, sheet metal, plumbing, heating, roofing, air conditioning, sign painting, painting, building supply, and other similar establishments.
   b. Repair services for machinery and equipment including repair garages and specialty establishments such as motor tune-ups, muffler shops, tire repairing, sales and service including vulcanizing.

4. Use or uses conditionally permitted in residential districts.

5. Wind Energy Systems, subject to Section 220, 604, and 605. (Recommended 7/07/2011. Adopted 8/16/2011.)

6. Commercial recreational uses such as drive-in theaters, miniature golf courses, golf driving ranges, the operation of snowmobiles, motorcycles, and all-terrain vehicles when conducted as a business such as by renting such vehicles or charging a fee in order to operate such vehicles on site or the inviting of spectators to view the operation of such vehicles or allowing competition among such vehicles with or without charging a fee. There shall be appropriate buffering and operating hours to prevent any nuisance to adjacent properties utilized for residential use. (Recommended 10/06/2016. Adopted 11/1/2016.) (Revision Recommended 10/03/2019. Adopted 1/21/2020.)

7. Changeable Copy Electronic Signs. (Recommended 10/06/2016. Adopted 11/12/2016.)

8. Agritourism subject to Section 604 and Section 605, subsection A.27. (Recommended 08/05/2021. Adopted 09/15/2021.)

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Section 302.3 Area and Yard Requirements

A. <u>One and Two Family Dwellings</u> - Same area and yard requirements as the R-R district in Section 301.3.

B. <u>Commercial Lot Area</u> - There shall be no minimum lot area for a commercial use except as may be required by the Health Department for installation of an on-site sewage system. In case of a commercial use so situated, written approval of the Health Department for the installation of an on-site system shall be required prior to the issuance of a zoning certificate.

C. <u>Commercial Lot Frontage</u> - 150 feet, except 100 feet with central sewer and water.

D. <u>Commercial Lot Width</u> - 150 feet, except 100 feet with central sewer and water.

E. <u>Commercial Setback from Right-of-Way</u> - 100 feet. The required front yard may be used for parking except for a landscaped strip twenty (20) feet in width adjacent to the right-of-way and running the entire frontage of the parcel. The landscaped strip may be crossed by not more than two (2) driveway openings according to the requirements of Section 507. See Section 208(E)(1) for corner lots.

F. Commercial Side and Rear Yard Setbacks – Twenty-five (25) feet. When adjacent to a residential district or existing residential use, the side yard adjacent to such district or use shall consist of a landscaped and planted buffer strip twenty-five (25) feet in width and running the length of the side yard. (Recommended 10/06/2011. Adopted 11/15/2011.)

Section 302.4 Supplementary Regulations

A. Outdoor Storage - Outdoor storage of materials, equipment and supplies shall be screened from view f from adjacent right-of-ways and adjacent properties.

B. Refuse Storage - All outdoor refuse storage areas shall be screened from view from adjacent properties. All refuse shall be stored in rodent-proof containers or enclosures. Refuse storage areas shall be maintained in a neat and orderly fashion so as not to attract insects, rodents, or other pests.

C. Site Plan Review - All uses permitted and conditionally permitted in the C-1 District except one and two family dwellings, shall be issued zoning certificates only after review and approval of the site plans by the Township according to the procedures and requirements of Section 216.

Section 303 Industrial District (I)

Section 303.1 Purpose

The purpose of this district is to provide for industrial uses and sexually oriented businesses that may not be compatible with some manufacturing, processing, office and other uses because of their size and character. Central water and sewer facilities are required. (Recommended 04/06/2006. Adopted 05/02/2006.)

Section 303.2 Uses

A. Permitted Uses - Permitted uses are those manufacturing, processing, research, other industrial activities, sexually oriented businesses, and all permitted uses in the Limited Manufacturing and Research District. No use shall be conducted in violation of Section 207, NUISANCE PROHIBITED, of this Resolution and any law governing nuisances in the Ohio Revised Code.
(Recommended 04/06/2006. Adopted 05/02/2006.)

B. Conditional Uses - Within the I District the following uses may be permitted as conditional uses only after the site plans have been reviewed and approved according to Section 216 and upon issuance of a conditional zoning certificate by the Board of Zoning Appeals, subject to the general requirements of this Article as well as Articles IV, V, and VI and to the specific requirements of the Subsections of Section 605 referred to below.

1. Strip mining, subject to Section 604 and Section 605, subsection 1 and 23.

2. Public and private aviation fields, subject to Section 604 and 605, subsection 1 and 25.

3. Wind Energy Systems, subject to Section 220, 604, and 605.
(Recommended 7/07/2011. Adopted 8/16/2011.)

4. Rifle ranges, trapshooting, skeet-shooting ranges, pistol ranges, or other ranges for the use of firearms. (Recommended 10/03/2019. Adopted 1/21/2020.)

5. Agritourism subject to Section 604 and Section 605, subsection A.27. (Recommended 08/05/2021. Adopted 09/15/2021.)

C. Prohibited Uses - The following uses are prohibited in the I-District:

1. Single or two-family residential units.

2. Any trade, industry, or use that will be unreasonably injurious or hazardous to public health, safety, or general welfare.

Section 303.3 Lot and Yard Requirements

A. Minimum Lot Area - 1 acre

B. Minimum Lot Frontage - 200 feet

C. Minimum Lot Width - 200 feet

D. Minimum Setback from Right-of-Way – One hundred (100) feet, except as provided in Section 303.3(H). Parking may be provided in a required front yard as long as a landscaped strip fifty (50) feet in width is

maintained adjacent to the right-of-way line and running across the parcel's entire frontage. The landscaped strip may be crossed by driveway openings designed according to the requirements of Section 507. See Section 208(E)(1) for corner lots. (Recommended 10/06/2011. Adopted 11/15/2011.)

E. Maximum Lot Coverage – 40%

F. Minimum Side and Rear Yard Setbacks – Twenty-five (25) feet except as provided in Section 303.3(G) and Section 303.3(H). (Recommended 04/06/2006. Adopted 05/02/2006.)
(Amended: Recommended 10/06/2011. Adopted 11/15/2011.)

G. Yards Adjoined a Rural-Residential (RR) District or Limited Manufacturing and Research District Regardless of Whether Such is in Liverpool Township or an Adjoining Political Subdivision.

1. Where an Industrial District (I) adjoins a Limited Manufacturing and Research District (M), the adjoining rear or side yard shall be a minimum of one hundred fifty (150) feet. The area abutting the (M) District shall be landscaped and maintained to a minimum depth of fifty (50) feet. The balance of the yard shall be used for parking or open space.
2. Where an (I) District adjoins a Rural-Residential (R-R) District or an (M) District developed with residential dwellings, the adjoining front, rear, or side yard shall be a minimum of one hundred fifty (150) feet except if the use is a sexually oriented business, then the adjoining front, rear, or side yard setback shall be 1,000 feet from residential uses, residential districts, playgrounds, schools, churches, parks, daycare centers, libraries, and any other use predominantly providing services to minors. Any sexually oriented business which is lawfully and legally located and operating as a conforming use pursuant to the regulations set forth in this Resolution shall not be rendered a "non-conforming use" if a change in the zoning classification or use of any lot or structure would otherwise result in such sexually oriented business no longer being located legally and such business may continue as a conforming use. The area abutting the (R-R) District or the (M) District developed with residential dwellings shall be landscaped and maintained to a minimum depth of fifty (50) feet. The fifty (50) foot landscaped strip shall contain an earthen mound not less than eight (8) feet in height from the finished grade with side slopes not greater than a 1:1 ratio. The mound shall be planted with non-deciduous trees not less than four (4) feet in height and not more than sixteen (16) feet apart. The mound shall be continuous with the exception of breaks necessary for the drainage of stormwater. The balance of the yard shall be used for parking or open space.
(Recommended 04/06/2006. Adopted 05/02/2006.)
3. Where a lot with a proposed industrial use abuts a lot containing more than one zoning district and is developed with a residential dwelling, the required rear yard shall be a minimum of fifty (50) feet and shall contain the earthen mound as described in Section 303.3(G)(2).
4. The need for the landscaped earthen mound may be waived by the Zoning Inspector if it is determined that existing natural features provide equal or better privacy. The earthen mound shall not be required by industrial uses existing when this Resolution is enacted or the expansion of existing industrial uses.
5. All required landscaping shall be permanently maintained. Whenever necessary, plant material shall be replaced to ensure continued compliance with applicable landscaping requirements.
(Section 303.3(G) - Recommended 08/14/1997. Adopted 09/02/1997.)

H. See Section 208(E)(1) for corner lots.

Section 303.4 Supplementary Regulations

A. Site Plan Review - No zoning certificate shall be issued for any use in the I District until site plans have been reviewed and approved by the Township according to the procedures and requirements of Section 216. In addition to reviewing the site plan against the standards specified in Section 216(D), the Township shall make a determination that the emission standards specified above in Section 303.2 will be complied with. The Township may seek assistance from appropriate experts, with costs of the review to be borne by the applicant, as they feel are necessary to insure compliance with these regulations.

The Township shall supply the applicant with an estimate of such review costs prior to their incurrence.

B. Maximum Building Height – The height of any main or accessory building shall not exceed fifty (50) feet, except that chimneys, flagpoles, towers, (communication towers, for example), water tanks, and other mechanical appurtenances may be built to a height not exceeding one hundred twenty-five (125) feet above the finished grade when erected upon or as an integral part of a building. A detached or self-standing water tower is exempted from height regulation.

C. Water and Sewer - Central water and sewer facilities shall be required for all uses in the I District.

D. Outdoor Storage

1. Run-off - Outdoor storage of equipment, raw materials, parts, and finished products shall be arranged so that no run-off from outdoor storage areas is allowed to leave the I District. Run-off from these areas shall be detained on the site so as to ensure that water courses will not be contaminated. Appropriate holding tanks, basins, or other structures shall be provided for this purpose. All surface holding areas should not be visible from adjoining zoning districts or from adjoining right-of-ways. Surface holding areas shall be fenced and shall be specifically designed to prevent any leaching.

2. Screening - Outdoor storage areas shall be totally screened from view from all adjacent residential districts by landscaping, walls, fences, or topography. Outdoor storage shall not occur in any required front yard or in any yard adjacent to a residential district.

E. Refuse Storage - All outdoor refuse storage areas shall be screened from view from adjacent properties. All refuse shall be stored in rodent-proof containers or enclosures. Refuse storage areas shall be maintained in a neat and orderly fashion so as not to attract insects, rodents, or other pests.

F. Parking and Loading Requirements - As required by Article V.

G. Sign Regulations - As required by Article IV.

H. Violations - Activities which fail to comply with the emission standards of Section 303.2 shall be in violation of this Resolution.

I. Special Business Restrictions for Sexually Oriented Businesses

1. Only one (1) sexually oriented business shall be permitted in any one building, structure, or portion thereof and only one (1) sexually oriented business shall be permitted per lot of record.

2. No outward evidence of operation shall be visible from the outside.

a. No advertisement, displays, or other promotional materials displaying or describing sexual activities or anatomical areas shall be shown or exhibited in any manner visible to the public from pedestrian sidewalks, roadways, or from other public or semi-public areas.

b. All building openings, entries, and windows shall be located, serviced, or covered in such a manner as to prevent viewing into the interior from any public or semi-public area, sidewalk or roadway.

c. No screens, loudspeakers, or sound equipment shall be used for adult motion pictures that can be seen or discerned by the public from any public or semi-public area, sidewalk, or roadway.

d. No merchandise or activities of a sexually oriented business shall be visible from a point outside the establishment.

(Section 303.4(I) – Recommended 04/06/2006. Adopted 05/02/2006.)

Section 304 Limited Manufacturing and Research District (M)

Section 304.1 Purpose

The purpose of this district is to provide for industrial uses, which have no objectionable affects on the surrounding area of the community. Limited manufacturing and processing, office and research activities, and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare and operate entirely within enclosed structures are permitted.

Section 304.2 Uses

A. Permitted Uses

1. Manufacture of the following products:

   a. Electric products and equipment.

   b. Metal products, including business machines, instruments, fabrication of cabinets and furniture, stamping and extrusion of small parts.

   c. Tools and hardware, including hand tools, cutlery, die and pattern making; other small machine shops.

   d. Wood products, including furniture, boxes, and crates.

2. Offices - Corporate, executive, administrative, and sales.

3. Research and laboratory facilities for basic and applied research, experiments, and testing.

4. Wholesale business, service, and storage establishments such as:

   a. Repair establishments, including automobile motors, body, painting, and tires and electrical and household appliances.

   b. Other shops, including contractors, plumbing, heating, painting, ornamental iron, upholstering, monument works, and welding shops.

   c. Warehouses, including storage and wholesale establishments.

   d. Yards for storage of coal, lumber and other building materials.

5. Similar Main Uses - Any office, service, storage, or manufacturing establishment not listed above, but of a character and extent similar to the above and not specifically permitted only in a less restricted district, is permitted.

B. Conditionally Permitted Uses - Within the M District the following uses may be permitted as conditional uses only after site plans have been reviewed and approved by the Board of Zoning Appeals and upon issuance of a conditional zoning certificate by the Board of Zoning Appeals, subject to the general requirements of this Article as well as Article IV, V, and VI and to the specific requirements of the Subsections of Section 605 referred to below.

1. Strip mining, subject to Section 604 and Section 605, subsections 1 and 23.

2. Single-family residential dwellings subject to Section 604 and Section 605, subsection 1.

3. Public and private aviation fields, subject to Section 604 and Section 605, subsections 1 and 25.

4. Wind Energy Systems, subject to Section 220, 604, and 605. (Recommended 7/07/2011. Adopted 8/16/2011.)

5. Agritourism subject to Section 604 and Section 605, subsection A.27. (Recommended 08/05/2021. Adopted 09/15/2021.)

Section 304.3 Lot and Yard Requirements

A. Permitted Uses

1. Minimum Lot Frontage - 200 feet

2. Minimum Lot Width at Building Line - 200 feet

3. Minimum Setback from Right-of-Way - 200 feet. The front yard shall be appropriately landscaped to be harmonious with the surrounding neighborhood. See Section 208(E)(1) for corner lots.

4. Minimum Side Yard - 25 feet, except as provided in Section 304.3(G)

5. Minimum Rear Yard - 50 feet, except as provided in Section 304.3(G)

6. Maximum Lot Coverage - 40%

7. Yards Adjoining a Residential District - Where an M District adjoins a residential district, the adjoining rear or side yard shall be one hundred fifty (150) feet. The area abutting the residential district, to a depth of fifty (50) feet, shall be landscaped and maintained to minimize any undesirable effects of an M District use on adjacent residential areas. The balance of this yard shall be used for open space or parking.

B. Conditionally Permitted Single Family Uses

1. Minimum Lot Area – 5 acres

2. Minimum Lot Frontage - 250 feet

3. Minimum Lot Width at Setback - 250 feet.

4. Minimum Side Yard - 25 feet

5. Minimum Rear Yard - 50 feet

6. Such uses shall meet all other applicable requirements as specified in Section 301.

Section 304.4 Performance Standards

Main and accessory buildings and uses enumerated in this section shall comply with the following performance standards as a condition precedent to their occupancy and use, in addition to the Site Plan Review and Conformance provision of Section 216.

A. All permitted office, laboratory, service, storage, and manufacturing operations shall be conducted, and all materials used in their operations shall be contained, wholly within enclosed buildings, or enclosed by a solid wall or fence of such nature and height as to conceal completely all operations thereof and all

materials therein from an observer's view, if that observer is standing at the grade level on an adjacent residential premises or district.

B. Storage of all materials in yards of buildings must comply with all Federal and State protection standards in effect at the time.

C. Any waste products from all permitted operations shall be properly disposed of and any storage necessary shall be within a wall or fence.

D. All operations shall be of a type that will not disseminate any dust, smoke, fumes, gas, glare, or noxious odors or that possess other equally objectionable characteristics.

E. No noise or vibrations shall be produced at the boundary of the property exceeding the average intensity of street traffic noise.

Section 304.5 Supplementary Regulations

A. Site Plan Review - No zoning certificate shall be issued for any use in the M District until site plans have been reviewed and approved by the Township according to the procedures and requirements of Section 216. In addition to reviewing the site plan against the standards specified in Section 216(D), the Township shall make a determination that the Performance Standards specified in Section 304.4 will be complied with. The Township may seek assistance from appropriate experts, with costs of the review to be borne by the applicant, as they feel are necessary to insure compliance with these regulations. The Township shall supply the applicant with an estimate of such review costs prior to their incurrence.

B. Maximum Building Height - The height of any main or accessory building shall not exceed fifty (50) feet, except that chimneys, flagpoles, towers, water tanks, and other mechanical appurtenances may be built to a height not exceeding seventy-five (75) feet above the finished grade when erected upon or as an integral part of a building. A detached or self-standing water tower is exempted from height regulations.

C. Sewer and Water Facilities - Central sewer and water facilities shall be required for all industrial uses in the M District unless approval for on-site systems is obtained from the Medina County Health Department and the Ohio Environmental Protection Agency.

D. Outdoor Storage

1. Run-Off - Outdoor storage of equipment, raw materials, parts, and finished products shall be that no run-off from outdoor storage areas is allowed to leave the M District. Run-off from these areas shall be detained on the site so as to ensure that water courses will not be contaminated. Appropriate holding tanks, basins, or other structures shall be provided for this purpose. All surface holding areas should not be visible from adjoining zoning districts or from adjoining right-of-ways. Surface holding areas shall be fenced and shall be specifically designed to prevent any leaching.
2. Screening - Outdoor storage areas shall be totally screened from view from all public right-of-ways and from all adjacent residential districts by landscaping, walls, fences, or topography. Outdoor storage shall not occur in any required front yard or in any yard adjacent to a residential district.

E. Refuse Storage - All outdoor refuse storage areas shall be screened from view from adjacent properties. All refuse shall be stored in rodent-proof containers or enclosures. Refuse storage areas shall be maintained in a neat and orderly fashion so as not to attract insects, rodents, or other pests.

F. Parking and Loading Requirements - As required by Article V.

G. Sign Regulations - As required by Article IV.

Section 305 Flood Plain District (FP)

Section 305.1 Purpose

The purpose of the Flood Plain District (FP) is to protect those areas in the Township which are subject to flooding. Controlled use of these areas is required to protect human life, prevent or minimize material or economic losses, reduce the cost to the public for emergency public aid and relief efforts occasioned by unwise occupancy of flood areas, and direct development to sites which are capable of supporting the intended activity.

Section 305.2 Data Sources and Map

The boundaries of the FP District are shown on the map titled Flood Plain Zoning District Map (FP) which is on file in the Liverpool Township Office Building. Any questions pertaining to the exact district boundaries shall be resolved by scaling distances on the original source maps and reports, which are hereby adopted by reference. Sources for the flood plain areas are as follows:

A. Flood Hazard Boundary Map 1, 2, 5, 6 Medina County, Ohio U. S. Department of Housing and Urban Development, Federal Insurance Administration, April 15, 1977.

B. Flood Plain Information: West and North Branches, Rocky River, Medina County, Ohio. Corps of Engineers U.S. Army, Buffalo District, October 1971.

Where interpretation is needed as to the exact location of the boundaries, the Township Trustees shall make the necessary interpretation. Any persons contesting the location of a district boundary shall be given a reasonable opportunity to present their case to the Trustees. The FP map shows the regional flood plain (100-year frequency flood).

Section 305.3 Overlay District

Due to the relationship of natural hazard areas to physical features of the terrain rather than any artificial boundaries, the FP district shall consist of an "overlay" district and may occur in one or more of the zoning districts described in this Resolution. All land included in the FP district shall be subject to the requirements specified herein in addition to the normal requirements of the zoning district in which said land is located. If a building site is partially within the FP zone, the FP regulations apply only for the portion of the site within the FP zone.

Section 305.4 Limitations And Warning

The degree of protection in the Flood Plain District required by this Resolution is considered reasonable for regulatory purposes. It is intended to provide protection in areas which have a potential for flooding as indicated by engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes such as ice-jams and bridge openings restricted by debris. This Resolution does not imply that areas outside the district are free from flooding. Similarly, compliance with this Resolution for uses within the FP district and the issuance of a zoning certificate does not imply freedom from flooding damage.

Section 305.5 Regulations Pertaining To Flood Plain Areas (FP)

A. Uses - All uses permitted and conditionally permitted in the conventional district are permitted in the FP

overlay zone.

1. All permitted uses are subject to review by the Zoning Commission as specified in C below.

2. All conditionally permitted uses are subject to Article VI, Conditional Zoning Certificates.

B. Lot and Building Requirements - Same as conventional zoning district with the additional requirements that follow:

1. All buildings and structures shall be reasonably safe from flooding from a flood of 100-year frequency, by having the first floor (or basement if there is to be a basement) elevation at least two (2) feet above the level of such flood.

2. No structures or uses shall adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any stream, drainage ditch, or any other drainage facility or system.

3. No materials, either organic or inorganic, shall be stored in either open storage or enclosed storage in such a manner as to present a hazard of pollution or contamination of stream waters in the case of flooding.

C. Before issuance of a zoning certificate for any permitted or conditionally permitted use in a flood plain area as shown on the FP district map, the Zoning Commission shall review and comment on the proposed use. Documentation, prepared by a registered surveyor or licensed engineer, shall be submitted with the application for a zoning certificate to demonstrate to the Commission that the above requirements are met. The findings of the Zoning Commission shall be submitted in writing to the Zoning Inspector. Failure of the Zoning Commission to submit comments shall not be fatal to the issuance of a certificate.

Section 306 Controlled Density Zoning (CDZ), Overlay District

Section 306.1 Purpose

These zoning regulations are promulgated to promote the preservation and protection of the rural atmosphere of the Township while providing for anticipated residential development. To accomplish that purpose Controlled Density Zoning encourages the permanent preservation of relatively large tracts of land (consisting of, but not limited to, open natural areas, woodlands, greenway systems, wildlife habitats, flood plains, agricultural lands, wetlands, and waterways) of the Rural Residential District. These provisions and requirements are established as alternatives to a number of the residential lot requirements found elsewhere in the Resolution. Reductions permitted in these requirements are in exchange for the permanent preservation of open space and other natural features that can benefit not only the residents of the development but the general population of the Township.

Controlled Density Zoning is structured to be consistent with the principles and intentions of the Liverpool Township Development Policy Plan and the Liverpool Township Zoning Resolution. Under no circumstances will its implementation supersede any relevant provisions in either document.

Section 306.2 Boundaries

The boundaries of the Controlled Density Zoning (CDZ) Overlay District are the same as those for the Rural Residential District (R-R).

Section 306.3 Conditionally Permitted Use

Within the boundaries of the Controlled Density Zoning (CDZ), Overlay District, a CDZ development may be permitted as a conditional use after submission of an application per Article VI and only after site plans have been reviewed and approved according to Section 216 and upon issuance of a conditional zoning certificate by the Board of Zoning Appeals subject to the general requirements of Liverpool Township Zoning Resolution and to the specific requirements of Section 306. In addition to the site plan application requirements specified in Section 216(C), the application for a conditional zoning certificate shall contain: 1) indication of environmentally critical areas and features and areas of potentially scenic views; 2) a brief description of the mechanisms through which any permanent open space, agricultural operations, recreational facilities, roads, parking areas, lakes/ponds, community water and sewer systems, or other facilities will be used, owned, or maintained in common; 3) a plan for screening in sufficient detail to enable an evaluation of its effectiveness in meeting the CDZ screening requirements; and 4) the results of preliminary discussions with the Medina County Health Department.

Section 306.4 Permitted Uses

A. Detached single family dwellings.

B. Accessory buildings as regulated in Section 301.4 and 306.8(H).

C. Signs as regulated by Article IV.

D. Parking as regulated by Article V.

E. Type 1 home occupations as regulated in Section 215.

F. Swimming pools as regulated in Section 211.

G. Agriculture, horticulture or floricultural and associated activities.

Section 306.5 Density Requirements

A. Allowable number of dwellings: For the purpose of this section the maximum number of allowable dwellings shall be determined by either 306.5(A)(1) or 306.5(A)(2) below. The Board of Zoning Appeals will consider all relevant information and make a final determination consistent with the intentions of Section 306.

1. The total number of allowable dwellings within a CDZ subdivision shall be calculated by taking the total acreage to be developed divided by 2.25 for areas not serviced by central water and sewer and 1.2 for areas serviced by central water and sewer. The number calculated will be rounded to the lower whole number to determine the actual allowable number of dwellings.

2. At the option of the Board of Zoning Appeals a depiction of a subdivision designed according to conventional zoning (as specified in Section 301) shall be provided to determine the maximum number of lots allowable. A scaled drawing will include a summary of the maximum number of dwelling units considering topography, wetlands, and other similar factors which could reduce overall density. No engineering study and/or design of the subdivision is required as a basis for the estimate. However, the Township may, at its own discretion consult a professional engineer to review the accuracy and practicality of the information presented.

Section 306.6 Lot Area And Frontage Requirements

An area of depth and length of land sufficient to comply with Section 306.7 Yard Requirements and Section 306.8 General Requirements.

Section 306.7 Yard Requirements

A. Minimum setback from the right-of-way of a public or private street or edge of a common driveway - 70 feet. Staggered setbacks are encouraged.

B. Minimum side yard widths - 30 feet total with a 10-foot minimum at one side.

C. Minimum rear yard depth - 40 feet.

D. Accessory buildings shall meet the requirements of Section 301.4(E) and Section 306.8(H).

E. Corner lots shall meet the requirements of Section 208(E)(1).

Section 306.8 General Requirements

A. Minimum land area required for CDZ subdivision consideration:

1. The minimum land area allowable for this development type is fifteen (15) acres.

2. The minimum percentage of land that shall be designed as permanent open space shall not be less than 40% of the original site. It is desired that this open space be situated between the public road right-of-way and proposed residential dwellings. The open space shall not be subjected to further subdivision and shall be protected from encroachment of development through deed restrictions, conservation easements, and appropriate reverter clauses, all held by an acceptable entity(s) as further specified in Section 306.10.

B. Periphery side and rear yard requirements:

1. The minimum side yard and rear yard requirements at the periphery of the Controlled Density Zoning subdivision shall be the same as Section 301.4.

C. Number of main accesses:

1. Public road right-of ways may have one (1) main access point (not including driveways) to the Controlled Density Zoning development, unless the development exceeds fifty (50) dwelling units, whereby a second access point may be required.

D. Dwelling setback requirements from the public road right-of-way:

1. Housing units may not be situated within two hundred (200) feet of all public road right-of-way(s) existing at the time of the CDZ application.

E. Screen requirements:

1. All new dwellings and accessory buildings shall be screened from view from all public roadways existing at the time of application. This requirement shall be satisfied through the use of visual barriers consisting of:
   a) existing terrain and vegetation and/or
   b) new landscaping consisting of the construction of earth berms and the planting of vegetation per the specifications defined in Section 306.10.
2. The Association and Private Street Maintenance Agreement (Section 306.11) shall contain provisions to ensure the required integrity of established visual barriers through maintenance including, but not limited to, the replacement of dead vegetation.
3. No Conditional Zoning Certificate shall be issued until a plan to satisfy the screening requirements of this Section has been submitted and approved.

F. Buffer requirements:

1. Buffer area (at least twenty-five (25) feet in width) within a CDZ development shall be maintained to minimize conflicts between residential use and adjacent agricultural use.

G. Lot configuration requirements:

1. Lot areas will generally be of the same area. Disproportionately large lots relative to other lots in the subdivision shall be prohibited unless the applicant can demonstrate to the Board that said lot sizes meet the requirements and intent of Section 306.

H. Accessory buildings:

1. Open space accessory structure requirements: Structure(s) or building(s) accessory to conservation or agriculture may be erected within the dedicated open space. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one (1) percent of the required open space area.

2. Private property accessory building requirements: A building accessory to a private residence may be erected upon private property. This accessory building's footprint shall not exceed ten percent (10%) of the total available square footage of the rear lot area located behind the rear principle building. All accessory buildings shall meet all rear and side lot setback provisions as set forth in Section 306.7(D). The rear yard setback can be reduced to ten (10) feet if the rear property line abuts permanent open space. (Recommended 4/06/2017. Adopted 5/16/2017.)

I. Common driveways:

1. Common driveways are permitted and shall be constructed in accordance with the applicable standards of Section 219. The maximum number of dwellings serviced from each common driveway shall be not greater than five (5).

J. Open space configuration requirements:

1. Permanently preserved open space shall be reasonably contiguous. To the greatest extent practicable, this land should be designed as unified, large blocks with logical, straightforward boundaries.

K. Lakes and Ponds:

1. Lakes and ponds may be located on more than one lot if there are deed restrictions governing the common use and maintenance of said lake or pond.

Section 306.9 Roadways In CDZ Developments

Controlled Density Zoning developments shall have direct access to a public roadway. Any private street entrance shall be located no closer than one hundred fifty (150) feet from any existing street or road intersection as measured from the nearest street center line.

Private streets are permitted. The construction standards for these private streets shall meet the requirements of Section 219.

Section 306.10 Screening Specifications

Landscaping employed to satisfy the requirements of Section 306.8(E) may consist of any combination of new earth berms and vegetation conforming with the following specifications:

1. Such landscaping shall be located within a fifty (50) foot wide strip parallel to the existing roadway and set back thirty (30) feet from the road-right-of-way.
2. Such landscaping shall provide a visual barrier no less than twelve (12) feet above road elevation which obstructs the clear view of all new dwellings and accessory buildings throughout all seasons of a year. All landscaping shall be in place and provide the required visual screening no less than three (3) years after initiation of the construction of any dwellings or accessory buildings.
3. The maximum side slope of new earth berms shall be three horizontal to one vertical (3:1) and the height of the berm shall not exceed six (6) feet above natural grade of surrounding terrain.
4. Berms shall be designed with physical variations in height and alignment throughout their length.
5. Grass and/or groundcover shall be used and maintained to prevent erosion of new earth berms.
6. New landscaping vegetation shall consist of a mixture of variety of coniferous trees, deciduous trees and shrubs designed to resist insect/disease infestation. Trees shall consist of no less than fifty percent (50%) and no more than seventy percent (70%) coniferous. At planting, all trees shall be a minimum of four (4) feet in height.
7. Landscape vegetation installed on berms shall be arranged in an irregular pattern to accentuate the physical variation and natural appearance.

Section 306.11 Association And Private Street Maintenance Agreements

Protective covenants, conditions, restrictions, and conservation easements shall be either shown on the plat or recorded separately as a separate instrument provided the volume and page reference thereto is indicated on the plat. Said covenants, conditions and restrictions shall include agreements and provisions for any community association, homeowners association or other association with provisions for membership and responsibility. Said agreement shall provide for the construction, administration and maintenance of all common property and common elements of common property titled to individual property owners. Furthermore, said agreement shall provide a mechanism to ensure that funding is provided for the permanent maintenance of all common property.

In all cases where private streets or easements of access are permitted, except easements of access serving only one property, a homeowner's association shall be formed to control and maintain streets and/or easements of access, as specified in the above paragraphs. Furthermore, deed restrictions shall be required in such cases which include the following language:

"The undersigned grantee(s) hereby acknowledge(s) that (he/she/they) understand that the premises described herein is located upon a non-dedicated right-of-way. And further, the grantee(s) understand that no government body is responsible for care and maintenance of said right-of-way. Said right-of-way shall be maintained by the grantee(s) for emergency service delivery."

Should a private street ever be petitioned to become public, it shall be reconstructed to public street standards prior to its being accepted as a public street.

The Controlled Density development plan shall indicate a mechanism for notifying property owners of the duties associated with common ownership and maintenance. Further, the agreement shall specify penalties to non-compliant property owners, (i.e., tax liens on property of non-compliant owners).

All agreements reached under the above conditions shall be filed concurrently with the final development plats at the Medina County Recorder's office.

Section 306.12 Definitions

Rural Atmosphere - The pervading influence consisting of open spaces.

Open Spaces - Relatively large tracts of permanently preserved land consisting of open clear areas, woodlands, greenway systems, natural areas, wildlife habitat, floodplains, agricultural lands, wetlands, waterways, and ponds.

Screen - For the purpose of this section screen shall mean dense vegetation (i.e. a variety of indigenous trees and shrubs) and/or topography sufficient to obstruct the clear view of dwellings.

Buffer - For the purpose of this section buffer shall mean a depth and length of land sufficient to comply with Section 306.8(F) consisting of a variety of trees, grasses, shrubs and/or wild flowers.

Private Street - For the purpose of this section a private street will be a roadway constructed in accordance with Section 219. The primary purpose of these streets shall be to provide safe access to residential dwellings constructed in accordance with Section 306.

Driveway - For the purpose of this section, a driveway shall be a driveway from a private street or public street on private property to a residential dwelling constructed in accordance with Section 306, and subject to the requirements of Section 210(F).

Common Driveway - For the purpose of this section a common driveway shall be a driveway which services in common five (5) or less residential dwellings constructed in accordance with Section 306 and subject to applicable construction standards in Section 219.

(Section 306 - Recommended 06/06/1996. Adopted 07/16/1996.)
(Revision to Section 306 - Recommended 02/04/2010. Adopted 03/16/2010.)

ARTICLE IV

Sign Regulations

Section 401 Purpose

In the interest of promoting the public convenience, comfort, prosperity and general welfare of the residents of Liverpool Township, these regulations provide for the use, location, and size of existing and proposed signs. More specifically, the purpose of these regulations is to:

A. Provide reasonable, yet appropriate, conditions for signage for residents, residential developments, institutions, businesses, and commercial, manufacturing, and industrial establishments.

B. Ensure that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment and eliminate any confusion or hazardous conflict between traffic control signs and devices, and other signs authorized by these regulations.

C. Minimize the negative consequences of excessive numbers and/or size of sign(s).

D. Provide an appropriate time or interval for certain signs.

E. Provide a place(s) or location(s) where signs are permissible.

F. Provide a manner, or how a message is or may be displayed or conveyed.

G. Prohibit all signs not expressly permitted by this Article.

Section 402 Classification of Signs

A. Sign – Any identification, description, illustration, object or device which is affixed to or integrated into a building or structure or land, or otherwise situated on a lot and which is intended to announce, direct or advertise by any means including letters, words, figures, designs, colors, symbols, fixtures or images.

B. Access Sign – A permanent sign located on private property and located at the entrance and/or exit of the property.

C. Address Sign – A sign indicating the address of a property to easily allow identification by safety services.

D. Banner – Sign made of fabric or any non-rigid material supported to retain its shape but with no enclosing framework.

E. Changeable Copy Sign – A Ground Sign or Free Standing Sign, such as a bulletin board or announcement board, where the message or graphics is not permanently affixed to the structure, framing, or background and may be periodically replaced or covered over manually or by electronic or mechanical devices.

F. Flag – Any sign of cloth or similar material, anchored along one side, displayed on a single pole, either freestanding or attached to a building.

G. Free Standing Sign – A sign that is attached to a framework supported by the ground but not resting on the ground and with no more than three (3) feet of open space between the bottom of the sign and the surrounding grade.

H. Ground Sign – A sign which has a supporting base designed as an integral part of the sign resting totally or primarily on the ground.

I. Institutional Sign – Signs or bulletin boards customarily incidental to places of worship, schools, libraries, or museums.

J. Non-Conforming Sign – Any sign existing on or after the effective date of Article IV, and any revisions, which does not conform to the stated regulations in their entirety.

K. Portable Sign – A sign similar to a Free Standing Sign but designed to be moved easily. When used as a Temporary Sign a Portable Sign is restricted to the maximum area and height regulations as a Free Standing Sign.

L. Projecting Sign – A sign attached to a building or wall and which extends beyond the line of said building or wall in such a manner that the exposed face or faces of the sign are generally perpendicular to or at an angle to the plane of the wall of the building or structure to which said sign is attached, with its leading edge extending not more than three feet (3') beyond the surface of such building or wall.

M. Public Purpose/Safety Sign – A sign authorized by law to be erected by a public authority, utility, public service organization, or private industry upon the public right-of-way or on private property and which is intended to control traffic; direct, identify or inform the public; or provided needed public service.

N. Roof Sign – Any sign erected, constructed or maintained upon or over the roof or parapet wall of a building and having its principal support on the roof or walls of the building.

O. Sandwich Board Sign – A sign consisting of two rigid panels affixed at the top and with its base resting on the ground/sidewalk and positioned to not impede sidewalk traffic.

P. Temporary Sign – Any sign designed to be displayed for a limited period of time.

Q. Wall Sign – A sign painted on, attached to, or erected against the outside wall of a building with the exposed face of the sign in a plane parallel to the plane of said wall, extending not more than eight (8) inches there from and which does not project above the roof line or beyond the corner of the building.

R. Window Sign – A sign that is applied or attached to the inside of a window or located inside a building within three (3) feet of a window so that the sign is visible and capable of being read from the outside of the building.

Section 403 General Regulations

A. Location – All signs, with the exception of conditionally permitted Off-Premises Signs as regulated in Section 403(L), shall be permitted only when the intended purpose of the sign is directly related to the property or lot where the sign is located. Signs shall only be erected or positioned so as not to obstruct traffic site lines or traffic control lights at road intersections and must comply with the requirements of Section 208(E)(2).

B. Right-of-Way – No sign shall be placed in the road right-of-way with the exception of Official Signs and Address Signs.

C. Setback from Right-of-Way – No Ground Sign and/or Free Standing Sign shall be placed closer than ten (10) feet from the road right-of-way.

D. Setback from Side Lot Lines – No Ground Sign and/or Free Standing Sign shall be placed closer than ten (10) feet from any side lot line and no closer than twenty (20) feet when the side lot line abuts a residential use.

E. Maximum Number of Ground Signs and/or Free Standing Signs – No more than one Ground Sign or Free Standing Sign, but not both, shall be placed on any premises/lot with the exception of corner lots and the entrances of subdivisions or residential developments where up to two (2) signs are permitted.

F. Corner Lots – One additional sign may be placed on a corner lot. If more than one sign is placed on a corner lot, neither sign shall be closer than thirty (30) feet from the intersection. No sign on a corner lot shall result in an obstruction to visibility as prohibited by Section 208(E)(2).

G. Light – Illuminated, internally or externally, signs shall employ only lights emitting a light of constant intensity. No sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign be placed to permit the illumination there from to be directed upon a right-of-way or adjacent property so as to cause glare or reflection that may constitute a traffic hazard or nuisance. See Section 403(N) for special regulations regarding changeable copy electronic signs. (Recommended 10/06/2016. Adopted 11/17/2016.)

H. Movement – No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention; no sign or part thereof shall contain or consist of ribbons, streamers, spinners, or strings of lights used for the purpose of attracting attention.

I. Similarity to Traffic Control Devices – Signs visible from a road shall not contain any words or symbols that would cause confusion because of their resemblance to highway traffic control or directional signals.

J. Required Openings – Signs shall not be installed over or obstruct windows or doors of any building or attach to or obstruct a fire escape as required for access by Medina County or other appropriate codes.

K. Roof Signs – No sign shall be placed on the roof of any building except those signs whose supporting structure is screened so that the sign appears to be a continuation of the face of the building.

L. Off-Premises Signs – An Off-Premises Sign is any sign that directs attention to or pertains to a product, place, event, activity, person/persons, institution, business or solicitation not located upon the premises where such a sign is located.

1. Permanent Ground Sign and/or Free Standing Sign – Off-Premises Ground Signs and Free Standing Signs placed for an extended period of time (i.e., a time longer than that permitted for a Temporary Sign in Section 404) shall be conditionally permitted only. As specified in Section 403(E), no more than one such Ground Sign or Free Standing Sign, but not both, shall be placed on any premises/lot. A conditional zoning certificate for an Off-Premises Sign shall be issued for a three (3) year period. After a three (3) year period has elapsed, a new conditional zoning certificate shall be required and may be issued provided that the Board of Zoning Appeals and the Zoning Inspector determine adequate maintenance, or adequate renovation, has been completed. If necessary, the Board of Zoning Appeals may make additional requirements for the continued use of the Off-Premises Sign as a prerequisite for re-issuance of the conditional zoning certificate. Such sign shall be located so as to maintain front, side, and rear yard requirements as for permanent buildings/structures in that district except that no such sign shall be located closer than one thousand five hundred (1,500) feet to a dwelling. Nor shall any such sign be permitted closer than one thousand five hundred (1,500) feet to a public park, public or parochial school, library, church, hospital, or similar institution. Such signs shall have a minimum spacing of at least one thousand five hundred (1,500) feet.

2. Temporary Signs – Off-Premises Temporary Signs shall only be permitted as defined and regulated by Sections 404(A) and 404(B) and the General Regulations of Section 403. In addition, only one such sign that relates to a particular event, use, or activity shall be permitted as an Off-Premises Sign on any individual premises/lot.

M. Schedule of Maximum Sign Area and Height – Signs are permitted in the respective zoning districts as set forth in the Schedule below and shall conform to the maximum area and size limitations specified in that Schedule. Signs shall also comply with all special regulations indicated as footnotes in the Schedule.

Maximum Sign Area and Height – Section 403(M)

	Residential		**Commercial**		**M & R**		**Industrial**	
Type of Sign	**Area**	**Height**	**Area**	**Height**	**Area**	**Height**	**Area**	**Height**
Address	2 Sq. Ft.	N/A	2 Sq. Ft.	N/A	2 Sq. Ft.	N/A	2 Sq. Ft.	N/A
Ground	25 Sq. Ft.	5 Ft. (a)(d)	25 Sq. Ft.	5 Ft. (b)	25 Sq. Ft.	5 Ft. (b)	40 Sq. Ft.	8 Ft. (b)
Free Standing	3 Sq. Ft.	3 Ft. (c)(d)	25 Sq. Ft.	8 Ft. (b)	25 Sq. Ft	8 Ft. (b)	40 Sq. Ft.	8 Ft. (b)
Wall	3 Sq. Ft.	N/A (c)	25 Sq. Ft.	N/A (e)	25 Sq. Ft.	N/A	50 Sq. Ft.	N/A
Roof	NP		25 Sq. Ft	5 Ft. (e)	NP		NP	
Window	NP		35 Sq. Ft (g)	N/A	NP		NP	
Projecting	NP		9 Sq. Ft.	N/A (h)	9 Sq. Ft.	N/A (h)	9 Sq. Ft.	N/A (h)
Canopy or Covered Walk	NP		5 Sq. Ft.	N/A (i)	5 Sq. Ft.	N/A (i)	5 Sq. Ft.	N/A (i)
Sandwich Board	NP		15 Sq. Ft.	N/A (j)	NP		NP	
Temporary Section 404(A)	6 Sq. Ft.	4 Ft.	6 Sq. Ft.	4 Ft.	24 Sq. Ft.	6 Ft.	24 Sq. Ft.	6 Ft.
Temporary Section 404(B)	24 Sq. Ft.	6 Ft.	24 Sq. Ft.	6 Ft.	24 Sq. Ft.	6 Ft.	24 Sq. Ft.	6 Ft.
Temporary Section 404(C)	32 Sq. Ft.	6 Ft.	32 Sq. Ft.	6 Ft.	32 Sq. Ft.	6 Ft.	32 Sq. Ft.	6 Ft.
Directional	NP		3 Sq. Ft.	6 Ft.	3 Sq. Ft.	6 Ft.	3 Sq. Ft.	6 Ft.
Flags	NP		15. Sq. Ft.	N/A (k)	15. Sq. Ft.	N/A (k)	15. Sq. Ft.	N/A (k)
Changeable Copy Signs	NP		32 Sq. Ft.	7 Ft. (f)	NP		NP	
Institutional	20 Sq. Ft.	5 Ft. (b)	20 Sq. Ft.	5 Ft. (b)	20 Sq. Ft.	5 Ft. (b)	20 Sq. Ft.	5 Ft. (b)
Public Purpose or Safety			Permitted As	Provided	By Law			

(a) Up to two (2) but only at the entrance of a subdivision or residential development

(b) Either a Ground Sign or Free Standing Sign, but not both

(c) Per Section 215 (Home Occupations)

(d) On lots used for agricultural purposes in a residential district along state routes, sign area may be increased to thirty-two (32) square feet and sign height may be increased to eight (8) feet

(e) Either a Wall Sign or a Roof Sign, but not both

(f) No more than one (1) sign per lot

(g) Not to exceed fifty percent (50%) of window area

(h) Cannot project more than three (3) feet from the front or face of a building and not be less than eight (8) feet above the sidewalk grade

(i) Vertical dimension shall not exceed eighteen (18) inches and the lowest member shall not be less than eight (8) feet above the sidewalk grade

(j) Permitted only during business hours

(k) No more than two (2) flags per business

N. Changeable Copy Electronic Signs – A Changeable Copy Electronic Sign shall be conditionally permitted only and subject to the following conditions:

1. Each message or copy shall remain fixed for at least eight (8) seconds;
2. When message or copy changes by remote control or electronic process, it shall be accomplished in three (3) seconds or less;
3. Such Changeable Copy Electronic Signs shall contain a default design that will freeze the device in one position if a malfunction occurs; and
4. Illumination shall not be at a level to cause a nuisance to neighboring properties.

(Recommended 10/06/2016. Adopted 11/17/2016.)

Section 404 Temporary Sign Regulations

The following regulations for Temporary Signs are in addition to and supplement the maximum sign and height regulations in Section 403(M).

A. Each lot within the Township on which a residential unit is located shall be permitted to erect one temporary sign as a Ground Sign or Free Standing Sign, but not both, in addition to other permitted signs. Such a Temporary Sign shall be displayed for no longer than thirty (30) days after which time it must be either removed or replaced. Temporary Signs shall be located no closer than ten (10) feet to the road right-of-way and twenty (20) feet from side lot lines.

B. Special Event Signs shall be permitted as a Temporary Sign. Only one such sign as either a Banner or a Ground Sign or a Free Standing Sign shall be permitted for a period of fourteen (14) days not more than three (3) times per calendar year. If such a sign is a Banner, it must be attached to the front of a building. If such a sign is a Ground Sign or Free Standing Sign, it shall be no closer than ten (10) feet from the road right-of-way and no closer than twenty (20) feet from the side lot line. Special Event Signs shall be removed within two (2) days after completion of the special event.

C. A Temporary Sign during the construction of a building or early stages of a residential development shall be permitted when in compliance with the following regulations:

a. There shall be no more than one such sign per building under construction, residential subdivision or planned residential development except that lots with frontage on more than one street shall be permitted one sign per frontage when the total frontage equals or exceeds three hundred (300) feet.
b. No such sign shall be located closer than twenty-five (25) feet from any road right-of-way and side lot line.
c. Such sign shall not be erected more than thirty (30) days prior to the start of construction/development and shall be removed upon occupancy of the building or development.

Section 405 Computations

A. Determining area of sign(s)

1. The area of a sign shall be measured as that area which is normally visible from any one direction. For example, a rectangular sign measuring four (4) feet by five (5) feet with a display on both sides shall be considered twenty (20) square feet, as would a four (4) foot by five (5) foot sign with a display on only one side.

2. For a sign comprised of individual letters, figures, emblems, logos or elements on a wall, or an irregular shaped freestanding sign, the area of the sign shall encompass the smallest regular, or a combination of regular, geometric shapes that form or approximate the perimeter of all the elements in the display. When separate elements are organized to form a single sign, but the elements are separated by open space, the area shall be calculated by determining one or more geometric forms that comprise the entire display area, including the space between the elements.

3. The sign area shall include the frame but shall not include the pole or other structural support unless such structural support is otherwise so designated to constitute a display device. For example, an auto parts store having a sign mounted on top of an automobile, the supporting structure, the automobile, would be considered part of the sign area.

4. In the event there is a dispute in determining the sign area or any sign dimension, the Zoning Inspector shall have the responsibility for making such determination.

B. Determining height of sign(s)

1. The height of a sign shall be computed as the distance from normal grade at the base of the sign to the top of the highest attached component of the sign.

2. Normal grade shall be computed as the lower of;
   a) existing ground or pavement level prior to construction, or
   b) newly established ground or pavement level after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

Section 406 Maintenance

All signs shall be maintained in accordance to the following:

A. The property owner shall maintain the sign(s) in a condition fit for the intended use and has a continuing obligation to comply with all building code requirements.

B. All signs, sign structures, and the premises surrounding the same shall be maintained by the owner thereof in a safe, clean, sanitary, and inoffensive condition, and free and clear of all obnoxious substances, rubbish, and weeds.

C. Whenever any sign(s), either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, refurbishing, or repainting, the same may be done without a permit or any payment of fees provided that all of the following conditions are met:
   1. There shall be no alteration or remodeling to the structure or the mounting of the sign itself.
   2. There shall be no enlargement or increase in any of the dimensions of the sign or its structure.
   3. The sign shall be accessory to a legally permitted, conditional, or nonconforming use.

D. The Zoning Inspector may order any sign(s) to be painted or refurbished at least once each year, if needed to keep the sign in an acceptable and safe condition. All supports, guys, braces, and anchors for such signs shall be maintained in a safe condition, and it shall be unlawful for the owners or person having charge of such sign(s) not to remove the same after receiving notice from the Zoning Inspector.

E. Any sign(s) that is deemed by the Zoning Inspector to be in an unsafe condition or constructed, erected, or maintained in violation of this Zoning Resolution, the owner of the business shall be immediately

notified, in writing, and shall, within 48 hours of such notification, correct such unsafe condition, initiate corrective action, or remove the sign(s).

Section 407 Administrative Procedures

A. Signs Exempt from Regulations – The following signs shall be exempt from regulation under the Zoning Resolution:

1. Any sign, permitted by a valid and applicable federal, state, or local law, regulation or resolution or state or federal case law.

2. Any sign inside a building, not attached to a window or door that is not legible from a distance of more than three (3) feet beyond the building in which such sign is located.

3. Signs that are an integral part of the original construction of vending or similar machines, fuel pumps, or similar devices.

B. Signs Not Requiring a Permit – The following signs shall be permitted without first obtaining a zoning certificate provided that all applicable regulations of Section 400 are complied with:

1. On-premises Address Signs, Home Occupation Signs, Flags, and Access Signs.

2. On-premises Temporary Signs as regulated by Sections 403, 404(A), and 404(B).

3. Off-premises Temporary Signs as regulated by Section 403(L)(2)

C. Signs Requiring a Permit – The following signs shall require a zoning certificate prior to the erection or alteration of the sign:

1. All permanent on-premises signs permitted in Section 403 except for those exempted above in Section 407(A)(1).

2. On-premises Temporary Signs as regulated by Sections 403 and 404(C).

D. Signs Requiring a Conditional Permit – Off-premises permanent Ground Signs, Free-Standing Signs and Changeable Copy Electronic Signs shall require a Conditional Zoning Certificate per Section 403(L)(1). (Recommended 10/06/2016. Adopted 11/17/2016.)

E. ODOT Permit Requirements – Any sign subject to regulation by the Ohio Revised Code and which is required to obtain a State permit shall not e issued a zoning certificate without evidence that such a State permit has first been issued or notification from ODOT that a State permit is not required.

F. Sign Permit Application Requirements – In addition to the requirements of Section 804, an application for a zoning certificate or conditional zoning certificate for a sign shall include the following:

1. A drawing or photo, at least eight and one-half (8 ½) inches by eleven (11) inches and suitable for reproduction, that accurately depicts the sign design including all lettering, figures, emblems, logos, and framing. The application shall present the sign in a manner which best illustrates how the sigh shall be experienced by the public after it is erected on the site.

2. A drawing or photo that accurately represents the sign and its supporting structure as an integrated unit.

3. A site plan that shows the location of the sign and its relationship to any buildings on the site, lot lines, drives, and sidewalks.

4. Details on sign materials, framing, and construction.

Section 408 Alteration and Removal of Nonconforming Signs

A. Nonconforming signs shall be removed and any subsequent modification or replacement, excluding maintenance pursuant to Section 406, shall conform to all requirements of this Chapter:

1. When more than fifty percent (50%) of the value of the sign has been destroyed, deteriorated or has been taken down.

2. When a use for which a nonconforming sign applies has voluntarily not been in effect or vacant for a period of two (2) consecutive years, the nonconforming sign can be ordered to be removed.

B. A nonconforming sign shall not be altered, modified or reconstructed other than to comply with this Chapter except:

1. When the existing use has new ownership which results in a change in the name of the use or business on the property.

2. When the space is reoccupied by a similar use and the new occupant requires no external building or site renovation.

3. When alterations do not require changes to the structure, framing, or erection or relocation of the sign unless such changes conform to this Chapter.

Section 409 Construction Standards

A. All signs shall be constructed in a professional manner in conformance with the appropriate building code and other applicable requirements of the Township and shall be structurally sound and located so as to pose no threat to pedestrian or vehicular traffic.

B. Except for Banners, Flags, Temporary Signs, and Window Signs that conform in all respects with the requirements of this Resolution, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure.

C. All signs shall be rigidly secured and no sign shall swing from a bar, crane, awning, or other sign. No part of any sign shall be revolving, oscillating, or otherwise designed to move to attract attention.

D. No sign shall be erected so as to project over or obstruct any window, door, fire escape, balcony, platform, stairway, ladder, vent, or other means of ingress of any building.

E. No sign shall be located on the roof of any building.

F. Permanent signs shall be fabricated on and of materials that are of good quality, good durability and are complimentary to the building of which they become a part.

G. Temporary signs shall be durable and weather-resistant, non-illuminated and fastened or anchored sufficiently, whether attached to the building or positioned in the ground.

H. No sign shall be located in the public right-of-way or attached to a utility pole, tree, trash receptacle, bench or other structure not intended or approved as a sign support.

(Article IV Rewritten: Recommended 6/07/2007. Adopted 7/17/2007.)

ARTICLE V

Parking And Loading Requirements

Section 501 General Requirements

No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this Article. The provisions of this Article shall not apply to any existing use or structure.

Section 502 Parking Space Requirements

For the purpose of this Resolution the following parking space requirements shall apply:

A. Residential - Two spaces per dwelling unit.

B. Recreation or Entertainment -

1. Dining rooms, restaurants, taverns, night clubs, etc. - one (1) for each two hundred (200) square feet of floor area.

2. Bowling Alleys - four (4) for each alley or lane plus one (1) additional space for each one hundred (100) square feet of the area used for restaurant, cocktail lounge, or similar use.

3. Outdoor swimming pools (private or community), club lodge, or hall - one (1) for each five (5) persons capacity plus one (1) for each four (4) seats or one (1) for each thirty (30) square feet floor area used for seating purposes, whichever is greater.

4. Auditoriums, sport arenas, theaters, and similar uses - one (1) for each four (4) seats.

5. Tennis Courts - two (2) spaces per court.

C. Commercial

1. Automobile service stations which also provide repair - two (2) for each gasoline pump and four (4) for each service bay.

2. Hotels, motels - one (1) per each sleeping room plus one (1) space for each two (2) employees.

3. Funeral parlors, mortuaries, and similar type uses - one (1) for each one hundred (100) square feet of floor area in slumber rooms, parlors, or service rooms.

4. Retail stores - one (1) for each two hundred (200) square feet of floor area plus one (1) space per two (2) employees.

5. Banks, financial institutions, and similar uses - one (1) for each two hundred (200) square feet of floor area plus one (1) space per two (2) employees.

6. Offices, public or professional, corporate, administration, or service buildings - one (1) for each four hundred (400) square feet of floor area.

7. All other types of business or commercial uses - one (1) for each three hundred (300) square feet of floor area.

8. Shopping center - five (5) spaces for each one thousand (1,000) square feet of gross leasable floor area.

D. Institutional

1. Churches and other places of religious assembly - one (1) for each five (5) seats.

2. Hospitals - one (1) for each bed.

3. Sanitariums, homes for the aged, nursing homes, children homes, asylums, and similar uses - one (1) for each two (2) beds.

4. Medical and dental clinics - one (1) for every one hundred (100) square feet floor area of office examination/treatment room and waiting room.

5. Elementary and middle schools - two (2) per classroom plus one (1) per every eight (8) seats in assembly halls or auditoriums.

6. High schools - one (1) per employee plus one (1) per each ten (10) students.

7. Colleges, trade, or business schools - one (1) per each three (3) students.

8. Child care, nursery schools - one and one-half (1 1/2) spaces per employee.

9. Art galleries, libraries, museums, and community centers - one (1) space per two hundred fifty (250) square feet of floor area.

F. Industrial

1. Sexually Oriented Businesses – one (1) parking space per 200 square feet of gross floor area. (Recommended 04/06/2006. Adopted 05/02/2006.)

2. All types of wholesale manufacturing, storage, cartage, freight terminals and wholesale uses permitted in any industrial district - one (1) space for two (2) employees. The total number of parking spaces shall be based on the total number of employees on any two (2) consecutive shifts having the largest number of employees.

Section 503 Loading Space Requirements

A. Spaces Required - Every building used for non-residential purposes which customarily receives or distributes goods by motor vehicle shall provide sufficient space on the premises for all loading and service purposes. Every building having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) truck loading and unloading space not less than twelve (12) feet in width, forty-five (45) feet in length, and fourteen (14) feet height clearance. An additional truck space of these dimensions shall be provided for every additional twenty thousand (20,000) square feet or fraction thereof, of gross floor area in the building. No loading or unloading area shall front on any public street. Loading space as required under this section shall not be considered as supplying off-street parking space. Loading spaces shall be provided as area in addition to off-street parking spaces.

B. Access - Access to truck loading and unloading space shall be provided directly from a public street or alley or from any right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of such trucks.

Section 504 Commercial/Industrial On-Site Vehicular Storage

Parking for trucks owned and utilized by a business or industry normally parked on the site when not in use shall be provided equivalent to one (1) space for each truck.

Section 505 Other Uses

Where the off-road parking and loading requirements for a use are not specifically defined herein, the parking and loading facilities for such use shall be developed so as to be sufficient to meet all the parking and loading needs of the proposed use as determined as part of the site plan review provisions of Section 216. No parking, loading, or servicing shall be done in any public right-of-way.

Section 506 Parking Area Dimensions

Off-road accessory parking areas shall provide parking spaces, each of which shall not be less than two hundred (200) square feet in area exclusive of access drives or aisles. Aisles serving individual parking spaces shall have widths not less than the following:

90 degree parking	25 feet
60 degree parking	17 1/2 feet
45 degree parking	13 feet
parallel parking	12 feet

Section 507 Parking Area Design

All parking areas with a capacity over twelve (12) vehicles and paved with bituminous, concrete, or equivalent material shall be striped between stalls to facilitate the movement into and out of the parking stalls. Such parking areas shall be of useable shape, paved with bituminous, concrete, or other material specified by the Township, and graded and drained to dispose of all surface water in a manner designed to minimize adverse effects on abutting properties, streams, and public roads. If necessary, the paving material shall be treated regularly to prevent dust. All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining premises or roads and no open light sources such as the stringing of light bulbs shall be permitted.

Section 508 Entrances And Exits

Entrances and exits shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at road intersection corners. There shall be not more than two (2) accessways abutting on any one (1) road. Such accessways shall be not more than thirty (30) feet in width at the right-of-way line, except that access ways primarily for truck use shall be not more than eighty (80) feet in width at the accessways on the frontage street and should be at least one hundred (100) feet from the right-of-way line of the nearest intersecting street. Where there is more than one accessway to a parking area, the accessway, wherever possible, shall be limited to one-way travel, either as an entrance to or exit from the parking area. If necessary, the entrance and exits shall be treated regularly to prevent dust.

Section 509 Yard Restrictions

Off-road parking facilities shall not occupy any part of any required front yard in the M District. In the C-1 District and I District open off-road parking facilities may be located in the required front yard provided that a landscaped strip is located between the parking area and the road right-of-way line as required in Article III. In all districts, open off-road parking facilities may occupy the required rear yard providing that such use meets all the appropriate side and rear yard requirements of that District. Front yard parking in the C-1 District and I District is only permitted for personal vehicles. Parking of heavy motor vehicles shall be prohibited in the front yard areas of the C-1 District and I District.

ARTICLE VI

Conditional Zoning Certificates

Section 601 Purpose

The Board of Zoning Appeals may issue conditional zoning certificates as set forth in this Resolution. Only conditional uses listed in Article III may be issued a conditional certificate. A use not listed as conditionally permitted may not be granted a conditional certificate unless the use is added as a conditionally permitted use by amendment procedures (Article X). However, no certificate shall be issued unless reasonable conditions are established which will insure harmony of land uses and will not adversely affect the general welfare, health, safety, and morals of persons who now reside or use, or who may reside or use that land within the reasonable future in the general area in which the proposed use is to be located.

In order to accomplish these objectives, provisions are made in this Resolution for a more detailed consideration of each of certain specified activities as it may relate to proposed conditions of location, design, size, operations, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount or kind of public facilities and services required, together with many other possible factors. Uses possessing these particularly unique characteristics are designated or conditional uses. Such use may be authorized by issuance of conditional zoning certificates with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

Section 602 Procedure

A. Application Submitted to Board of Zoning Appeals - Any application shall be submitted through the Zoning Inspector to the Board of Zoning Appeals on a special form for that purpose. Immediately upon receipt, the Board of Zoning Appeals shall provide to the Township Trustees and Zoning Commission, for information, copies of the application, and any supporting documents.

B. Data Required in Application - Every application shall be accompanied by the following information and data:

1. Special form supplied by the Zoning Inspector filled out in full by the applicant.

2. Site plan, according to Section 216.

3. A statement with supporting evidence regarding the required findings specified in Section 604 and 605 below.

C. Review by Board of Zoning Appeals - The Board of Zoning Appeals shall review the proposed development, as presented on the submitted plans and specifications, in terms of the conditions established in this Resolution. The Board may seek assistance from appropriate sources, any cost of which shall be borne by the applicant.

D. Zoning Commission Recommendation - Prior to the issuance of a conditional zoning certificate, the Board of Zoning Appeals may seek review and comment from the Zoning Commission regarding the compliance of the conditional use with the general and specific conditions specified herein and any other considerations the Zoning Board of Appeals deems appropriate. Failure of the Zoning Commission to submit written findings shall not be fatal to the proceedings.

E. Public Hearing - After adequate review and study of any application, the Board of Zoning Appeals shall hold a public hearing or hearings upon every application after at least one (1) publication in a newspaper of general circulation in the Township at least ten (10) days prior to the date of the hearing. The Board

shall notify the applicant and all owners of property within, contiguous to, and directly across the road from the property under consideration.

F. Issuance and Revocation of Conditional Zoning Certificates - Within forty-five (45) days of the meeting at which the conditional zoning certificate was first considered, the Board shall issue specific findings relative to the desirability of the issuance of a conditional zoning certificate. The Board shall condition such findings upon compliance of applicant with applicable portions of Section 605 and the observance of such other reasonable safeguards and requirements as it finds necessary for the protection of nearby property. If it finds the proposed use desirable, it shall issue a conditional zoning certificate with the notation of the conditions attached. The breach of any condition, safeguard, or requirement of the certificate shall be grounds for certificate revocation by the Board and shall constitute a violation of this Resolution. Such violation shall be punishable as per Section 806.

G. Reapplication - No application for a conditional zoning certificate which has been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration as determined by the Board of Zoning Appeals. Any reapplications for a conditional zoning certificate shall follow all the submission and review procedures of Section 602.

H. Termination - The conditional zoning certificate shall be subject to revocation by the Board at the expiration of one (1) year after date of issuance unless the structure or alteration thereof is started and work is continuing at the reasonable rate. For uses not requiring new construction or alterations, the certificate shall be subject to revocation by the Board after one (1) year if the use is not yet in operation. Conditional zoning certificate shall be valid if the ownership of property is transferred. The use of any dwelling, building, or structure and of any land or premises authorized by a conditional zoning certificate may be continued after initiation, although such use does not conform with amendments of this Resolution thereafter adopted, but if any such conditional use is voluntarily discontinued for two (2) years or more after proper initiation pursuant to this Resolution, any future use of the dwelling, building, or structure and of any land or premises involved shall be in conformity with the Zoning Code of Liverpool Township then in effect.

Section 603 Basis Of Determination

The Board of Zoning Appeals shall establish, based on a preponderance of evidence, that the general conditions and the specific conditions pertinent to each use outlined in the following sections shall be satisfied by the completion and operation of the proposed development. The Board of Zoning Appeals may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Resolution will be observed.

Section 604 General Conditions For All Conditional Uses

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following general conditions and shall find adequate evidence showing that such use of the proposed location:

A. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Liverpool Township Development Policy Plan and thoroughfare plan of current adoption.

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

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

D. Will not be detrimental to property in the immediate vicinity or to the community as a whole.

E. Will be served adequately by essential public facilities and services such as highways, roads, police and fire protection, drainage structures, refuse disposal, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such service.

F. Will be in compliance with State, County, and Township regulations.

G. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

Section 605 Specific And Supplementary Conditions

A. Specific Conditions - The Board of Zoning Appeals shall review each proposed use in terms of the specific conditions listed in Sections 301.2(B), 302.2(B), 303.2(B), and 304.2(B). Only specific subsections listed under each conditionally permitted use in Article III are to be referred to for review purposes.

1. Site plans shall be prepared by the applicant and reviewed by the Board of Zoning Appeals according to the procedures and requirements of Section 216.

2. All structures and activity areas, except open parking areas, shall be located at least one hundred (100) feet from all property lines.

3. Loudspeakers and/or amplifiers which cause a hazard or annoyance to nearby residences shall not be permitted.

4. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares and /or closer than two hundred (200) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.

5. There shall be no more than one (1) unlighted advertisement not exceeding twenty (20) square feet in area oriented to each abutting road identifying the activity.

6. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any road or highway; no lighting shall shine directly on adjacent properties.

7. Elementary school structures should be located on a collector thoroughfare.

8. Such developments should be located on a major and/or collector thoroughfare, or on marginal access streets for major thoroughfares.

9. Such developments should be located adjacent to non-residential uses such as churches, parks, or commercial districts.

10. Such uses shall not require uneconomical extensions of utility services at the expense of the community.

11. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into an area.

12. Such uses should be properly landscaped to be harmonious with surrounding residential uses.

13. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to surrounding properties or to the community in general. A bond may be required to ensure that this provision will be met.

14. Any temporary structures must be indicated as such on site plan submitted to the Board of Zoning Appeals for approval. Such structures shall not be continued as permanent structures. The period of continuance shall be set by the Board of Zoning Appeals.

15. All ingress and egress drives shall be sufficiently separated from intersections to avoid traffic conflicts. Drives shall be designed to provide adequate internal circulation and, where necessary, to provide sufficient storage space so that waiting vehicles will not extend into a public right-of-way or block circulation on the site.

16. Truck parking areas, maneuvering lanes, and accessways to public roads shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site.

17. The site shall not be used for the storage and/or overnight parking of vehicles other than storage of rental trailers and/or trucks. Vehicles being repaired shall be parked on the site not longer than one (1) week.

18. Only retail uses which are customarily accessory or incidental to the main recreational area, or campground. Permitted souvenir stands, concession stands, park office, and the limited sale of groceries when the customers are primarily the campers using the park. Buildings and signs for such retail uses shall not be arranged to attract customers from adjacent highways.

19. All activities, programs, and other events shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties or to the community in general.

20. All activities, except those required to be performed at fuel pumps, shall be carried on inside a building; if work is performed on a vehicle, said vehicle shall be entirely within a building.

21. Automobile service stations shall conform to all setback requirements of the district in which they are permitted except that gasoline pump islands need not conform to the building setback lines but shall be set back from all road right-of-way lines at least fifty (50) feet. Lubrication, washing, and other incidental servicing of motor vehicles and all supply and merchandise storage shall be completely within an enclosed building except as provided elsewhere herein. Lighting, including permitted illuminated signs shall be arranged so as not to reflect or cause glare that would constitute a nuisance to any residential district or hazard to traffic on any public thoroughfare. Ingress and egress driveways shall be separated from the intersection of any two (2) road right-of-way lines by at least forty (40) feet and from property lines by at least twenty (20) feet. A curb shall be installed where any service areas adjoin any road right-of-way lines, except at driveway approaches. Employee vehicles and vehicles awaiting servicing or return to customers following servicing shall be parked in areas indicated for such parking on the approved site plan. Such parking areas shall not be closer than fifty (50) feet to any road right-of-way.

22. The area proposed for a cemetery shall be used for cemetery purposes only and shall meet the following requirements.

    a. Only new memorial park cemeteries having grave markers flush with the surface of the ground shall be permitted, except that a cemetery having at least fifty (50) acres dedicated for cemetery purposes that has established an Endowment Care Trust, as defined by Ohio Revised Code 1721.21, or substantially similar maintenance Trust as approved by the Board of Township Trustees of this Township, may install raised grave markers not to exceed eight inches (8”) in height and upright monuments not to exceed six feet (6’) in height; however,

granite monuments greater than six feet (6') but not exceeding fifteen feet (15') in height may be installed, provided they are located not less than one hundred fifty feet (150') from the public right-of-way of any publicly dedicated roadway. All above ground markers and monuments shall only be installed with appropriate footers as determined by applicable or generally accepted construction standards. In the event of bankruptcy, insolvency or other termination of the cemetery owner, the control, management and investment of the trust fund shall revert to the Board of Trustees or financial institution designated by the Board and the utilization of the trust fund interest for maintenance purposes shall be solely under the direction of the Township Trustees. No more than two (2) full body decedents, one (1) full body decedent and three (3) cremated remains, or four (4) cremated remains shall be placed in any one grave. (Recommended 12/02/2004. Adopted 12/21/2004.)

b. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.

c. Minimum area required for a cemetery site to be twenty (20) acres, except when directly associated with a church on the same property.

d. Pavement width of driveways shall be at least eighteen (18) feet with a wider boulevard entrance at least thirty-four (34) feet in width extending at least one hundred fifty (150) feet from the intersection of the public highway.

e. Drives should be of useable shape, improved with bituminous, concrete, or equivalent surfacing and so graded and drained as to dispose of all surface water accumulation within the area.

f. Pavement is to be installed as development progresses and as indicated on the final plans approved by the Board of Zoning Appeals.

g. Sufficient parking space shall be provided as to not deter traffic flow within the cemetery.

h. Land shall be appropriated and cemeteries shall be located in proximity to dwellings as provided by Ohio Revised Code Section 1721.03 as changed from time to time. In no case shall a grave site be located closer than thirty (30) feet from an adjoining property line.

i. The plans and specifications for overall site development shall include the proposed arrangement of plant materials, walls or fences, or any combination of these on any property line of land under consideration.

j. All signs under three (3) square feet in size which designate entrances, exits, traffic direction, and/or cemetery section locations shall be permitted. All other signs, plus signs over three (3) square feet in size must be approved by the Board of Zoning Appeals prior to installation.

k. Provisions shall be made for landscaping throughout the cemetery. Location of cemetery buildings and all other structures shall conform to front, side, and rear yard building lines for residential structures. Buildings shall be designed to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity. No grave sites shall be located within one hundred fifty (150) feet of the right-of-way lines of any publicly dedicated thoroughfare.

l. The Board of Zoning Appeals may require that a performance bond or other financial guarantee be placed on deposit with the Liverpool Township Board of Trustees to ensure that the cemetery will be developed as proposed, according to the plans approved by the Board of Zoning Appeals. The guarantee or bond shall be in the amount of $15,000.00 for cemeteries of twenty (20) acres. An additional $5,000.00 shall be required for each ten (10) acres added subsequently. The amount of the guarantee or bond shall be reduced annually, and by an

amount that will leave the balance of the guarantee or bond proportional to the portion of the cemetery not developed to the specifications of the plan approved by the Board of Zoning Appeals.

m. An Endowment Care Fund pursuant to Ohio Code Section 1721.21 shall be established. Proof of compliance shall be submitted to the Board of Zoning Appeals within thirty (30) days of the granting of the conditional certificate.

n. All driveway entrances/exits shall be no less than one hundred fifty (150) feet from a street intersection.

23. The following regulations shall apply to any strip mining for coal, gravel, topsoil, salt, sand, limestone, or sandstone deposits or other natural resources in Liverpool Township.

a. A conditional zoning certificate shall not be issued until the applicant presents proof that a permit has first been issued by the Ohio Department of Natural Resources according to the procedures and requirements of Chapter 1514 of the Ohio Revised Code and the rules adopted pursuant thereto.

b. The applicant shall present to the Board of Zoning Appeals plans for reclamation of the land proposed to be mined. The reclamation plan shall have been approved by the Ohio Department of Natural Resources.

c. For excavation more than three (3) feet deep, fencing shall be required around all areas during mining and excavation activities and such areas shall be fenced until restoration is completed.

24. Specific conditions pertaining to public and private aviation fields:

a. Such uses should be located adjacent to non-residential uses such as commerce or industry, or adjacent to sparsely settled residential areas.

b. Such uses shall meet all applicable State and Federal Regulations.

25. Specific conditions pertaining to nursing homes and rest homes:

a. Each facility, before operating, shall comply with the licensing requirements of the State of Ohio as specified in Section 3721 and other related sections of the Ohio Revised Code. This includes in part, the stipulations of the Life Safety Code, ANSI (American National Standards Institute) and establishment of a Certificate of Need.

b. Each facility shall continuously operate within the requirements of licensing or be subject to conditional use permit revocation.

c. Buildings shall be limited to two (2) floors, above grade, in height.

d. Development shall be consistent with the general objectives of the Liverpool Township Development Policy Plan.

e. Facilities shall be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing character of the general vicinity.

f. Operations shall not be hazardous or disturbing to existing or future neighboring uses.

g. The development shall not be detrimental to the community as a whole.

h. All new facilities shall be served by essential public facilities including sanitary sewers and water.

i. Vehicular approaches to the property shall be so designed as not to create an interference with traffic on surrounding public streets or roads and adequate on-site parking facilities shall be provided for employees, visitors, and patients.

j. All structures and activity areas except open parking areas shall be located no closer than fifty (50) feet to side and/or rear residentially zoned property lines and shall be buffered from the adjacent residential property by a living screen no less than six (6) feet in height. Said living screen shall likewise buffer any open parking area.

k. Loudspeakers and/or amplifiers which cause a hazard or annoyance to nearby residences shall not be permitted.

l. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares and/or closer than two hundred (200) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.

m. Lighting shall not constitute a nuisance and shall in no way impair safe movement of traffic on any road or highway. Lighting shall not shine directly on adjacent properties.

n. Such developments should be located on a major and/or collector thoroughfare, or on marginal access streets for major thoroughfares.

o. Such uses shall not require uneconomical extensions of public utility services at the expense of the community.

p. Site locations are preferred that offer natural or man-made barriers that would lessen the effect of intrusion into the neighboring area.

q. Such uses shall be properly landscaped to be harmonious with surrounding residential uses.

r. A density of one facility per six (6) square miles shall not be exceeded.

26. Specific conditions pertaining to family care facilities:

a. Afford two (2) methods of egress for each room; i.e., a door and an outside window.

b. Install windows of a sufficient size to allow a secondary means of escape.

c. Install internal audible smoke or heat alarm devices, the placement of which shall be determined by local fire officials.

d. Provide fire extinguishers with the size and type to be determined by local fire officials.

e. Provide the local fire officials with an evacuation plan which following approval shall be posted in a conspicuous location within the home.

f. Provide an overall floor plan of the home to the local Fire Department which shall be kept on file at the fire station.

g. Provide a minimum of an eighty (80) square feet room for a single occupancy bedroom or one hundred twenty (120) square feet for a two (2) occupancy bedroom.

h. A resident care facility and its staff shall be in compliance with all applicable Federal, State, and local laws and regulations including facility licensure.

i. Provide off-street parking for all resident vehicles.

j. Family care facilities shall not exceed five percent (5%) of the total number of resident dwellings in the rural residential district of the Township and shall be interspersed so that the family care facilities are separated by a distance of no less than one (1) mile with that distance being measured along the road frontage.

k. The primary use of the facility shall be as a residence; thus, any such facility shall maintain an outward appearance consistent with the residential district in which it is located and give no evidence of any type of non-residential activity taking place therein.

l. Rooms to be used as bedrooms for individuals receiving family care services shall be on ground floor only.

27. Specific Conditions for Agritourism:

It is the purpose of this regulation to promote public health and safety associated with agritourism activities, which shall be considered a conditionally permitted use in any district provided all requirements and regulations as set forth below are met.

Pursuant to Ohio Revised Code Section 519.21, Liverpool Township can regulate factors related to Agritourism land uses if the regulations are necessary to protect public health and safety. Application for a permit for agritourism land uses shall be made to the Zoning Inspector on the forms provided.

The following requirements are applicable to all applicants seeking a conditional-use permit for Agritourism uses:

a. An Agritourism activity applies only to existing farms, by definition, that are otherwise engaged in agricultural production. If the land is first involved in agricultural production, added agritourism activities are permitted. For the purposes of this section, “existing farms” means farms which are currently in operation, or have been in operation within twelve (12) months prior to the application.
b. Agritourism providers must have a safety plan that warns guests about risk inherent in an agritourism activity and any dangerous conditions they may encounter. Providers must also follow the warning sign requirement, posted in a clearly visible location, at either each entrance to the location or at each agritourism activity. The warning notice shall consist of a sign in black letters with each letter to be a minimum of one inch in height. The signs shall contain the following notice of warning:

   “WARNING: Under Ohio law, there is no liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism location if that injury or death results from the inherent risks of that agritourism activity. Inherent risks of agritourism activities include, but are not limited to, the risk of injury inherent to land, equipment, and animals as well as the potential for you as a participant to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this agritourism activity.”

c. The agritourism provider shall provide evidence the property(s) on which the agritourism operation is proposed meets the definition of a farm.
d. The agritourism provider shall identify the educational, entertainment, historical, cultural and/or recreational relationship of the agritourism operations to the existing agricultural use of the property and the surrounding agricultural community in general.
e. The agritourism provider shall submit a general site plan of the property illustrating all structures to be used for agritourism activities; setbacks from all property lines for all structures; and any existing or proposed well and/or on-site wastewater disposal system area(s) on the property. Subject to Site Plan Review as set forth in Sec 216.
f. Any structures used primarily for Agritourism must be located at least 250 feet from any lot line.
g. Any parking lot used for Agritourism shall be located no closer than 25 feet from the nearest lot line.
h. Buffers: the BZA may, at its discretion, require a buffer strip between property intended to be used for agritourism purposes and any adjacent property that is primarily used for residential purposes.

The buffer strip may be comprised of fencing, mounding, or other shading options such as greenery or shrubs.

i. Agritourism operator shall provide a minimum number of off-street parking spaces as determined by the Board of Zoning Appeals based on intensity of the use such as peak attendance periods and size of the structure and/or land area designated for agritourism activities provided in the application.

j. The agritourism provider shall provide ingress and egress via access points on a public road approved by the Township, County Engineer or Ohio Department of Transportation, depending on jurisdiction of the road being accessed. Such ingress and egress shall be designed to accommodate emergency vehicle access to the satisfaction of the fire department having jurisdiction over the property upon which the agritourism operation is located.

k. Hours of Operation. Hours of operation will be restricted to 8 am to 10 pm Sunday through Thursday and 8 am to 11 pm Friday and Saturday.

(Recommended 8/05/2021. Adopted 9/15/2021.)

B. Supplementary Conditions - The Board of Zoning Appeals shall have the power to impose additional conditions where it deems it necessary to safeguard the health, safety, and welfare of the community. The Zoning Inspector shall, during the first two (2) months of each calendar year, review all Conditional Zoning uses in Liverpool Township to determine if the uses have operated according to the conditions established in the Conditional Zoning certificates permitting their conduct. The Zoning Inspector shall maintain a record of all such reviews and submit the findings of such reviews to the Township Trustees, Board of Zoning Appeals, and Zoning Commissioners after their completion.

ARTICLE VII

Nonconforming Uses, Buildings, And Lots

Section 701 Purpose

The purpose of this article is to provide for the continuation of uses that do not conform to the existing zoning, but which were in operation prior to the enactment of this Resolution or amendments thereto. It is the intent of this article that nonconforming uses and structures not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. It is also the purpose of this article to impose limitations on the development of substandard lots.

Section 702 Policy

The lawful use of any building or land existing at the effective date of this Resolution or amendments thereto may be continued, although such use does not conform with the provisions of this Resolution.

Section 703 Regulations

A. Alterations - A building, structure, or parcel containing a nonconforming use may be altered, improved, or reconstructed but may not be enlarged so as to extend the nonconforming use except to make it a conforming use, or except as specifically permitted in Sections 703 I and J.

B. Nonconforming to Nonconforming Use - A nonconforming use may not be changed to another nonconforming use unless the Zoning Inspector determines that the proposed use is less in conflict with the character and uses in the district than the existing nonconforming use.

C. Restoration - Nothing in this Resolution shall prevent the reconstruction, repairing, rebuilding, and continued use of any nonconforming building or structure damaged by fire, collapse, explosion, or acts of God, subsequent to the date of this Resolution, wherein the expense of such work does not exceed seventy-five percent (75%) of the replacement cost of the building or structure at the time such damage occurred.

D. Construction Approved Prior to Resolution - Nothing in this Resolution shall prohibit the completion of construction and use of a nonconforming building for which a zoning certificate has been issued prior to the effective date of this Resolution or any amendment, provided the entire building shall have been completed within two (2) years after the issuance of the zoning certificate.

E. Displacement - No nonconforming use shall be extended to displace a conforming use.

F. Discontinuance or Abandonment - Whenever a nonconforming use has been discontinued for a period of two (2) years or more, any further use shall be in conformity with the provisions of this Resolution.

G. Unsafe Structures - Nothing in this Resolution shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

H. Conditional Uses - All legally nonconforming uses existing at the time of passage of this Resolution or amendments thereto and conditionally permissible in their respective districts under this Resolution shall be issued conditional zoning certificates within one (1) year after the passage of this Resolution or

amendments thereto by the Board of Zoning Appeals. Failure by the Board to issue a conditional zoning certificate within one (1) year shall not affect the status of the use as a legal nonconforming use. All conditional uses which have been issued a conditional zoning certificate prior to the enactment of this Resolution shall be permitted to continue as a conditionally permitted use subject to all the provisions of Article VI.

I. Enlargements to Residential Uses - Whenever an existing residential use is changed to a nonconforming use through the enactment of this Resolution, the following enlargements in residential use shall be permitted subject to the provisions of Articles III and V:

1. Structural additions to dwellings and accessory buildings, and

2. Construction of new accessory buildings provided such buildings are clearly incidental and subordinate to use of the property for residential purposes.

J. Enlargements to Non-Residential Uses - Whenever an existing non-residential use (e.g., commercial use, industrial use, etc.) is changed to a nonconforming use through the enactment of this Resolution, the following enlargements or extensions in use shall be permitted subject to the provisions of Articles III and

1. Structural additions to any principal building or accessory building which do not add more than twenty-five percent (25%) to the floor area of the existing building.

2. Additions to parking areas which do not increase the existing parking area by more than twenty-five percent (25%).

Section 704 Certificate Of Nonconforming Use

Within one (1) year of the effective date of this Resolution or any amendment, the Zoning Inspector shall issue a "Certificate of Nonconforming Use" to all owners of legal nonconforming use property, the use of which does not conform to the provisions of the district in which the property is located. No use of land, building, or structures shall be made other than that specified on the "Certificate of Nonconforming Use" unless said use shall be in conformance with the provisions of the district within which the property is located. A copy of each "Certificate of Nonconforming Use" shall be filed with the Board of Zoning Appeals, and a copy retained by the Zoning Inspector.

Section 705 Nonconforming Lots

In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record existing at the effective date of adoption, notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership or control. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Zoning Appeals. The owners of single nonconforming lots shall complete an affidavit prior to issuance of a zoning certificate certifying that the lot was not in common ownership or control at the time the lot became nonconforming. The Zoning Inspector shall compile a record of all nonconforming lots.

ARTICLE VIII

Administration And Enforcement

Section 801 Zoning Inspector

A. General - For the purposes of enforcing the zoning regulations, the Township Trustees shall establish and fill the position of Township Zoning Inspector, together with such assistants as the Trustees deem necessary. The term of employment, rate of compensation, and other such conditions shall be set by the Township Trustees.

B. Bond - The Township Zoning Inspector, before entering upon duties of his office, shall give bond, signed by a bonding or surety company authorized to do business in Ohio, or at his option, signed by two or more freeholders having real estate in the value of double the amount of the bond, over the above all encumbrances to the state, in the sum of not less than $1,000 or more than $5,000 as fixed by the Township Trustees. Such surety company or real estate bond shall be approved by the Township Trustees and the bond shall be conditioned upon the faithful performance of such Zoning Inspector's official duties. Such bond shall be deposited with the Township Fiscal Officer.

Section 802 Board Of Zoning Appeals

The Board of Zoning Appeals shall have such power and membership as specified by Chapter 519 of the Ohio Revised Code and Articles VI and IX of this Resolution.

Section 803 Zoning Commission

A. Powers - The Zoning Commission shall have the following duties:

1. Initiate proposed amendments to the text or map of this Resolution.

2. Review all proposed amendments to this Resolution and make recommendations to the Township Trustees.

3. Assist in reviewing site plans as specified by Section 216, and assist the Board of Zoning Appeals in reviewing conditional use applications as specified in Section 602(D) and variance appeals as specified in Section 907(D).

4. Make recommendations to the Township Trustees on all matters concerning planning, zoning, and development in Liverpool Township.

B. Members - The Zoning Commission shall be composed of five (5) members who reside in the unincorporated area of Liverpool Township, to be appointed by the Township Trustees. The terms of the members shall be five (5) years. Members shall serve until their successors are appointed and qualified. Members shall be removable for nonperformance of duty, misconduct in office, or other cause by the Township Trustees upon written charges being filed with the Township Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member at least ten (10) days prior to the hearing. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Township Trustees and shall be for the unexpired term.

C. Procedures - The Zoning Commission shall annually elect officers from its members. The Township Trustees shall appoint a secretary for the Zoning Commission, who may be the Township Fiscal Officer. The Zoning Commission may prescribe rules for the conduct of its affairs as are not in conflict with this Resolution or the Ohio statutes. Three (3) members of the Board shall constitute a quorum at all meetings. The Zoning Commission shall keep records of its proceedings.

Section 804 Zoning Certificate Application And Issuance

A. Application for a Zoning Certificate - Before constructing, enlarging, or altering any sign, parking lot, structure, or building, including accessory buildings, or changing the use of any signs, lots and buildings, application shall be made to the Zoning Inspector for a Zoning Certificate on a special form supplied by the Zoning Inspector, filled out in full by the applicant, and signed by the applicant (and property owner if different from the applicant) or an authorized agent for the applicant. The applicant shall include the following information:

1. A plot plan showing the exact dimensions and area of the lot to be built upon.
2. The location, dimensions, height, and bulk of structures to be erected.
3. The intended use.
4. The proposed number of sleeping rooms, dwelling units, employees, and other uses.
5. The yard, open area, and parking space dimensions.
6. Information indicating compliance with the requirements of Article II and the appropriate district regulations.
7. Evidence that sanitary sewage disposal facilities for the use have been approved by the Medina County Health Department or the Medina County Sanitary Engineer, as appropriate.
8. A site plan according to Section 216, when specifically required elsewhere in this Resolution.
9. Any other pertinent data as may be necessary to determine and provide for the enforcement of the Resolution.

B. Application for Conditional Zoning Certificate - If the application is for a conditional zoning certificate, the application procedure defined in Section 602 shall be followed in lieu of the above regulation.

C. Zoning Certificate Issued After Culvert Permits - No construction shall be initiated on any structure within the confines of the unincorporated area of the Township which has ingress or egress to a highway until the owner of such property has secured a culvert permit from the Ohio Department of Transportation, the County Engineer, or the Township Trustees (whichever authority has jurisdiction), and completed proper installation of such culvert, if such culvert is necessary for the adequate removal of storm water from the vicinity.

D. Time for Issuance - The Zoning Inspector shall issue a zoning certificate within thirty (30) days after the receipt of application if the application complies with the requirements of this Resolution and the application is accompanied by the proper fee. However, if such application is for a conditional zoning certificate or a use requiring a site plan review, issuance will be determined by the requirements of Article VI or Section 216, respectively.

E. Referral to Ohio Department of Transportation - The Director of the Ohio Department of Transportation shall be notified concerning applications for Zoning Certificates for any land within three hundred (300) feet of the centerline of a certified (journalized) new highway or highway improvement or within five

hundred (500) feet from the intersection of an existing public road with a centerline of a certified (journalized) new highway or highway improvement. Upon receipt of an application for a zoning certificate in this area, the Zoning Inspector shall notify the Director by registered or certified mail. The Zoning Inspector shall not approve the application for a period of one hundred twenty (120) days from the receipt of the notice by the Director.

F. Term of Certificate - The zoning certificate shall expire at the end of one (1) year after date of issuance unless construction is started and shall expire at the end of two (2) years after date of issuance if construction is not completed. All construction and/or use requiring a site plan shall conform to all aspects of the approved site plan to be considered complete. No new construction or existing structure for which a change in use certificate has been approved shall be occupied until approved by applicable Federal, State, and County building authorities. If the zoning certificate expires, a new zoning certificate shall be required.

Section 805 Schedule Of Fees, Charges, And Expenses

The Township Trustees shall by resolution establish a schedule of fees, charges, and expenses and a collection procedure for zoning certificates, amendments, appeals, variances, conditional use permits, site plan approvals, and other matters pertaining to the administration and enforcement of this Resolution requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the Liverpool Township Office Building and may be altered or amended only by the Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 806 Enforcement

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

B. Correction Period - All violations shall be corrected within a period of ten (10) days after the written order is issued or for a longer period of time as indicated by the Zoning Inspector. Any violations not corrected within a specified time period shall be reported to both the County Prosecutor and the Township Trustees who shall initiate prosecution procedures through the County Prosecutor or special counsel.

C. Penalty - The owner or owners of any building or premises or part thereof where anything in violation of this Resolution shall be placed or shall exist, and any person who shall violate any of the provisions of this Resolution or fail to comply therewith shall for each violation or noncompliance be deemed guilty of a misdemeanor and upon conviction thereof, be fined not more than $100. Each day such violation or failure to comply shall exist shall constitute a separate offense. (Ohio Revised Code Sections 519.23 and 519.99)

D. Prevention of Violations - In case any building is or is proposed to be located, erected, constructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of any provisions of this Zoning Resolution or supplements or amendments thereto, the Board of Township Trustees, the Prosecuting Attorney of the County, the Township 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. The Township Trustees may employ special counsel to represent it in any proceedings or to prosecute any actions brought under this section.

ARTICLE IX

Board Of Zoning Appeals

Section 901 General

A Board of Zoning Appeals is hereby created and shall have all the powers and duties prescribed by law and by this Resolution.

Section 902 Composition And Appointment

The Board shall consist of five members appointed by the Township Trustees. The members shall be residents of the unincorporated area of Liverpool Township. The term of office shall be five (5) years, and the terms shall be so arranged that the term of one (1) member will expire each year. Members shall be removable for the same causes and in the same manner as provided by Section 803(B) of this Resolution. Vacancies shall be filled by appointment of the Board of Township Trustees and shall be for the unexpired term.

Section 903 Organization

A. Officers, Rules - The Board shall elect a Chairman from its membership and shall prescribe rules for the conduct of its affairs. The Township Trustees shall appoint a secretary for the Board, who may be the Township Clerk.

B. Board Action - Three (3) members of the Board shall constitute a quorum at all meetings. A concurring vote of three members shall be necessary to affect an order, take action, make decisions, or act on any authorization.

C. Meetings - The Board shall meet at the call of its Chairman and at such other times as it may determine. All meetings of the Board shall be open to the public.

D. Witnesses - The Board Chairman or Acting Chairman may administer oaths and the Board may compel the attendance of witnesses in all matters coming within the purview of the Board.

E. Proceedings - The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall be immediately filed in the office of the Township Trustees and shall be a public record.

Section 904 Powers

The Board of Zoning Appeals shall have the following powers:

A. Appeals

1. Administrative appeals as further described in Section 905 below.

2. Variance appeals as further described in Section 906 below.

B. Conditional zoning certificates as described in Article VI.

C. Such other powers as described in this Resolution including review of site plans for conditional uses as described in Section 216.

Section 905 Administrative Appeals

The Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Resolution. Administrative appeals shall be reviewed in the manner specified in Section 907.

Section 906 Variance Appeals

A. General - The Board shall have the power to authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest. Relevant evidence may be developed by the Board or other participants in the hearing, but the burden of proof regarding the justification of a variance rests with the applicant for a variance. Absent proof being available to the Board, it has no authority to grant the request even should it feel such would be appropriate. A variance is not a personal right running to a particular individual, but is a right created by unique factors related to the land irrespective of ownership and thus runs with the land. Variance appeals shall be reviewed in the manner specified below and in Section 907.

B. Area Variance - An area variance is one dealing with an activity or use that itself is authorized by the Resolution, but because of some technical requirement cannot be undertaken on the particular property involved. The variance shall be consistent with the spirit and intent behind the zoning requirement and substantial justice shall be done by granting the variance. In addition to satisfying this requirement, review and action on the variance application shall be based upon the following factors:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;

2. Whether the variance is substantial;

3. 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;

4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);

5. Whether the property owner purchased the property with the knowledge of the zoning restriction;

6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.

C. Use Variance - A use variance provides the right to undertake an activity that is not authorized in the particular zoning district involved, or perhaps, even in the zoning jurisdiction. In order to grant a Use Variance more stringent findings are required. Such a variance would require a finding that:

1. The variance would not be contrary to the public interest;

2. Owing to special conditions a literal enforcement of the Resolution will result in unnecessary hardship. Zoning regulations impose hardship sufficient to support the granting of a use variance if the only permitted uses are not economically or realistically possible;

3. Knowledge by a property owner of a problem prior to the purchase of the property involved is a fact to be considered in determining the existence of an unnecessary hardship, but does not necessarily bar one's right to a variance;

4. The substance and spirit of the Zoning Resolution shall be observed and requires consideration be given to the effect the granting of the variance will have on surrounding properties. Even if an

unnecessary hardship is shown, it must be demonstrated that the proposed variance will be harmonious with the existing development in the area.

5. Substantial justice will be done.

D. Supplementary Conditions - In granting a variance appeal, the Board may impose such conditions as it may deem necessary to protect the public health, safety, and morals, and, in furtherance of the purposes and intent of this Resolution, including the requirement of a financial guarantee to assure that all special conditions imposed by the Board will be complied with.

(Section 906 - Recommended 02/25/1999. Adopted 03/16/1999.)

Section 907 Procedure For Administrative And Variance Appeals

A. General - Appeals to the Board of Zoning Appeals concerning the powers specified in Section 905 and 906 for administrative appeals and variance appeals may be taken by any person or corporation or by any officer of Liverpool Township adversely affected by any decision of the Zoning Inspector. The appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector, a notice of appeal specifying the grounds upon which the appeal is taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals the notice of appeal and all papers constituting the record of the action which is appealed. Immediately upon receipt, the Board of Zoning Appeals shall provide to the Township Trustees and Zoning Commission, for information, copies of the notice of appeal and all papers constituting the record of action which is appealed.

B. Stay of Proceedings - After notice of an appeal has been filed the Zoning Inspector may stay all proceedings in furtherance of the action appealed.

C. Public Hearing and Notices - The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an appeal from the Zoning Inspector. Notice of the hearing shall be published in a newspaper at least ten (10) days before the date of the public hearing. Notices shall be sent at least ten (10) days before the hearing to all parties involved in the appeal and to all owners of property within, contiguous to, and across the road from the property under consideration. The Board may recess such hearing, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required.

D. Assistance - Application for variance appeals may be submitted by the Board to the Zoning Commission for review and comment. The findings of the Zoning Commission shall be submitted in writing to the Board prior to its public hearing. The Board may also seek assistance from any other appropriate source. Failure of the Zoning Commission to submit written findings shall not be fatal to the appeals proceedings.

E. Decisions - Within twenty (20) days after the public hearing, the Board of Zoning Appeals shall either approve or disapprove the request for appeal. A certified copy of the Board's decision shall be transmitted to the applicant or appellant and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and shall be incorporated in the terms and conditions of the zoning certificate whenever a permit is authorized by the Board. Any appellant, having been denied an appeal by the Board, may appeal to the Court of Common Pleas.

ARTICLE X

Amendments

Section 1001 General

From time to time it may be necessary to amend the number, shape, area, or regulations of districts established on the Zoning District Map or the regulations set forth in this Resolution. All amendments shall be made according to the procedures required by Section 519.12 of the Ohio Revised Code and this Article, and only after receipt of recommendations from the Zoning Commission.

Section 1002 Procedure

A. Initiation of Amendments - In accordance with Section 519.12 of the Ohio Revised Code, amendments to the Zoning Resolution may be initiated by one of the following:

1. Motion of the Township Zoning Commission; or

2. Passage of a resolution by the Township Trustees and certification to the Zoning Commission; or

3. Filing of an application with the Zoning Commission by one or more owners of property within the area affected by the proposed amendments to the Zoning Resolution.

B. Applications - Applications for zoning amendments shall be made on a form prescribed by the Township and shall include at least the following:

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

2. Present use;

3. Present zoning district;

4. Proposed use;

5. Proposed zoning district;

6. If ten (10) or less parcels are to be rezoned, a list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case;

7. A statement on how the proposed amendment relates to the Liverpool Township Development Policy Plan.

C. Referral to County Planning Commission - Within five (5) days after initiation of a zoning amendment, the Zoning Commission shall transmit a copy of the amendment to the Medina County Planning Commission. The County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit the recommendation to the Zoning Commission. The recommendation shall be considered at the public hearing held by the Zoning Commission on the proposed amendment.

D. Referral to Ohio Department of Transportation - The Director of the Ohio Department of Transportation shall be notified concerning proposed zoning amendments affecting any land within three hundred (300) feet of the centerline of a certified (journalized) new highway or highway improvement or within a radius of five hundred (500) feet from a point of the intersection of an existing public road with a centerline of a certified (journalized) new highway or highway improvement. Upon receipt of an application for rezoning

in this area, the Zoning Commission shall notify the Director by registered or certified mail and shall then proceed with the requirements of this Article. However, the Township Trustees shall not approve the amendment for a period of one hundred twenty (120) days from receipt of the notice by the Director. During the one hundred twenty (120) day period, or any extension agreed to by the Director and the property owner, the Director shall proceed to acquire the land required for the highway improvement or to determine that the acquisition at that time is not in the public interest. Upon receipt of notice from the Director that the property will be acquired, the Trustees shall refuse to rezone the land that the Director intends to acquire. If the Director provides notice acquisition at that time is not in the public interest or at the expiration of the one hundred twenty (120) day period or any extension, the Trustees shall proceed to approve or disapprove the amendment in the manner specified below.

E. Public Hearing by Zoning Commission - Upon the initiation of an amendment to the Zoning Resolution, the Zoning Commission shall set a date for a public hearing. The hearing shall be held not less than twenty (20) but not more than forty (40) days from the date of initiation of the amendment.

F. Notice - Notice of the Zoning Commission public hearing shall be given as follows:

1. Newspaper - Notice shall be given by publication in one or more newspapers of general circulation in the Township at least ten (10) days before the date of the hearing. The notice shall state the time and place of the public hearing, the nature of the proposed amendment or supplement, and a statement that after the conclusion of the hearing the matter will be referred for further determination to the Township Trustees.

2. Property Owners - If the proposed amendment or supplement intends to redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission by first class mail, at least ten (10) days before the date of the public hearing, to all owners of property within, contiguous to, and directly across the road from the area proposed to be rezoned. The notice shall include the same information required above for newspaper notices.

G. Action of the Zoning Commission - The Zoning Commission shall, within thirty (30) days after the hearing, recommend the approval, denial, or the approval of some modification of the proposed amendment. The Zoning Commission shall submit the recommendation, together with the application and the recommendation of the County Planning Commission, to the Township Trustees.

H. Public Hearing and Notice by Township Trustees - The Township Trustees shall, upon receipt of the recommendation, set a time for a public hearing on the proposed amendment or supplement. The hearing shall be held within thirty (30) days from the date of the receipt of the recommendation from the Zoning Commission. Notice of the public hearing shall be given by the Trustees by one publication in one or more newspapers of general circulation in the Township, at least ten (10) days before the date of the proposed amendment.

I. Action of Township Trustees - Within twenty (20) days after the public hearing the Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Trustees deny or modify the recommendations of the Zoning Commission, the unanimous vote of the Trustees shall be required.

J. Effective Date, Referendum - Amendments adopted by the Township Trustees shall become effective in thirty (30) days after the date of such adoption unless within that period a referendum petition is presented to the Trustees. The petition must be signed by a number of qualified voters residing in the unincorporated area of the Township equal to at least eight percent (8%) of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected. The petition shall request the Township Trustees to submit the amendment to the electors of such area for approval or rejection at the next primary or general election. No amendment for which a referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

ARTICLE XI

Definitions

For the purpose of this Resolution certain terms are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "shall" is mandatory and not discretionary; the word "building" shall include the word "structure"; the word "used" shall include the words "arranged", "designed", "constructed", "altered", "converted", or "intended to be used"; and a "person" shall mean, in addition to an individual, a firm, corporation, association, or any legal entity which may own and/or use land or buildings.

Accessory Building/Structure - A detached subordinate building(s) or structure(s), the use of which is incidental to that of the principal dwelling together with a single residential attached/detached garage and located on the same lot or parcel. An accessory building/structure is subordinate in area, extent, and purpose to the building/structure served. Accessory structures include, but are not limited to, garages, decks, sheds, and swimming pools. (Recommended 10/09/2014. Adopted 11/18/2014.)

Accessory Use - A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel. A use which is subordinate in area, extent, and purpose to the use served. (Recommended 10/09/2014. Adopted 11/18/2014.)

Accommodation Services - Shall mean preparation of meals, housekeeping, laundry, and transportation.

Agricultural Production: See Ohio Revised Code Chapter 929.01 Agricultural districts definitions and Ohio Revised Code Chapter 5713.30 Agricultural land definitions. (Recommended 8/05/2021. Adopted 9/15/2021.)

Agriculture – See *Ohio Revised Code 519.01* - Use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, road side stands, treating, or storing the produce, provided, however, that:

1. The operation of any such accessory uses shall be secondary to that of normal agriculture activities; and
2. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feed yard.

(Recommended 8/05/2021. Adopted 9/15/2021.)

Agritourism: An agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity, as set forth in Ohio Revised Code 901.80. (Recommended 8/05/2021. Adopted 9/15/2021.)

Agritourism Provider: A person who owns, operates, provides, or sponsors an agritourism activity or an employee, as set forth in Ohio Revised Code 901.80. (Recommended 8/05/2021. Adopted 9/15/2021.)

Alley - See Street.

Alteration - As applied to an existing building or structure is a change or rearrangement in the structural parts or in the exit facilities or an enlargement, whether by extending on a side or by increasing in height, or by moving from one location to another.

Animal - As applied to accessory building regulations is an animal not housed for agricultural purposes such as dairying or animal and poultry husbandry.

Barn - A structure used for farming, dairying, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry or the necessary uses for packing, treating, or storing the produce; provided, however, that the operation of any such building shall be secondary to that of normal agriculture activities and provided that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

Basement - A story, having more than two-thirds of its height below average grade.

Building - Any structure having a roof supported by columns or by walls and intended for the enclosure, shelter, or housing of persons, animals, or chattels.

Building, Earth-Sheltered - A structure built underground and beneath a continuous exterior surface grade, having its floor at the approximate level of some other exterior grade on one or more sides. This type of dwelling is to be differentiated from basement dwellings, which are prohibited, in that earth-sheltered dwellings are designed for permanent occupancy. No additional stories are planned for a later day, as with basement dwellings.

Building, Height - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Building, Line - See Minimum Building Setback Line.

Building, Principal - The building housing the principal activity performed on any lot.

Cemetery - Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including mausoleums and mortuaries, if operated in connection with and within the boundaries of such cemetery.

Channel - See Flood Terms.

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

Conditional Use - A use, permitted within a district other than a principally permitted use, requiring a conditional zoning certificate and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the district regulation in Article III.

Conditional Zoning Certificate - A permit issued by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

Cul-de-sac - A vehicular turnaround consisting of a bulb-like shape. (Recommended 04/05/2001. Adopted 05/01/2001.)

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

Development Policy Plan - A Plan, or any portion thereof, adopted by the Zoning Commission and the Trustees of Liverpool Township showing the general location and extent of present and proposed physical facilities including housing, industrial, and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

Discarded Motor Vehicles - Any motor vehicle satisfying the requirements for an "abandoned junk motor vehicle" as listed in Ohio Revised Code, Section 4513.63.

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

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

Dwelling, Single Family - A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

Dwelling, Two-Family - A dwelling consisting of two dwelling units which may either be attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

Family - Any one of the following when occupying a dwelling unit and maintaining a common household in which all members of such family have use and access to all parts of the dwelling unit:

a. One person and not more than two (2) lodgers; or
b. Two or more persons related by blood, marriage, or adoption and not more than two (2) lodgers; or
c. Not more than four (4) unrelated persons.

A family may also include domestic servants and gratuitous guests.

Farm: A farm is land that is devoted to "agricultural production" with either no less than ten acres or an average gross income of at least $2,500 from "agricultural production" Ohio Revised Code 901.80(A)(4). (Recommended 8/05/2021. Adopted 9/15/2021.)

Fence - Is herein defined as a barrier or boundary consisting of materials, such as, but not limited to, posts, boards, wire, stone, or vegetation.

Flood Terms –

1. Channel - A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

2. Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry areas from the overflow of streams, rivers, or other inland water.

3. Flood Plain - The relatively flat area or low lands adjoining the channel of a river, stream, or watercourse or ocean, lake, or other body of standing water, which has been or may be covered by flood water.

4. Flood Proofing - A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, and content of buildings.

5. Floodway - The channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood.

6. Floodway Fringe - That portion of the regional flood plain located outside of the floodway.

7. Regional Flood - A flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has a frequency of approximately once ever one hundred (100) years as determined by an analysis of floods in a particular stream and other streams in the same general region.

8. Regional Flood Plain - The area inundated by the regional flood (100-year frequency flood). The regional flood plain is comprised of floodway and the floodway fringe as defined above and is the basis for flood plain regulation.

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

Gasoline Service Station - Any area of land, including any structure or structures thereon, that is or are used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of vehicles. For the purpose of this Resolution there shall also be deemed to be included within this term any area or structure used or designed to be used for polishing, greasing, washing, spraying, dry cleaning, or otherwise cleaning or servicing such motor vehicles.

Heavy Motor Vehicle - For purposes of this Resolution, a vehicle requiring a Commercial Driver's License (CDL) to operate and/or a vehicle having a refrigeration unit. (Recommended 8/09/2012. Adopted 09/18/2012.)

Height, Building - See Building Height.

Junk - Scrap iron, scrap tin, scrap brass, scrap copper, scrap lead, or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tin foil, used bottles, old or used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used automobile or airplane tires, and other manufactured goods that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition but are subject to being dismantled.

Junk Motor Vehicles - Any motor vehicle which is, a) extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, doors, or transmission; and b) apparently inoperable.

Landscaping - A combination of natural or living materials such as grass, ground covers, earth mounds, shrubs and trees; and may include non-living durable materials such as decorative walls and fences. Paving and non-decorative stone and gravel shall not be considered as landscaping materials for the purpose of this Resolution.

Living Area of a Residential Building - The sum of the gross horizontal areas of the several floors of the building, measured from the exterior walls or from the centerline of walls separating two (2) buildings. Floor area shall not include: a) cellar or basement space; b) elevator and stair bulkheads; c) attic space; d) terraces, breezeways, and open porches; e) uncovered steps; and f) garages.

Loading Space - An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

Lot - For the purpose of this Resolution, a lot is a parcel of land recorded in the Office of the Medina County Recorder of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as herein required. Such lot shall be exclusive of any area of any right of way conveyed by easement or dedication for any public road. Such lot shall have frontage on an approved public street. 1) A single lot of record. 2) A portion of a lot of record. 3) A combination of complete lots of record and portions of lots of record.

Lot, Corner - A lot at the junction of and abutting on two or more intersecting streets.

Lot, Depth - The mean distance from the right-of-way line of the lot or parcel to the rear lot line measured in the main direction of the side lines of the lot or parcel.

Lot, Frontage - Lot frontage shall be the distance between side lot lines measured along the right-of-way side line of a public or private street. For the purpose of determining yard requirements on corner lots, the front yard shall be based on which side the building faces or is planned to face.

Lot, Interior - A lot other than a corner lot.

Lot, Lines - The lines defining the limits of a lot.

Lot, Minimum Area of - The area of a lot is computed exclusive of any portion of any right-of-way for any public or private road.

Lot, Width at Building Line - The distance between the side lot lines perpendicular to or as nearly perpendicular to the side lot lines as possible, measured from the midpoint of the minimum building setback line.

Minimum Building Setback Line - A line parallel to the street right-of-way line at such distance from the street right-of-way line as required by the minimum front yard depth in the district in which it is located.

Noise - Any sound or combination of sounds which are annoying or harmful to humans through adverse physiological or psychological effects.

Non-Conforming Use - A building, structure, or use of land existing at the time of the enactment of the Resolution, and which does not conform to the use regulations of the district in which it is located.

Performance Bond - A financial amount specified in an agreement with and to the satisfaction of the Township by a Subdivider or Developer for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the applicant's agreement.

Personal Assistance - Shall be as defined in Ohio Revised Code 3721.

Recreation Vehicle - A vehicular-type unit designed as temporary living quarters for recreation, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. A recreational vehicle may be a travel trailer, camping trailer, truck camper, or motor home.

Residential Garage - An attached/detached building used for the parking or temporary storage of boats and vehicles such as automobiles, trucks with under two (2) tons capacity, motorcycles, and travel trailers used by the occupants of the premises. (Recommended 10/09/2014. Adopted 11/18/2014.)

Retail Sale - The sale of goods or articles individually or in small quantities directly to the ultimate consumer. Typically, retail sales involve across-the-counter transactions and maintenance of an inventory of goods.

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

Roadside Stands - A removable stand or a structure used or intended to be used solely by the owner or the tenant of a property on which it is located for the sale of seasonal agricultural products produced on the premises and to be removed and stored back of the building line on the property at the conclusion of the seasonal sales. No illuminated signs shall be used to advertise such products.

Setback Line - See Minimum Building Setback Line.

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

Sexually Oriented Business (Recommended 04/06/2006. Adopted 05/02/2006.)

A. "Adult arcade" means any place to which the public is permitted or invited where one or more "video booths" and/or "live viewing booths" are available to patrons where the images shown and/or live entertainment presented are characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

B. "Adult-Only Live Entertainment Business" means a nightclub, bar, restaurant, or similar commercial establishment that regularly features:

1. Persons who appear in areas of the establishment open to patrons in a "state of nudity" or "state of semi-nudity" so as to expose to view "specified anatomical areas"; or

2. Any live entertainment, exhibition, performance, or dance by persons whose entertainment, exhibition, performance, or dance is characterized by an emphasis on the depiction or description of "specified anatomical areas" or "specified sexual activities"; or

3. “Adult media".

C. "Adult media" means magazines, books, photographic reproductions, videotapes, movies, slides, compact discs in any format (e.g., cd-rom, cd-r, cd-rw), digital video discs in any format (e.g., dvd), other devices used to reproduce or record computer images, or other print, video, film, electronic, computer-based, analog, or digital media characterized by an emphasis on matter depicting, describing or related to "specified sexual activities" or "specified anatomical areas".

D. "Adult media store" means an establishment that rents and/or sells adult media as one of its "principal business purposes".

E. "Adult motel" means a hotel, motel or similar commercial establishment which:

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

2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

F. "Adult motion picture theater" means a commercial establishment occupying a building or portion of a building including any portion of a building which contains more than 150 square feet) where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions, or other projected images are regularly shown, if such establishment as a prevailing practice excludes minors by virtue of age, regardless of whether the minor is accompanied by a parent or guardian, or if, as a prevailing practice, the films, motion pictures, video cassettes, slides or similar photographic reproductions, or other projected images presented are characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein. This does not pertain to movies rated “G”, “PG”, “PG-13”, or “R” by the Motion Picture Association.

G. "Adult novelty store" means a business offering goods for sale or rent and that meets any of the following tests:

1. It offers for sale items from any two (2) of the following categories: "adult media", "sexually-oriented novelties or toys", "lingerie, leather goods marketed or presented in a context to suggest their use for sadomasochistic practices, and the combination of such items constitutes more than ten percent (10%) of the stock in trade of the business or occupies more than ten percent (10%) of the gross public floor area of the business; or

2. More than five percent (5%) of the stock in trade of the business consists of "sexually-oriented novelties or toys"; or

3. More than five percent (5%) of the gross public floor area of the business is devoted to the display of "sexually-oriented novelties or toys"; or

4. Which advertises or holds itself out in any forum as a sexually oriented business by use of such terms as "sex toys", "marital aids", "X-rated", "XXX", "adult", "sex", "nude" or otherwise advertises or holds itself out as a sexually-oriented business.

H. "Adult theater" means a theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or semi-nudity, live performances which are characterized by an emphasis on the depiction or description of "specified anatomical areas", "specified sexual activities" or live entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainment that is characterized by an emphasis on the depiction or description of "specified anatomical areas" or "specified sexual activities".

I. "Establishment" means and includes any of the following:

1. The opening or commencement of any sexually oriented business as a new business;

2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

3. The addition of another sexually oriented business to any other existing sexually oriented business; or

4. The relocation of any sexually oriented business.

J. "Gross public floor area" means the total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-computer areas, storage areas visible from such other areas, restrooms (whether or not labeled "public"), areas used for cabarets or similar shows (including stage areas), plus aisles, hallways, entryways serving such areas.

K. “Massage Parlor” means a commercial establishment where, for any form of consideration, massage, alcohol rub, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar profession persons licensed by the State. This definition shall not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishments where massage or similar manipulation of the human body is offered as an incidental or accessory use.

L.. "Nude model studio" means any place where a person who appears semi-nude or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Nude model studio shall not include:

1. A proprietary school licensed by the State of Ohio, or a college, junior college or university supported entirely or I n part by public taxation.

2. A private college or university that offers educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or

3. An establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; where in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than one semi-nude model is on the premises at any one time.

M. "Nudity" or "state of nudity" or "nude" means exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic hair with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume, or covering that gives the appearance of or simulates any of these anatomical areas.

N. “Principal business purpose" means that the material containing the depictions and descriptions specified in this Section XI account for a substantial proportion of the sales, rental, or receipt volume at a commercial establishment.

O. "Semi-nudity" or "seminude condition" or "semi-nude" means exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other clothing, provided that the areola is not exposed in whole or in part.

P. "Sexual encounter center" means a commercial enterprise that, as one of its principal business purposes, offers for any form of consideration;

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

2. Activities between male and female persons and/or persons of the same sex when one or more persons is semi-nude.

Q. "Sexually oriented business" means an adult arcade, adult media store, adult motel, adult novelty store, adult-only live entertainment business, adult motion picture theater, adult theater, massage parlor, nude model studio, or sexual encounter center.

R. "Sexually oriented novelties or toys" means instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs or for use in connection with "specified sexual activities".

S. "Specified anatomical areas" means:

1. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
2. Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

T. "Specified sexual activities" means any one or more of the following:

1. Actual or simulated fondling or other touching of an erogenous zone of another, including without limitation, the thigh, genitalia, pubic area, buttocks, anus, or female breasts;
2. Actual or simulated sex acts, normal or perverted, including, but not limited to, intercourse, fellatio, cunnilingus, oral copulation, sodomy, masturbation, beastiality, or the insertion, however slight, of any part of the body, or any instrument, apparatus, or other object into the vaginal or anal cavity of another;

3. Human bodily functions of elimination, including, but not limited to, defecation, ejaculation, or urination;

4. Human male or female genitals in a state of sexual stimulation or arousal; or

5. Sadomasochistic practices including, but not limited to, flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of another.

U. "Substantial enlargement" of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on the date this ordinance takes effect.

Sign – Any identification, description, illustration, object or device which is affixed to or integrated into a building or structure or land, or otherwise situated on a lot and which is intended to announce, direct or advertise by any means including letters, words, figures, designs, colors, symbols, fixtures or images.

1. Access Sign – A permanent sign located on private property and located at the entrance and/or exit of the property.

2. Address Sign – A sign indicating the address of a property to easily allow identification by safety services.

3. Banner – Sign made of fabric or any non-rigid material supported to retain its shape but with no enclosing framework.

4. Canopy or Covered Walk Sign – Any sign that is painted on, part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

5. Changeable Copy Sign – A Ground Sign or Free Standing Sign, such as a bulletin board or announcement board, where the message or graphics is not permanently affixed to the structure, framing, or background and may be periodically replaced or covered over manually or by electronic or mechanical devices.

6. Flag – Any sign of cloth or similar material, anchored along one side, displayed on a single pole, either freestanding or attached to a building.

7. Free Standing Sign – A sign that is attached to a framework supported by the ground but not resting on the ground and with no more than three (3) feet of open space between the bottom of the sign and the surrounding grade.

8. Ground Sign – A sign which has a supporting base designed as an integral part of the sign resting totally or primarily on the ground.

9. Institutional Sign – Signs or bulletin boards customarily incidental to places of worship, schools, libraries, or museums.

10. Non-Conforming Sign – Any sign existing on or after the effective date of Article IV, and any revisions, which does not conform to the stated regulations in their entirety.

11. Portable Sign – A sign similar to a Free Standing Sign but designed to be moved easily. When used as a Temporary Sign a Portable Sign is restricted to the maximum area and height regulations as a Free Standing Sign.

12. Projecting Sign – A sign attached to a building or wall and which extends beyond the line of said building or wall in such a manner that the exposed face or faces of the sign are generally perpendicular to or at an angle to the plane of the wall of the building or structure to which said sign is attached, with its leading edge extending not more than three feet (3') beyond the surface of such building or wall.

13. Public Purpose/Safety Sign – A sign authorized by law to be erected by a public authority, utility, public service organization, or private industry upon the public right-of-way or on private property and which is intended to control traffic; direct, identify or inform the public; or provided needed public service.

14. Roof Sign – Any sign erected, constructed or maintained upon or over the roof or parapet wall of a building and having its principal support on the roof or walls of the building.

15. Sandwich Board Sign – A sign consisting of two rigid panels affixed at the top and with its base resting on the ground/sidewalk and positioned to not impede sidewalk traffic.

16. Temporary Sign – Any sign designed to be displayed for a limited period of time.

17. Wall Sign – A sign painted on, attached to, or erected against the outside wall of a building with the exposed face of the sign in a plane parallel to the plane of said wall, extending not more than eight (8)

inches there from and which does not project above the roof line or beyond the corner of the building.

18. Window Sign – A sign that is applied or attached to the inside of a window or located inside a building within three (3) feet of a window so that the sign is visible and capable of being read from the outside of the building.

Skilled Nursing Care - Shall be as defined in Ohio Revised Code 3721.

Street, Thoroughfare, or Road - The full width between property lines bounding every public way of whatever nature with a part thereof to be used for vehicular traffic and designated as follows:

1. Alley - A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.

2. Arterial Street - A general term denoting a highway primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route.

3. Collector Street - A thoroughfare whether within a residential, industrial, commercial, or other type of development which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.

4. Cul-de-sac Street - A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround. (Recommended 04/05/2001. Adopted 05/01/2001.)

5. Dead-End Street - A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

6. Local Street - A street primarily for providing access to residential or other abutting property.

7. Marginal Access Street - A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector street. (Also called "Frontage Street".)

8. Private Street - A thoroughfare, driveway, or easement which affords principal means of access to more than two (2) properties but which has not been deeded to the public or subject to public easements.

9. Public Street - A thoroughfare which has been dedicated or deeded to the public for public use or is subject to public easements and which affords principal access to abutting property.

Structure - Anything constructed or erected with a fixed location on the ground attached to something having a fixed location on the ground, or resting upon the ground including but not limited to signs, swimming pools, sheds, fences, walls and buildings.

Structural Alterations - Any change in the supporting members of a building such as bearing walls, foundations, columns, beams, or girders, or any substantial changes in the roof and exterior walls.

Swimming Pool - Any indoor or outdoor structure, chamber, or tank, other than a lake or pond, containing a body of water for swimming, diving, or bathing intended primarily or incidentally for swimming or bathing which has a surface area greater than two hundred (200) square feet and is deeper than eighteen (18) inches including all structures, appurtenances, equipment, appliances, and other facilities appurtenant to and intended for this operation and maintenance of a swimming pool. Pools are further defined as follows:

1. Private - Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.

2. Community - Operated with a charge for admission; a primary use.

Unrelated Individuals - Shall be as defined in Ohio Revised Code 3721.

Use - The principal purpose for which a lot, and/or the main building thereon, is designed, arranged, or intended and for which it may be used, occupied, or maintained.

Used Car Lot - Any lot on which two (2) or more Motor Vehicles (which have been previously titled in a name other than the Manufacturer or Dealer) in operating condition are offered for sale or displayed to the public.

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

Wholesale Trade - The sale of goods in relatively large quantities and usually at lower prices than retail. Wholesale trade normally does not involve the ultimate consumer.

Wind Energy Systems**:**

Fall Zone - The potential fall area for the wind energy system. It is measured by using 110% of the total height as the radius around the center point of the base of the tower.

Nacelle - The encasement that houses all of the generating components, gear box, drive train, and other equipment.

Structure Mounted Wind Energy System - A wind energy system mounted on a structure roof, walls, or other elevated surface. A structure mounted wind energy system must be an ancillary use to the main structure. A structure mounted wind energy system shall project no more than twenty (20) feet above the highest point of the roof excluding chimneys, antennae, and other similar protuberances.

Temporary anemometer - A temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy system at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

Tower Mounted Wind Energy System - A wind energy system mounted on a tower.

Turbine - The parts of the wind energy system including but not limited to the blades, generator and tail.

Wind Energy System - A system that converts the kinetic energy of the wind into electricity available for use beyond that used by the system. A wind energy system consists of any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system.

Wind Energy System Total Height - The vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the wind energy system.

Wind Energy System Tower - The monopole or guyed monopole constructed to support a wind energy system.

Wind Energy System Tower Height - The height above grade of the fixed portion of the tower, excluding the wind energy system.

(Recommended 7/07/2011. Adopted 8/16/2011.)

Yard - A required open space unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward. Accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility. Yard depth shall be measured perpendicular to or as nearly perpendicular as possible to the front, side, or rear lot lines.

1. Yard, Front - A yard extending between side lot lines across the front of a lot and from the public road right-of-way line to the front of the principal building.
2. Yard, Rear - A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

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

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