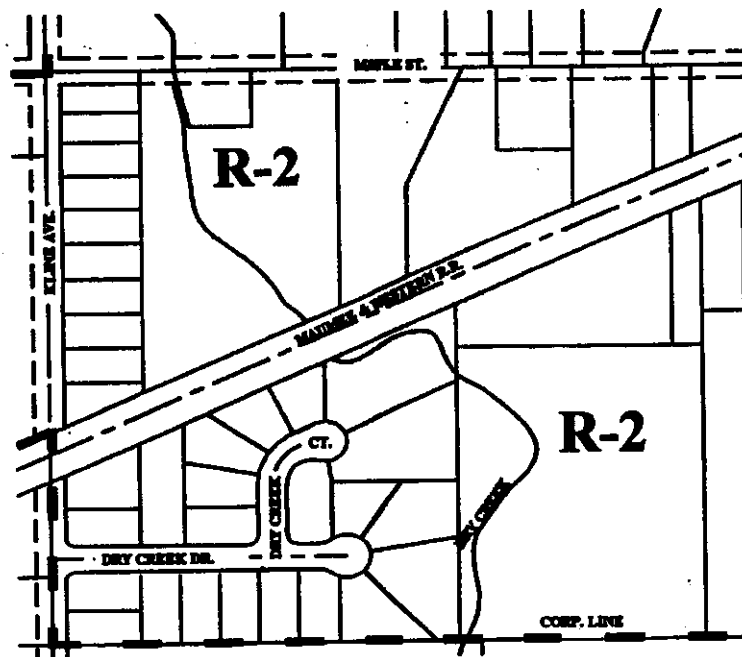


ZONING ORDINANCE

#938

LIBERTY CENTER, OHIO



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Prepared By:
Henry County Planning Commission

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PREAMBLE

AN ORDINANCE OF THE VILLAGE OF LIBERTY CENTER, OHIO, ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND THE PROVISIONS OF CHAPTER 713, OHIO REVISED CODE, DIVIDING THE VILLAGE, INTO ZONES AND DISTRICTS; ENCOURAGING, REGULATING, AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION AND USE OF STRUCTURES AND LAND; PROMOTING THE ORDERLY DEVELOPMENT OF RESIDENTIAL, BUSINESS, INDUSTRIAL, RECREATIONAL, AND PUBLIC AREAS; PROVIDING FOR ADEQUATE LIGHT, AIR, AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES; LIMITING CONGESTION IN THE PUBLIC RIGHT-OF-WAYS; PROVIDING THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND; PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE, DEFINING THE POWERS AND DUTIES OF THE ADMINISTRATIVE OFFICERS AS PROVIDED HEREAFTER, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS ORDINANCE OR ANY AMENDMENT THERETO, ALL FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, COMFORT AND GENERAL WELFARE; AND FOR THE REPEAL THEREOF.

THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LIBERTY CENTER, HENRY COUNTY, STATE OF OHIO:

ARTICLE 1

GENERAL PROVISIONS

100 TITLE

This Ordinance shall be known and may be cited to as the "Zoning Ordinance of the Village of Liberty Center, Ohio," except as referred to herein, where it shall be known as "this Ordinance."

102 PURPOSE

This Ordinance is enacted to provide the comprehensive zoning of the Village of Liberty Center; to establish zoning districts and a zoning districts map, height and area regulations; to control nonconforming uses; to provide for off-street parking; to authorize conditional zoning certificates; to establish a Planning Commission and Board of Zoning Appeals; to provide for the administration and enforcement of this Ordinance; to establish procedures for amendments thereto; to repeal existing Zoning Ordinances; and for any other purpose provided in this Ordinance, the Ohio Revised Code, or under common law rulings.

104 INTERPRETATION

In their interpretation and application, the provisions of this Ordinance 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 Ordinance 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.

106 SEPARABILITY

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

108 REPEAL OF CONFLICTING ORDINANCES

All Ordinances in conflict with this Ordinance or inconsistent with the provisions of this

Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

110 EFFECTIVE DATE

This Ordinance shall become effective from and after the date of its approval and adoption or amendment, as provided by law.

ARTICLE 2

DEFINITIONS

200 INTERPRETATION OF TERMS OR WORDS

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- D. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- E. The word "lot" includes the words "plot" or "parcel."

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204 **DEFINITIONS**

Accessory Use (or Structure): Any use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "accessory use" includes anything of a subordinate nature attached to or disattached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards. Except as otherwise required in this Ordinance, an

accessory use shall be a permitted use.

Adult Care Facility: Any residence, facility, institution, hotel, congregate housing project or similar facility licensed by the Ohio Department of Health, that provides accommodations and supervision to from 3 to 16 unrelated adults, at least three of which receive personal care service. For the purpose of this definition, "adult care facility" shall not include, assisted living facility, elderly housing facility, group residential facility, nursing home or similar facilities that provide skilled nursing care, which are herein separately defined. There are two types of adult care facilities:

- A. **Adult Family Home:** A facility or residence providing accommodations for from 3 to 5 unrelated adults and providing supervision and personal care services to at least 3 adults.
- B. **Adult Group Home:** A facility or residence that provides accommodations for from 6 to 16 unrelated adults and providing supervision and personal care services to at least 3 adults.

Agriculture: The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce, provided, however that:

- A. The operation of any such accessory uses shall be secondary to that of normal agricultural activities; and
- B. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within 100 feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feedyard.

Airport: Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage and tiedown areas, hangars and other necessary buildings, and open spaces.

Alley: *(See Thoroughfare)*

Alteration: Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, or any substantial change in the roof and exterior walls, or the moving from one location or position to another.

Apartment House: *(See Dwelling, Multi-Family)*

Assisted Living Facility: A multiple-unit residential facility which may be licensed by the Ohio Department of Health, that provides or arranges for skilled nursing care for one (1) or more unrelated individuals who reside in the facility. For the purpose of this definition, "assisted living facility" shall not include adult care facility, elderly housing facility, group residential facility or nursing home, which are herein separately defined.

Automotive Repair: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service and painting.

Automotive (or Manufactured/Mobile Home, Travel Trailer or Farm Implement) Sales: The sale or rental of new and used motor vehicles, mobile/manufactured homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

Automotive Wrecking: The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts.

Basement: A story, suitable for business or habitation, partially below the level of the adjoining street or ground, and below the first tier of floor beams or joists. When a basement floor is less than 2 feet below the average grade, it will be rated as the first story or ground floor (*See Story*).

Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property (*See Structure*).

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

Building, Height: The vertical dimension measured from the average elevation of the finished lot 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 average height between the eaves and ridge for gable, hip and gambrel roofs.

Building Line: (*See Setback Line*)

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

Business, Convenience: Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent

congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores, if less than 10,000 square feet in gross floor area. Uses in this classification tend to serve a day-to-day need in the neighborhood.

Business, General: Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day-to-day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets, stores that sell hardware, apparel, footwear, appliances, and furniture, department stores, and discount stores.

Business, Highway: Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend to serve the motoring public. Highway business uses include but need not be limited to, such activities as service/filling stations, truck and auto sales and service, restaurants, motels and commercial recreation.

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

Business, Service: Any profit making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.

Business, Wholesale: Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

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

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

Child Day Care: Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardian, custodians, or relatives by blood, marriage, or adoption for any part of the

24 hour day in a place or residence other than the child's own home. The following are child day-care facilities:

- A. **Child Day-Care Center:** Any facility licensed by the Ohio Department of Human Services in which child day-care is provided, with or without compensation, 13 or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for 7 to 12 children at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.
- B. **Type A Family Day-Care Home:** A permanent residence of the administrator, licensed by the Ohio Department of Human Services, in which child day-care is provided for 4 to 12 children at any one time, if 4 or more children are under 2 years of age. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the immediate family and the residence is their home.
- C. **Type B Family Day-Care Home:** A permanent residence of the provider, licensed by the Northwest Ohio Community Action Commission, in which child daycare or child day-care services are provided for one (1) to 6 children at one time and in which no more than 3 children may be under 2 years of age at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

Clinic (or Medical Center): A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but limited to out-patients only.

Club: A building or portion thereof or premises owned or operated by a person or association of persons for some common nonprofit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

Commercial Entertainment Facility: Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

Conditional Use: A use permitted within a zoning district other than a principally permitted use, requiring a conditional zoning certificate.

Conditional Zoning Certificate: A certificate issued by the Zoning Inspector upon approval by the Planning Commission, to allow a use other than a principally permitted use to be established within a zoning district.

Condominium: A building or group of buildings in which units are individually owned but the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners.

Convalescent Home (or Rest Home): *(See Nursing Home)*

Corner Lot: *(See Lot Types)*

Cul-de-Sac: *(See Thoroughfare)*

Dead End Street: *(See Thoroughfare)*

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

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

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

District: A part, zone, or geographic area within the municipality within which certain zoning or development regulations apply.

Dwelling: Any building or structure which is wholly or partly used or intended to be used for living or sleeping by one (1) or more human occupants.

Dwelling, Industrialized Unit: An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit but not a manufactured/mobile home *(See Factory-Built Housing)*.

Dwelling, Multi-Family: A dwelling consisting of 3 or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units, but not including hotels or

motels.

Dwelling, Rooming House (or Boarding House, Lodging House or Dormitory): A dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for 3 or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

Dwelling, Single-Family: A dwelling consisting of one (1) dwelling unit only, separated from other dwelling units by open space.

Dwelling, Two-Family: A dwelling consisting of 2 dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

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 (1) family and its household employees.

Easement: Authorization by a property owner for the use by another, and for a specified purpose of any designated part of his property.

Elderly Household: Not more than 3 persons, related or unrelated, who occupy a single dwelling unit, of whom one person is elderly.

Elderly Housing Facility: A multiple-unit residential facility which may be licensed by the Ohio Department of Health, where occupancy is restricted to elderly persons or households. Such facility may include personal care service, skilled nursing care, recreational facilities, and provide for independent or semi-independent living. For the purpose of this definition, "elderly housing facility" shall not include adult care facility, assisted living facility, group residential facility or nursing home, which are herein separately defined.

Elderly Person: Any person who is 62 years of age or older, or any person under 62 years of age who is handicapped such that his physical impairments are of a long-term duration and impede his ability to live independently without a suitable housing environment.

Essential Service: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public

utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings (*See Public Service Facility*).

Factory-Built Housing: Factory-built housing means a factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this definition, "factory-built housing" shall include the following:

- A. **Manufactured Home:** Any nonselfpropelled vehicle transportable in one or more sections (does not include campers, trailers, RVs, motor homes and other temporary dwelling units), which in the traveling mode, shall have a minimum width of 8 feet or a minimum length of 40 feet or, when erected on site, shall have a minimum floor area of 400 square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and which bears a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Act, which became effective June 15, 1976, and shall include "double-wide house trailers" and mobile homes that meet the federal standards (the terminology for these dwelling units was changed in 1980 from mobile homes to manufactured homes).
- B. **Modular Home:** A dwelling unit constructed in accordance with the standards set forth in the local building code as applicable to modular housing and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home may consist of 2 or more sections transported to the site in a manner similar to a manufactured home, or a series of panels or room sections transported on a truck and erected or jointed together on site. Modular homes shall be considered as conventional single-family dwellings and are not regulated as manufactured homes defined above.
- C. **Mobile Home:** Any nonselfpropelled vehicle that is transportable (does not include campers, RVs, motor homes and other temporary dwelling units), and designed to be used as a dwelling unit with or without a permanent foundation and built prior to June 15, 1976.

Family: A person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house, provided, however, that "family" shall not include more than 4 persons unrelated to each other by blood, marriage or legal adoption, except for Class I Type B group residential facilities (*See Group Residential Facility*).

Floodplain: Land areas, including the flood fringe and the floodway, subject to inundation by the 100-year flood, as shown on the Village of Liberty Center's Flood Insurance Rate Map (FIRM), Community Panel Number 390619 B.

Floodway: Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor Area, Gross: The sum of the gross horizontal area of each floor intended for occupancy or storage, including basements devoted to residential use, and roofed porches, measured from the exterior face of exterior walls of the principal building.

Floor Area, Minimum: Shall consist of areas such as living room, bedroom, bathroom, dining room, rooms for cooking, den, library, and family rooms, but shall not include areas such as porches, breezeways, terraces, basement recreation rooms, utility rooms, garages and basements.

Garage, Private: A building or part thereof accessory to a principal building and providing for the storage of motor vehicles and other household materials, supplies, tools and equipment, in which no occupation or business for profit is carried on other than that conditionally permitted under home occupation, and not reducing the storage of that number of vehicles for which such garage was designed.

Garage, Public: A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which not-for-profit service station activities may be carried on.

Garage, Service Station: Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered and sales made:

- A. Sales and service of spark plugs, batteries, and distributor parts;
- B. Tire servicing and repair, but not recapping or regrooving;
- C. Replacement of mufflers and tail pipes, water hose, fan belts-brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease containers, wheel bearings, mirrors, and the like;
- D. Radiator cleaning and flushing;
- E. Radiator welding and repair;

- F. Greasing and lubrication;
- G. Providing and repairing fuel pumps, oil pumps, and lines;
- H. Minor servicing and repair of carburetors;
- I. Adjusting and repairing brakes;
- J. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
- K. Washing, polishing and cleaning of vehicle's exterior and interior body;
- L. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principle operations;
- M. Provisions of road maps and other informational material to customers, provision of restroom facilities;
- N. Warranty maintenance and safety inspections.

Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operation condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations (*See Automotive Repair/Wrecking*).

Garden Apartment Development: An architectural and functional grouping of dwelling units which may include townhouses, row houses, terrace apartments and other structures similar in character and density to such development. Garden apartment developments shall have a minimum of 12 dwelling units.

Group Residential Facility: A group residential facility is a community residential facility licensed by the State of Ohio, which provides rehabilitative or habilitative services. For the purpose of this definition, "group residential facility" shall not include adult care facility, assisted living facility, elderly housing facility or nursing home, which are herein separately defined. There are two classes of group residential facilities:

- A. Class I: Any dwelling or place used as a foster home for children or adults, or as a home for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A group residential facility contains 6 or more residents, exclusive of staff. A Class I Type B group residential facility

contains 5 or less residents, exclusive of staff.

- B. **Class II:** Any dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains 6 or more residents, exclusive of staff. A Class II Type B group residential facility contains 5 or less residents, exclusive of staff.

Home Occupation: Home occupation means an accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby carried on by the inhabitant(s) thereon, which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, or elsewhere on the premises, without any significant adverse effect upon the surrounding neighborhood.

Hospital: An establishment which provides accommodations, facilities, and services over a continuous period of 24 hours or more, for observation, diagnosis, and care of 2 or more individuals suffering from illness or injury, or from any condition requiring obstetrical, medical or surgical services.

Hotel: *(See Motel)*

Industrial Park: A tract of land subdivided and developed according to a comprehensive plan for the use of a community of industries and containing a minimum of one (1) street designed solely to provide access to industrial establishments located upon it.

Junk Building (or Junk Shop or Junk Yard): Any land, property, structure, building, or combination of the same on which junk is stored or processed. "Junk" shall include, but not limited to, the following: used or salvaged metals, rubber, lumber, millwork, brick, glass, or dismantled or broken machinery and equipment.

Kennel: Any lot or premises on which 4 or more domesticated animals more than 4 months of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

Loading Space: An off-street loading space or berth on the same or adjoining 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. All off-street loading spaces shall be located totally outside of any street or alley right-of-way, but

shall abut upon such right-of-way. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot: For the purposes of this Ordinance, a lot is a parcel of land whose boundaries have been established by some legal surveyed instrument, which shall be of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street or access easement.

Lot Area, Gross: The total horizontal area within the boundaries of a lot.

Lot Area, Minimum (Net): That area of a lot computed exclusive of any portion of the right-of-way of any public or private street or access easement. Where the street right-of-way is not established, it shall be assumed to be 60 feet.

Lot Coverage: The total ground area of a lot, expressed as a percentage of the lot area, that is covered, occupied or enclosed by principal and accessory buildings or structures.

Lot, Depth Of: The mean horizontal distance between the front lot line and the rear lot line of a lot, measured in the general direction of the side lot line. Where the street right-of-way is not established, it shall be assumed to be 60 feet.

Lot Frontage: The horizontal distance of a lot measured along the front lot line, between side lot lines.

Lot Line, Front: That boundary of a lot which abuts the right-of-way of any public or private street or access easement.

Lot Line, Rear: That boundary of a lot which is most distant from, and is or is most nearly parallel to the front lot line.

Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

Lot of Record: A lot which is part of a subdivision recorded in the office of the Recorder of Henry County, or a lot or parcel established by some legal surveyed instrument by metes and bounds, the deed to which has been so recorded.

Lot Type: Terminology used in this Ordinance with reference to corner lots, interior lots, through lots and reversed frontage lot is as follows:

- A. **Corner Lot:** A lot located at the intersection of 2 or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn

from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

- B. Interior Lot: A lot with only one (1) frontage on a street.
- C. Through Lot: A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two streets may be referred to as "double frontage lots".
- D. Reversed Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

Lot, Width Of: The horizontal distance between the side lot lines of a lot, measured along the building setback line (*See Building Setback Line*).

Major Thoroughfare Plan: The portion of the comprehensive plan duly adopted by the Liberty Center Village Planning Commission/Henry County Planning Commission indicating the general location recommended for arterial, collector and local thoroughfares within the appropriate jurisdiction (*See Thoroughfare*).

Manufactured Home Park: Consists of one (1) or more manufactured/mobile homes located on a single tract of ownership operated as a single entity as a business investment of the owner. Each manufactured/mobile home is located on a site leased to its occupant(s) who own or lease the dwelling unit as their permanent residence.

Manufacturing, Extractive: Any mining, quarrying, excavating processing, storing, separating, cleaning, or marketing of any mineral natural resource.

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

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

Motel: A building or group of buildings, consisting of individual sleeping units, in which lodging is provided and offered to the public for compensation, designed primarily for transient automobile travelers, and providing for accessory off-street parking

facilities. The term "motel" includes hotel, auto court, motor court, tourist court or similar buildings/structures that are designed as integrated units of individual rooms under common ownership. For the purpose of this definition, "motel" shall not include dwelling, rooming house, which is herein separately defined.

Nonconformity: Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Ordinance or its amendments which do not conform to the regulations of the district in which they are situated, and are therefore incompatible.

Nursing Home (or Convalescent or Rest Home): An institution, residence or facility licensed by the Ohio Department of Health, that is designed for the reception and care of 3 or more unrelated individuals who by reason of illness or physical or mental impairment require personal care service and/or skilled nursing care. For the purpose of this definition, "nursing home" shall not include adult care facility, assisted living facility, elderly housing facility or group residential facility, which are herein separately defined.

Open Space: An area of land which is in its natural state, or is developed only for the raising of agricultural crops, or for public outdoor recreation.

Overlay District: A district described by the zoning map within which, through super imposition of a special designation, furthermore regulations and requirements apply in addition to those of the underlying districts to which such designation is added.

Parking: The temporary holding of a vehicle for a period longer than required to load or unload persons or goods.

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

Performance Bond (or Surety Bond): An agreement by a subdivider or developer with the Village of Liberty Center 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 subdivider's agreement.

Personal Care Service: Service that includes, but not limited to, assisting individuals with activities of daily living, self-administration of medication, and preparing special diets.

Planned Unit Development (PUD): An area of land in which a variety of housing

types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

Principal Permitted Use: A use which is permitted outright in a district for which a zoning certificate may be issued by the Zoning Inspector in accordance with the provisions of this Resolution.

Public Service Facility: The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services (*See Essential Service*).

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

Quasi-Public Use: Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable philanthropic, or non-profit nature.

Recreation Camp: An area of land on which 2 or more travel trailers, campers, recreational vehicles (RVs), tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

Recreation Facility: Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include: but need not be limited to, miniature golf courses, amusement parks, stadiums, community swimming pools and bowling alleys.

Research Activity: Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

Right-of-way: A strip of land taken 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 Stand: Permanent or temporary structure designed, arranged or used for the display and sale of agricultural and related products (*See Wayside Stand*).

Satellite Signal Receiver: "Dish-type satellite signal-receiving antennas," "earth stations" or "ground stations," whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one (1), or a combination of two or more of the following:

- A. A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth orbiting satellites or similar sources.
- B. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals.
- C. A coaxial cable whose purpose is to convey or transmit signals to a receiver.

Setback Line: A line established by this Ordinance, generally parallel with and measured perpendicular from the respective lot line, defining the limits of a yard in which no structure may be located above ground, except as may be provided by this Ordinance (*See Yard*).

Sewer, On-Site: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent.

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

Skilled Nursing Care: Procedures that require technical skills and knowledge beyond those the untrained person possesses and that are commonly employed in providing for the physical, mental and emotional needs of the ill or otherwise incapacitated. "Skilled nursing care" shall include, but not limited to, irrigations, catheterization, application of dressings, supervision of special diets, administration of medication by any method ordered by a physician, and carrying out other treatments

prescribed by a physician that involve a similar level of complexity and skill in administration.

Street, Private: A thoroughfare which affords principal means of access to abutting property, but which has not been deeded to the public (*See Thoroughfare*).

Street, Public: A public thoroughfare which has been dedicated or deeded to the public for public use and accepted by Liberty Center Village Council, and which affords principal means of access to abutting property (*See Thoroughfare*).

Story: The vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joists (*See Basement*).

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

Subdivision: The division of a lot, tract or parcel into 2 or more lots, tracts, or parcels or other divisions of land for sale, development, or lease.

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

Swimming Pool: A pool, pond, lake, or open tank containing at least one and one-half (1.5) feet of water at any point and maintained by the owner or manager, and designated as either of the following:

A. **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, and shall be an accessory use.

B. **Community:** Operated with a charge for admission and shall be a primary use.

Tank Storage: In reference to petroleum, chemical and liquid gas storage.

Telecommunication Facility: A facility that transmits and/or receives electromagnetic signals. This includes, but not limited to, antennas, microwave dishes, horns, wireless services, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.

Thoroughfare, Street, 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:

- A. **Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- B. **Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
- C. **Collector Street:** A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily for through traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- D. **Cul-de-Sac:** A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.
- E. **Dead-end Street:** A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- F. **Local Street:** A street primarily for providing access to residential or other abutting property.
- G. **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 streets.

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

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

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

Wayside Stand: A temporary structure designed, arranged or used for the display or sale of agricultural or other related products grown or produced on the premises upon which such stand is located (*See Roadside Stand*).

Yard: A required open space unoccupied and unobstructed by any structure or portion of a structure from the ground level of the graded lot upward. Walls, fences, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the nearest portion of any structure existing or to be constructed. Where the street right-of-way is not established it shall be assumed to be 60 feet.

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 nearest portion of any structure existing or to be constructed.

Yard, Side: A yard extending from the nearest portion of any structure existing or to be constructed to the side lot line on both sides of the structure, and 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.

Zoning District: (*See District*)

Zoning Inspector: The Zoning Inspector is the person designated by the Liberty Center Village Planning Commission to administer and enforce zoning regulations and related Ordinances.

ARTICLE 3

ESTABLISHMENT OF DISTRICTS

300 PURPOSE

The purpose of this article is to establish zoning districts in order to realize the general purposes set forth in the preamble of this Ordinance, to provide for orderly growth and development, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

302 ESTABLISHMENT OF DISTRICTS

The following zoning districts are hereby established for the Village of Liberty Center:

- R-1 Residential District
- R-2 Residential District
- C Commercial District
- I Industrial District
- FP Floodplain Overlay District

304 ZONING DISTRICT MAP

The districts established in *Section 302*, as shown on a map entitled "Zoning Districts Map of the Village of Liberty Center, Ohio," which, together with all data, references, explanatory material and notations thereon, are hereby officially adopted as part of this Ordinance and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.

306 IDENTIFICATION OF ZONING DISTRICTS MAP

The zoning districts map shall be properly identified by the signature of the Mayor, and shall remain on file in the office of the Clerk. The zoning map shall be a reproducible document, and copies shall be made available to the public upon request and upon payment of a fee as established by ordinance.

INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the districts established in *Section 302* as shown on the zoning map, the following rules shall apply:

- A. Where district boundaries are so indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be said boundaries.
- B. Where district boundaries are so indicated as approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the zoning map.
- C. Where district boundaries are so indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries.
- D. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the center of the main tracks of said railroad line.
- E. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Village unless otherwise indicated.
- F. Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits.
- G. Whenever any street, alley, or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation, and all areas within that vacation shall thenceforth be subject to all regulations appropriate to the respective extended districts.

All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals.

310 ZONING UPON ANNEXATION

The following regulations shall apply to any areas annexed to the Village:

- A. If any lots, tracts, or lands are not subject to zoning at the time of their annexation, they shall be classified into whichever districts established by this Ordinance most closely resembles the existing uses at the time of the annexation. Such classification shall be recommended to Council by the Planning Commission and shall be approved by Council resolution.
- B. Any lots, tracts, or areas which are subject to zoning at the time of their annexation shall be classified as being in whichever district established by this Ordinance most closely resembles the zoning district that existed in the annexation. Such classification shall be recommended to Council by the Planning Commission and shall be approved by Council resolution.
- C. With respect to any annexation, the Planning Commission shall within 90 days conduct a public hearing on the matter of permanent zoning classification.

ARTICLE 4

DISTRICT REGULATIONS

400 COMPLIANCE WITH REGULATIONS

The regulations for the districts established in *Section 302* shall be minimum regulations and shall apply uniformly to each class or kind of structure or land within each respective district, except as hereinafter provided:

- A. No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- B. No building or other structure shall be erected or altered:
 - 1. to provide for greater height or bulk;
 - 2. to accommodate or house a greater number of families;
 - 3. to occupy a greater percentage of lot area;
 - 4. to have narrower or smaller rear yards, front yards, side yards, or other open spaces;than herein required, or in any other manner contrary to the provisions of this Ordinance.
- C. No structure shall be erected in any front yard except those which are an integral part of off-street parking facilities as provided in *Section 602*.
- D. No yard or lot created on the effective date of adoption or amendment of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Furthermore, yards or lots created after said date of this Ordinance shall meet the minimum requirements set forth herein.
- E. No part of a yard or other open space required about any building for the district in which it is located shall be included as part of a yard or other open space required of another building.

402 **OFFICIAL SCHEDULE OF DISTRICT REGULATIONS**

District regulations shall be as set forth in the Official Schedule of District Regulations, hereinafter depicted in table format. The official schedule specifies which uses are permitted and conditionally permitted in the zoning districts established in *Section 302*. Any use not specifically listed as either permitted or conditionally permitted shall be a prohibited use in the respective zoning district and shall only be permitted upon rezoning of the land in question or the amendment of this Ordinance (*See Article 11: Procedures And Requirements For Amendments*), or upon a finding that the use is substantially similar to a specific use listed in the official schedule (*See Section 1022: Procedures And Requirements To Determine That A Use Is Substantially Similar*).

The Official Schedule of District Regulations also contains the major dimensional requirements for all uses within the respective district. These dimensional requirements must be followed unless otherwise specified in this Ordinance, or a variance has been granted by the Board of Zoning Appeals (*See Article 9: Procedures And Requirements For Appeals And Variances*).

In addition to the official schedule, *Article 5: Supplementary District Regulations*, contains additional use and dimensional requirements applying to all districts.

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

R-1 RESIDENTIAL DISTRICT

PURPOSE: This district is established in recognition of the existing residential development. The district was subdivided into mostly lots of 65 feet or less in width and approximately 80 percent of all lots have been developed.

PERMITTED USES		PERMITTED USES		CONDITIONALLY PERMITTED USES	
Accessory Use (a) Home Occupation (b) Public Park, Playground & Golf Course (c) Public & Parochial School (d) Single-Family Dwelling Two-Family Dwelling				Cemetery (e) Church & Place of Worship (f) Institution for Higher Education (g) Medical Institution (h) Mobile/Manufactured Home Park (i) Multi-Family Dwelling (j) Public Use (k) Recreation Facility (l)	
LOT REQUIREMENTS		YARD SETBACK REQUIREMENTS		BUILDING REQUIREMENTS	
Lot Area	5,000 sq. ft. (m)	Principal Use		Principal	
Lot Width	60 ft.	Front Yard	15 ft.	Height Limit	35 ft.
Lot Frontage	60 ft.	Side Yard	10 ft. each side	Min. Floor Area	700 sq. ft. (o)
		Rear Yard	20 ft.	Min. Floor Area	35 % (p)
NOTES		NOTES		NOTES	
(a) Shall be incidental to principal use, and subject to Section 506.		(i) Subject to Sections 1016, 1018 - L and 514.		(j) Shall include, but not limited to, apartment house and garden apartment development, and subject to Sections 1016 and 1018 - A, D, E, H, I & J.	
(b) Subject to Section 530.		(k) Shall not include miniature golf, and subject to Section 1018 - B, E & G.		(l) Shall not include those listed as a Permitted Use, and subject to Sections 1016 & 1018 - E & H.	
(c) Shall not include miniature golf, and subject to Section 1018 - B, E & G.		(m) Per dwelling unit.		(n) Subject to Section 506.	
(d) Subject to Section 1018 - B, E & G.		(o) One and one-half (1 1/2) story dwelling for first floor only.		(p) Accessory use/building shall not occupy more than 35% of any required rear yard.	
(e) Subject to Sections 1016 and 1018 - B & E.		(f) Shall include, but not limited to, adult care facility, assisted living facility, clinic, convalescent & nursing home, elderly housing facility, hospital, and subject to Sections 1016 and 1018 - B, C, E, F & G.			
(f) Subject to Sections 1016 and 1018 - B & E.					
(g) Subject to Sections 1016 and 1018 - B, C, E, F & G.					
(h) Shall include, but not limited to, adult care facility, assisted living facility, clinic, convalescent & nursing home, elderly housing facility, hospital, and subject to Sections 1016 and 1018 - B, C, E, F & G.					

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS **R-2 RESIDENTIAL DISTRICT**

PURPOSE: This district is established to accommodate a population density of approximately 4 dwelling units per acre. All public utilities and facilities will be planned and designed to serve adequately the above population density.

PERMITTED USES		PERMITTED USES		CONDITIONALLY PERMITTED USES	
All uses permitted in the R-1 Residential District. All corresponding notes shall also apply.				All uses conditionally permitted in the R-1 Residential District. All corresponding notes shall also apply.	
LOT REQUIREMENTS		YARD SETBACK REQUIREMENTS		BUILDING REQUIREMENTS	
Lot Area	8,700 sq. ft. (a)	Principal Use	35 ft.	Principal	35 ft.
Lot Width	65 ft. (b)	Front Yard	16 ft. total (c)	Height Limit	Height Limit
Lot Frontage	30 ft.	Side Yard	20 ft.	Min. Floor Area	Min. Floor Area
		Rear Yard	20 ft.	700 sq. ft. (e)	35 % (f)
				Accessory	Accessory
NOTES		NOTES		NOTES	
(a) 8,700 sq. ft. per single-family dwelling, 10,500 sq. ft. per two-family dwelling, 10,500 sq. ft. per multi-family dwelling, plus 4,000 sq. ft. per each dwelling unit.		(a) 8,700 sq. ft. per single-family dwelling, 10,500 sq. ft. per two-family dwelling, 10,500 sq. ft. per multi-family dwelling, plus 4,000 sq. ft. per each dwelling unit.		(a) 8,700 sq. ft. per single-family dwelling, 10,500 sq. ft. per two-family dwelling, 10,500 sq. ft. per multi-family dwelling, plus 4,000 sq. ft. per each dwelling unit.	
(b) 65 ft. for single and two-family dwelling, 100 ft. for multi-family dwelling.		(b) 65 ft. for single and two-family dwelling, 100 ft. for multi-family dwelling.		(b) 65 ft. for single and two-family dwelling, 100 ft. for multi-family dwelling.	
(c) 16 ft. total, one (1) side minimum 6 ft. for single and two-family dwelling; 25 ft. total, one (1) side minimum 10 ft. for multi-family dwelling.		(c) 16 ft. total, one (1) side minimum 6 ft. for single and two-family dwelling; 25 ft. total, one (1) side minimum 10 ft. for multi-family dwelling.		(c) 16 ft. total, one (1) side minimum 6 ft. for single and two-family dwelling; 25 ft. total, one (1) side minimum 10 ft. for multi-family dwelling.	
(d) Subject to Section 506.		(d) Subject to Section 506.		(d) Subject to Section 506.	
(e) One and one-half (1 1/2) story dwelling for first floor only.		(e) One and one-half (1 1/2) story dwelling for first floor only.		(e) One and one-half (1 1/2) story dwelling for first floor only.	
(f) Accessory use/building shall not occupy more than 35% of any required rear yard.		(f) Accessory use/building shall not occupy more than 35% of any required rear yard.		(f) Accessory use/building shall not occupy more than 35% of any required rear yard.	

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

C COMMERCIAL DISTRICT

PURPOSE: This district is established to serve the sales, office, recreation and service needs of the Village and surrounding area.

PERMITTED USES		PERMITTED USES		CONDITIONALLY PERMITTED USES	
Accessory Use (a) Business, Convenience Business, General Business, Highway Business, Office Type Business, Service Business, Wholesale Child Day Care Facility Club Commercial Entertainment Facility Commercial Parking Facility Funeral Home		Medical Institution (b) Multi-Family Dwelling (c) Public Use Quasi-Public Use Recreation Facility (d) Veterinary Hospital/Clinic		Cemetery (e) Garage, Service Station (f) Mobile/Manufactured Home Park (g)	
LOT REQUIREMENTS		YARD SETBACK REQUIREMENTS		BUILDING REQUIREMENTS	
Lot Area	N/A	Principal Use	Accessory Use	Principal	Accessory
Lot Width	N/A	Front Yard	Front Yard	Height Limit	Height Limit
Lot Frontage	N/A	Side Yard	Side Yard	Min. Floor Area	Min. Floor Area
		Rear Yard	Rear Yard		
		30 ft. (h)	30 ft. (i)	35 ft.	35 ft.
		10 ft. each side (h)	6 ft. (i)	N/A	35 % (i)
		20 ft. (h)	6 ft. (i)		
NOTES		NOTES		NOTES	
(a) Shall be incidental to principal use, and subject to Section 506. (b) Shall include, but not limited to, adult care facility, assisted living facility, clinic, convalescent & nursing home, elderly housing facility and hospital. (c) Shall include, but not limited to, apartment house and garden apartment development. (d) Shall not include tracks for go-carts, cars and motorcycles. (e) Subject to Sections 1016 and 1018 - B & E. (f) Subject to Sections 1016 and 1018 - K. (g) Subject to Sections 1016, 1018 - L and 514. (h) Subject to Section 520 if abutting a residential district. (i) Subject to Sections 506 and 520, whichever apply.		(i) Accessory use/building shall not occupy more than 35% of any required rear yard.			

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

I INDUSTRIAL DISTRICT

PURPOSE: This district is established to accommodate industrial uses in the fields of manufacturing, processing, wholesaling and distribution. Due to continuing advancement in industrial plant design and technology, it is not practical to determine which industries shall be compatible with a community, except by performance standards.

PERMITTED USES	PERMITTED USES	CONDITIONALLY PERMITTED USES
All uses permitted and conditionally permitted in Residential and Commercial Districts. All corresponding notes shall also apply. Accessory Use (a) Automotive Repair/Wrecking Junk Building/Yard (b) Manufacturing, Light Research Activity Supply/Lumber/Contractor Yard		Industrial Park (c) Manufacturing, Extractive (d) Manufacturing, Heavy (e) Tank Storage (f) Telecommunication Facility (g)

LOT REQUIREMENTS	YARD SETBACK REQUIREMENTS				BUILDING REQUIREMENTS			
Lot Area	N/A	Principal Use		Accessory Use	Principal		Accessory	
Lot Width	N/A	Front Yard	35 ft. (h)	Front Yard	Height Limit	N/A (i)	Height Limit	N/A (i)
Lot Frontage	N/A	Side Yard	25 ft. each side (h)	Side Yard	Min. Floor Area	N/A	Min. Floor Area	35 % (k)
		Rear Yard	25 ft. (h)	Rear Yard				

NOTES (a) Shall be incidental to principal use, and subject to Section 506. (b) Stored material shall not be visible from public streets or adjacent property by an observer on the ground, and subject to Section 518. (c) Subject to Sections 1016 and 536. (d) Subject to Sections 1016 and 526. (e) Subject to Sections 1016 and 526. (f) Subject to Sections 1016 and 526. (g) Subject to Sections 1016 and 532. (h) Subject to Section 520 if abutting a residential district. (i) Subject to Sections 506 and 520, whichever apply.					NOTES (j) Or as determined by Planning Commission and chief fire official, based upon available fire equipment capabilities. (k) Accessory use/building shall not occupy more than 35% of any required rear yard.			
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OFFICIAL SCHEDULE OF DISTRICT REGULATIONS **FP FLOODPLAIN OVERLAY DISTRICT**

PURPOSE: This district is established to protect and minimize public and private losses due to flood conditions in specific areas of the Village.

PERMITTED USES		PERMITTED USES		CONDITIONALLY PERMITTED USES	
All uses permitted in the respective underlying district, and subject to Section 534. All corresponding notes of the underlying district shall also apply.				All uses conditionally permitted in the respective underlying district, and subject to Section 534. All corresponding notes of the underlying district shall also apply.	

LOT REQUIREMENTS		YARD SETBACK REQUIREMENTS			BUILDING REQUIREMENTS		
Lot Area	(a)	Principal Use		Accessory Use	Principal		Accessory
Lot Width	(a)	Front Yard	(a)	Front Yard	Height Limit	(a)	Height Limit
Lot Frontage	(a)	Side Yard	(a)	Side Yard	Min. Floor Area	(a)	Min. Floor Area
Lot Coverage	(a)	Rear Yard	(a)	Rear Yard			

(a) Per the requirement of the respective underlying district.		NOTES		NOTES	

ARTICLE 5

SUPPLEMENTARY DISTRICT REGULATIONS

500 PURPOSE

The purpose of supplementary district regulations is to set specific conditions, applying to all respective districts, for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or preclude such problems, and to promote the harmonious exercise of property rights without conflict.

502 AVERAGE FRONT YARD SETBACK

- A. Whenever 50 percent or more of any one (1) street in any one (1) block has been developed prior to the effective date of adoption of this Ordinance, the minimum front yard setback line shall be the average setback of all structures erected prior to said date. This provision shall apply only to those blocks which are less than 500 feet in length.
- B. Whenever the minimum front yard setback line required by this Ordinance will be in conflict with existing character of the surrounding area on any one (1) street in any one (1) block 500 feet in length or more, the Board of Zoning Appeals shall have the power to increase or decrease said line. The Board of Zoning Appeals shall exercise its authority only in conformance with existing conditions.

504 PRINCIPAL BUILDING PER LOT

No more than one (1) principal building or structure may be constructed upon any one (1) lot for the purposes of this Ordinance. Exception shall be given to garden apartments or cluster developments. Furthermore, every principal building shall be located on a lot having frontage on a public street except in industrial parks.

506 ACCESSORY USES

Accessory uses in any Residential District may be erected detached from the principal building or may be erected as an integral building, or may be connected therewith by a breezeway or similar structure. Unless otherwise specified in this Ordinance, accessory uses shall not occupy more than 35 percent of any required rear yard, and shall be distant at least 6 feet from all adjoining lot lines. An accessory use may be placed closer than 6

feet if the adjoining property owner(s) have consented to its proposed placement in writing, and said writing filed with the Village Clerk of Liberty Center.

The front yard setback line of all accessory uses shall be the same as required for the primary structure.

Accessory uses located on a corner lot shall not be nearer a side street lot line than the minimum depth of the front yards required along such side street for a dwelling.

Other accessory use requirements:

- A. Porches and Decks - A zoning certificate shall not be required if an existing deck or porch is replaced to its original size. Any other alteration, or the new construction of a deck or porch shall require a zoning certificate.
- B. Swimming Pools - Swimming pools above and below ground, whether temporary or permanent, shall have a 4 foot fence constructed around the pool or the yard in which the pool is located. Above ground pools that have sidewalls a minimum of 4 feet in height shall not be required to have a fence, but shall have a gate that can be locked 4 feet in height at the entrance of the pool.

Swimming pools located on corner lots shall not be located nearer a side street lot line than 15 feet.

- C. Fences - A zoning certificate shall not be required for the placement of a fence on property, and said fence shall not be placed within a distance of less than one (1) foot from any property line. A fence may be placed on a property line only if the adjoining property owner(s) have consented to its proposed placement in writing, and said writing filed with the Village Clerk of Liberty Center.

The property owner constructing and placing any fence shall maintain the adjoining property on either side of said fence for a distance of one (1) foot.

No fence shall be higher than 3 feet if said fence is placed on or within the front lot line of any property. Furthermore, any fence placed on or within the front lot line shall be at least one (1) foot higher than any adjoining sidewalks on the front footage of said property. Fences placed on the rear or sides of any property shall not exceed 6 feet in height.

No fence shall be closer than one (1) foot from any property owned by the Village of Liberty Center.

No fence, wall or hedge shall be placed in such a manner as to be a hazard to

vehicular or pedestrian traffic.

- D. Trees, Shrubs and Windbreaks - In all districts, shrubs and windbreaks shall be planted a minimum of 6 feet from any property line. Trees shall be planted not less than 10 feet from any property line. Trees, shrubs and windbreaks may be placed closer than the respective minimum distances if the adjoining property owner(s) have consented in writing, and said writing filed with the Village Clerk of Liberty Center.

508 ADEQUACY OF PROPOSED WATER AND SANITARY SEWAGE DISPOSAL FACILITIES

No zoning certificate or building permit shall be issued without evidence that the Liberty Center Board of Public Affairs or Henry County Health Department has approved the proposed water and sanitary sewage disposal facilities for the use for which the zoning certificate or building permit has been requested.

510 CORNER LOTS

Corner lots in all districts are required to have the minimum front yard requirements, as indicated for that district, facing both streets.

512 SCREENING

To secure the optimum effect on transition from a residential to a nonresidential district, the Village Planning Commission shall have the power to determine the need for and amount of plant materials, walls or fences, or any combination of these on any property line of land under consideration. The plans and specifications including density and height figures for the overall site development shall include the proposed arrangement of such plantings and structures.

514 MANUFACTURED HOME PARKS

No individual manufactured homes shall be used for permanent occupancy as a dwelling within the Village of Liberty Center, Ohio, except those placed in a manufactured home park. No zoning certificate or building permit shall be issued for a manufactured home park without evidence that the proposed facility has been approved by the Henry County Health Department (licensor).

For the purpose of this Section, manufactured home shall include: mobile home, trailer and "double-wide house trailers."

516 PARKING AND STORAGE OF COMMERCIAL VEHICLES

No commercial vehicles, to include commercial tractors, automobiles, trucks, buses, house trailers, semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking.

518 JUNK

The accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded objects or debris defined as junk in the Ohio Revised Code shall be prohibited, outside of an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents.

520 YARD REQUIREMENTS FOR NONRESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS

Nonresidential buildings or uses shall not be located nor conducted closer than 40 feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to 50 percent of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry wall or solid fence between 4 and 8 feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 20 feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than 4 feet in height at the time of planting. Neither type of screening shall obscure traffic visibility.

522 YARD REQUIREMENTS FOR MULTI-FAMILY DWELLINGS

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

524 **EXCEPTIONS TO HEIGHT REGULATIONS**

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

526 **OBJECTIONABLE, NOXIOUS, OR DANGEROUS USES, PRACTICES OR CONDITIONS**

No land or building in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which may otherwise adversely affect surrounding areas or adjoining premises, except that any use permitted by this Ordinance may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, as established in this Section, are properly exercised. Specifically, the occupation or use of any land or building in any district shall be in violation of this Ordinance if one (1) or more of the following conditions is found to exist at any time:

- A. The use or storage of flammable or explosive materials is not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities.
- B. Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved.
- C. Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency.
- D. Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency.
- E. Objectionable noise as determined by the Zoning Inspector due to volume, frequency or beat is present.
- F. Vibration discernible by the Zoning Inspector without instruments is present on an adjoining lot or property.
- G. Direct or reflected glare is present which is visible from any street or from any

property not within an industrial district.

- H. Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property.
- I. Water pollution or contamination is present in violation of the regulation of the Ohio Environmental Protection Agency.
- J. Burning of leaves, trash, debris or any other waste material.

528 KEEPING OF ANIMALS

No person shall keep any pig, horse, cow, goat, 3 or more dogs at least 3 months of age, or any other animal(s) or any fowl or poultry in any pen, yard, lot or other enclosure situated within 100 feet of an inhabited dwelling house, other than the house of the owner of such animal(s), fowl or poultry.

The owner or keeper of any such animal(s), fowl or poultry shall keep the pen, yard, lot or other enclosure in a sanitary condition and free from preventable offensive odors.

530 HOME OCCUPATIONS

- A. Permitted Use - A home occupation shall be a permitted use if it complies with the following requirements:
 - 1. The external appearance of the structure in which the use is conducted shall not be altered, and not more than one (1) sign no larger than 2 square feet shall be mounted flush to a wall of the structure.
 - 2. No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted.
 - 3. There shall be no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the street.
 - 4. Not more than 25 percent of the minimum floor area of the dwelling shall be devoted to the use.
 - 5. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation,

or electrical disturbances.

6. No additional parking demand shall be created.
7. No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer.

B. Conditionally Permitted Use - A person may apply for a conditional zoning certificate for a home occupation which does not comply with the requirements of a permitted use above. The criteria for the issuance of such a certificate for a home occupation are as follows:

1. There shall be no more than 2 non-residential employees or volunteers to be engaged in the proposed use.
2. Sales of commodities not produced on the premises may be permitted, provided that the commodities are specified in the application and are reasonably related to the home occupation.
3. The home occupation may be permitted to be conducted in a structure accessory to the residence, provided the application so specifies.
4. Outside storage related to the home occupation may be permitted, if totally screened from adjacent residential lots, provided the application so specifies.
5. Not more than 30 percent of the minimum floor area of any residence shall be devoted to the proposed home occupation.
6. The external appearance of the structure in which the use is to be conducted shall not be altered, and not more than one (1) sign no larger than 2 square feet shall be mounted flush to the wall of the structure.
7. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
8. No more than 2 additional parking places may be proposed in conjunction with the home occupation, which shall not be located in a required front yard.

C. Invalidation Of Home Occupation Conditional Zoning Certificate - For the purposes of this Ordinance, a conditional zoning certificate issued for a home

occupation shall cease to be valid at such time as the premises for which it was issued is no longer occupied by the holder of said permit. Such conditional zoning certificate shall also be immediately invalidated upon the conduct of the home occupation in any manner not approved by the Planning Commission.

532 TELECOMMUNICATION FACILITY

The Telecommunications Act of 1996, which became law on February 8, 1996, preserves and affirms local zoning authority over the placement, construction and modification of cellular telephone facilities and other "personal wireless telecommunications" service facilities. Personal wireless services include cellular telephone, personal communication services, other mobile radio services, and any other Federal Communications Commission (FCC) licensed wireless common carriers. For the purpose of enforcing this Resolution, wireless telecommunications facility shall include any antenna, tower, structure, building or equipment involved in transmitting or receiving telecommunications or radio signals. Antennas used by amateur radio operators are excluded from this definition.

Wireless telecommunication facilities shall be considered a conditional use, and in addition to meeting all applicable requirements of *Article 10: Procedures And Requirements For Conditional Uses And Substantially Similar Uses*, the following requirements shall apply:

- A. If the proposed wireless telecommunications facility is to include a new tower, the required site/development plan shall indicate all building and structures within 300 feet of the proposed facility.
- B. Security fencing 8 feet in height shall surround the facility to an extent determined by the Planning Commission.
- C. Buffer plantings and related vegetation may be located around the perimeter of the security fence as deemed appropriate by the Planning Commission.
- D. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
- E. Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within a quarter mile of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter(s) as well as response(s) shall be submitted with the application for a conditional zoning certificate, and shall demonstrate the need for a new tower.

- F. The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the FCC or Federal Aviation Administration (FAA).
- G. No advertising is permitted anywhere on the facility, with the exception of identification signage.
- H. No tower under 150 feet shall be artificially lighted except to assure safety or as required by the FAA. Any tower between 150 and 200 feet in height shall follow safety marking and obstruction lighting as prescribed by the FAA.
- I. "No Trespassing" signs shall be posted around the facility with a telephone number of who to contact in the event of an emergency.
- J. Collocation of antennas on an existing single tower or antennas attached to existing structures/buildings is permitted as a conditional use.

534 FLOODPLAIN DEVELOPMENT

Any proposed use or development activity that is located within the Floodplain Overlay District boundaries shown on the official zoning districts map shall comply with the Village of Liberty Center Special Purpose Flood Damage Prevention Ordinance No. 853, prior to the actual development of such use or activity, and the issuance of a zoning certificate. The floodplain district is an approximate replica of the flood zones shown on the Village of Liberty Center Flood Insurance Rate Map (FIRM), Community Panel Number: 390619 B. Therefore, whenever the zoning map floodplain district boundaries conflict with the FIRM, the FIRM shall take precedence. The flood regulations for Liberty Center are enforced by the Zoning Inspector.

536 INDUSTRIAL PARK DEVELOPMENT

The purpose of industrial park development is to provide protection and compatibility with abutting residential and other non-industrial parcels; and to provide compatibility and amenity among the firms located in such park by application of stringent site planning and aesthetically desirable design.

Industrial Park Development shall be considered a conditional use, and in addition to meeting all applicable requirements of *Article 10: Procedures And Requirements For Conditional Uses And Substantially Similar Uses*, the following requirements shall apply:

- A. The applicant shall simultaneously file subdivision plats for his/her tract and

execute the platting process with Village Council (Ordinance No. 606) concurrently with the applicable requirements of *Article 10*.

- B. All uses except public and private utilities shall be conducted within a completely enclosed building. Where storage is incidental to the approved occupancy of the building, all products and materials used or stored shall be in a completely enclosed building, or enclosed by a masonry wall, screening, fence, or hedge not less than 8 feet in height.
- C. Buffer plantings, screening (i.e., masonry wall and fence) or landscaping shall surround all buildings, parking areas, and the perimeter of the proposed tract as deemed appropriate by the Planning Commission.
- D. The Planning Commission may require an area reserved for common open space not to exceed 25% of the entire proposed tract.

ARTICLE 6

OFF-STREET PARKING AND LOADING FACILITIES

600 GENERAL PARKING REQUIREMENTS

In all districts, at any time any building, structure or use of land is erected, enlarged, increased in capacity, or used, there shall be provided for every use off-street parking spaces for automobiles in accordance with the provisions of *Section 600 to 616* of this Article. A parking plan shall be required for all uses except for single or two-family residential uses. The parking plan shall be submitted to the Zoning Inspector as a part of the application for a zoning certificate. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, and boundary walls, fences and a screening/landscaping plan, as appropriate.

Whenever a building or use constructed or established after the effective date of adoption of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase of 10 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of adoption of this Ordinance is enlarged to the extent of 50 percent or more in floor area or in the area used, such building or use shall then and thereafter comply with the parking requirements set forth herein.

602 OFF-STREET PARKING DESIGN STANDARDS

All off-street parking facilities including entrances, exits, maneuvering areas, and parking spaces shall be in accordance with the following standards and specifications:

- A. **Parking Space Dimensions:** Each off-street parking space shall have an area of not less than 200 square feet exclusive of access drives or aisles, and shall be of usable shape and condition.
- B. **Access:** There shall be adequate provision for ingress and egress to all parking spaces. Entrances and exits shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersection corners. There shall not be more than 2 accessways abutting any street(s). Such accessways shall not be less than 20 feet in width at the sidewalk line nor more than 30 feet at the curb cut line of street. Residential uses shall have accessways of not less than 9 feet.

All parking spaces, except those required for single or two-family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.

Where parking spaces do not abut or provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access, as follows:

1. For one (1) single or two-family residential dwelling, the access drive shall be a minimum of 9 feet in width.
2. For all other residential uses and all other uses, the access drive shall be a minimum of 18 feet in width.
3. Access drives shall not be a part of the required minimum parking space area.

C. Setbacks: No off-street parking facilities shall be located in a front or side yard as required by this Ordinance, except:

1. In Commercial and Industrial Districts, off-street parking facilities may be located in front and side yards providing that points of access and related screening/landscaping have been approved by the Planning Commission. Where off-street parking facilities abut a Residential District, the minimum setback line for front, rear and side yards shall comply with *Section 520*.
2. In no district, however, shall the parking area be located closer than 3 feet to any street or alley.

D. Screening: Screening shall be provided on each side of a parking area that abuts any Residential District. Screening shall comply with the requirements of *Section 520* of this Ordinance.

E. Paving: All required parking spaces, except those provided in conjunction with single and two-family dwellings, or uses within any Industrial District if said parking area is at least 700 feet from any Residential District, together with driveways, and other circulation areas, shall be improved with bituminous, concrete, or equivalent surfacing. Where paving is not required, proper dust control measures shall be undertaken and maintained.

F. Drainage: All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water

which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.

- G. Barriers: Wheel guards, including bumper guards as may be necessary, shall be provided in connection with any off-street parking area of 5 cars or more, to contain the cars on sloping surfaces; and to prevent bumper over-hang or other encroachment into the required or specified setback spaces.
- H. Visibility: Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.
- I. Marking: All parking areas for 20 or more spaces shall be marked with paint lines, curb stones, or in some other manner approved by the Zoning Inspector, and shall be maintained in a clearly visible condition.
- J. Maintenance: Any owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash, or other debris.
- K. Signs: Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked.
- L. Lighting: All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining premises or streets and no open light sources, such as the stringing of light bulbs, shall be permitted.

604 DETERMINATION OF REQUIRED OFF-STREET PARKING SPACES

In computing the number of parking spaces required by this Ordinance, the following rules shall apply:

- A. Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a non-residential building measured from the faces of the exterior walls, excluding only stairs, washrooms, elevator shafts, and similar nonusable areas.
- B. Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated or each 18 lineal inches of benches, or pews, except where occupancy standards are set by

the fire marshal.

- C. The parking space requirements for a use not specifically specified in this Ordinance shall be determined following the procedure for "substantially similar uses" as required by *Sections 1022 to 1030* of this Ordinance.

606 MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS

For the purposes of this Ordinance the following parking space requirements shall apply:

- A. Auditorium, Stadium and Similar Uses - One (1) for each 4 seats based on maximum seating capacity.
- B. Business, Professional, Office and Bank - One (1) for each 200 square feet of floor area.
- C. Bowling Alley - 4 for each alley plus one (1) space for each 2 employees.
- D. Church and School Auditorium - One (1) for each 4 seats in principal auditorium, based on maximum seating capacity.
- E. Club and Lodge - One (1) per 200 square feet of floor area or one (1) per 4 seating spaces in the assembly room.
- F. Dance Hall and Skating Rink - One (1) per 100 square feet of floor area.
- G. Dwelling - 2 for each dwelling unit, including apartment and group housing developments.
- H. Funeral Home and Mortuary - 2 per chapel/parlor room or one (1) per 100 square feet of floor area of rooms used for services, whichever is greater.
- I. Garage, Service Station - 2 for each service bay and one (1) for every 2 gasoline pumps.
- J. Hospital and Medical Center - One (1) for each 3 beds and one (1) for each 200 square feet of floor area for non-bed establishments.
- K. Hotel and Motel - One (1) for each one (1) sleeping room plus one (1) space for each 2 employees.
- L. Manufacturing Plants - 2 spaces per 3 employees, on the shift having the largest

number of employees.

- M. Medical and Dental Office or Clinic - 5 for each physician or dentist plus one (1) for each 2 other employees.
- N. Restaurants - One (1) per 2 seats of maximum seating capacity.
- O. Retail Store and Super Market - One (1) per 100 square feet of floor area.
- P. Theater - One (1) for each 4 seats.

608 OFF-STREET LOADING DESIGN STANDARDS

All off-street loading spaces shall be in accordance with the following standards and specifications:

- A. Loading Space Dimensions: Each loading space shall have minimum dimension of 12 feet in width, 65 feet in length, and a vertical clearance of not less than 14 feet.
- B. Setbacks: Notwithstanding other provisions of this Ordinance, off-street loading spaces may be located in the required rear or side yard of Commercial or Industrial Districts provided that not more than 90% of the required rear or side yard is occupied, and no part of any loading space shall be permitted closer than 50 feet to any Residential District nor closer than 5 feet from any street or alley.
- C. Screening: In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District. Screening shall comply with the requirements of *Section 520* of this Ordinance.
- D. Access: All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.
- E. Paving: All required off-street loading spaces, except for uses within any Industrial District if said loading spaces are at least 200 feet from any Residential District, together with driveways, aisles, and other circulation areas, shall be surfaced with bituminous, concrete, or equivalent surfacing. Where paving is not required, proper dust control measures shall be undertaken and maintained.
- F. Drainage: All loading spaces, together with driveways, aisles, and other

circulation areas, shall be designed to prevent the excess drainage of surface water on to adjacent properties, walkways or onto the public streets. Arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.

- G. Lighting: Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

610 MINIMUM OFF-STREET LOADING SPACE REQUIREMENTS

Every building or part thereof erected or occupied for commercial purposes, service, manufacturing, storage, warehousing, hotel, mortuary or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise shall provide and maintain on the same premises at least one (1) loading space for the first 5,000 to 15,000 square feet of floor area, and one (1) space for each additional 15,000 square feet.

612 PARKING OF DISABLED VEHICLES

The parking of a disabled and/or inoperable vehicle within a residential district for a period of more than 30 days shall be prohibited, except that such vehicle may be stored in an enclosed garage or other accessory building, provided that no business shall be conducted in connection therewith while such vehicle is parked or stored.

614 HANDICAPPED PARKING REQUIREMENTS

Parking facilities serving buildings and facilities required to be accessible to the physically handicapped shall have conveniently located designated spaces provided as follows:

<u>Total Spaces in Lot/Structure</u>	<u>Number of Designated Accessible Spaces</u>
Up to 100	One space per 25 parking spaces
101 to 200	4 spaces, plus one per 50 spaces over 100
201 to 500	6 spaces, plus one per 75 spaces over 200
Over 500	10 spaces, plus one per 100 spaces over 500

616 ELDERLY HOUSING PARKING REQUIREMENTS

Each parking space provided for an elderly housing facility shall as a minimum measure 9 feet in width and 20 feet in length, with aisles measuring 21 feet in width. There shall be provided one (1) such parking space per dwelling unit and per regular shift employee, except that the Board of Zoning Appeals may approve a parking plan for an elderly housing facility which provides 3 such parking spaces for every 4 dwelling units and one (1) per regular shift employee, if the site plan includes a set-aside of landscaped area, which set-aside is not part of any open-space requirement and which is accessible to egress/entrance for parking purposes, should additional parking spaces be deemed necessary by the Board of Zoning Appeals subsequently.

ARTICLE 7

SIGNS

700 PURPOSE

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

702 LIMITATION

For the purposes of this Article, outdoor advertising off-premises signs shall be classified as a business use and be permitted in all districts zoned for industrial or commercial or lands used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of *Ohio Revised Code Chapter 5516* and the regulations adopted pursuant thereto.

704 ZONING CERTIFICATE REQUIRED

- A. No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions of this Article have been met. To assure compliance with these regulations, a zoning certificate shall be required for each sign unless specifically exempted in *Section 706*.
- B. A sign initially approved for which a zoning certificate has been issued shall not be modified, altered or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered or replaced if any such design element constituted a basis for approval of such sign unless a new or amended zoning certificate is obtained consistent with these regulations.
- C. The repainting, changing of parts and preventive maintenance of signs shall not be deemed alterations requiring a zoning certificate.

706 SIGNS EXEMPTED FROM ZONING CERTIFICATE

- A. Signs erected and maintained for the purpose of any governmental function, or required by law, ordinance or governmental regulation.
- B. Signs advertising the sale, lease or rental of the premises upon which the sign is located, and does not exceed 12 square feet in area, except in all residential districts where the sign shall not exceed 6 square feet in area.
- C. Professional name plates shall not exceed 4 square feet in area.
- D. Signs denoting the name and address of the occupants of the premises, shall not exceed 2 square feet in area.

708 GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS

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

- A. Billboards are not permitted.
- B. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- C. No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. Subsections (A) and (B) of this section shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations or similar services.
- D. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any.
- E. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than 2 feet, including those projecting from the face of any theater, hotel or motel marquee.
- F. No sign shall be placed on the roof of any building, except those signs whose

supporting structure is screened so the sign appears to be a continuation of the face of the building.

- G. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in *Section 714* herein.
- H. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign.
- I. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than 20 per cent of the window surface.
- J. No sign of any classification shall be installed, erected or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
- K. All signs hung and erected shall be plainly marked with the name and telephone number of the person, firm or corporation responsible for maintaining the sign.
- L. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign.
- M. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.
- N. All signs shall be so designed and supported as to carry the weight of the sign, and shall comply with the local building code in effect.
- O. All signs shall be secured in such a manner as to prevent significant movement due to wind.
- P. No advertising signs shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine, or public shelter.
- Q. No sign shall contain words, images or graphic illustrations of an obscene or indecent nature.

- R. No sign shall be attached in such manner that it may interfere with any required ventilation openings.
- S. No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease or for such purpose as the notification of present danger or the prohibition of trespassing.
- T. No sign shall be located nearer than 8 feet vertically or 4 feet horizontally from any overhead electrical wires, conductors or guy wires.
- U. No vehicle or trailer may be parked on a business premises or a lot for the purpose of advertising a business, product, service, event, object, location, organization, or the like.

710 SIGNS PERMITTED IN ANY DISTRICT REQUIRING A ZONING CERTIFICATE

- A. Signs customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed 12 square feet in area and which shall be located on the premises of such institution.
- B. Any sign advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential shall not exceed 12 square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

712 SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS REQUIRING A ZONING CERTIFICATE

The regulations set forth in this section shall apply to signs in all commercial and industrial districts and such signs shall require a zoning certificate.

- A. In a commercial or industrial district, each business shall be permitted one (1) free standing or wall on-premises sign. Projection of wall signs shall not exceed 2 feet measured from the face of the main building. The area of all permanent on-premises signs for any single business enterprise may be an area equivalent to one and one half (1 ½) square feet of sign area for each lineal foot of building width, or part of a building, occupied by such enterprise but shall not exceed a maximum area of 100 square feet.

- B. In a commercial or industrial district, two off-premises signs with a total area not exceeding 600 square feet may be permitted at a single location. No single off-premises sign shall exceed 1200 square feet, nor shall off-premises signs visible to approaching traffic have a minimum spacing of less than 200 feet. Off-premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district, except that such signs intended to be viewed from an elevated highway shall be not more than 20 feet above the level of the roadway at its nearest point. Off-premises wall signs shall have all structural and supporting members concealed from view.

714 TEMPORARY SIGNS

Temporary signs not exceeding 50 square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of 60 days plus the construction period. Such temporary signs shall conform to the general requirements listed in *Section 708*, the setback requirements in *Sections 722-724* and, in addition, such other standards deemed necessary to accomplish the intent of this Article as stated in *Section 700*.

716 FREE STANDING SIGNS

Free standing on-premises signs not over 30 feet in height, having a maximum total sign area of 100 sq. ft. per display area and located not closer than 10 feet to any street right-of-way line and not closer than 30 feet to any adjoining lot line may be erected to serve a group of business establishments. There shall be only one (1) free standing sign for each building, regardless of the number of businesses conducted in said building.

718 WALL SIGNS PERTAINING TO NONCONFORMING USES

On-premises wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed 12 square feet.

720 POLITICAL SIGNS

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal, and shall not exceed 4 square feet. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than 60 days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on

public property of campaign material shall remove such material within two weeks following election day.

722 SIGN SETBACK REQUIREMENTS

Except as modified in *Section 724*, on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least 10 feet, provided such sign does not obstruct traffic visibility at thoroughfare intersections. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

724 INCREASED SETBACK

For every square foot by which any on-premises sign exceeds 50 square feet, the setback shall be increased by one-half ($\frac{1}{2}$) foot but need not exceed 100 feet.

726 SPECIAL YARD PROVISIONS

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

728 MAINTENANCE

All signs shall be maintained in safe and sound structural condition at all times and shall be presentable. The Zoning Inspector shall remove any off-premises advertising signs or structure found to be unsafe or structurally unsound within 30 days of issuing a notification. The Zoning Inspector shall remove any on-premises sign which is determined to be unsafe or structurally unsound within 10 days of issuance of notification.

730 NONCONFORMING SIGNS AND STRUCTURES

Advertising signs and structures in existence prior to the effective date of adoption of this Ordinance which violate or are otherwise not in conformance with the provisions of this Article shall be deemed nonconforming. All such legal nonconforming signs and structures shall be maintained in accordance with this Article (*See Article 8*:

Nonconformities).

732 LOSS OF LEGAL NONCONFORMING STATUS

A legal nonconforming sign shall immediately lose its legal nonconforming status, and therefore must be brought into conformance with this Article or be removed, if the sign is altered in copy (except for changeable copy signs) or structure; or if it is enlarged, relocated, or replaced; or if it is part of an establishment which discontinues operation for 90 consecutive days; or if it is structurally damaged to an extent greater than one half of its estimated replacement value. Similarly, any legal nonconforming advertising structure so damaged must be brought into compliance or be removed (*See Article 8: Nonconformities*).

734 VIOLATIONS

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Ordinance, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Ordinance. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under *Sections 1328 and 1330* of this Ordinance. Political signs posted in violation of *Section 720* of this Ordinance are subject to removal by the Zoning Inspector 5 days after written notice of violation of *Section 720* has been given.

ARTICLE 8

NONCONFORMITIES

800 PURPOSE

Within the districts established by this Ordinance, or by amendments thereto which may later be adopted, lots, uses of land, structures, and uses of structures and land in combination exist which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Furthermore, nothing contained in this Ordinance shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure, or structure and land in combination, for which a zoning certificate became effective prior to the effective date of this Ordinance, or any amendment thereto. Nevertheless, while it is the intent of this Ordinance that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded, or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Ordinance.

802 CERTIFICATES FOR NONCONFORMING USES

The Zoning Inspector may upon his own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file of all such certificates.

804 INCOMPATIBILITY OF NONCONFORMITIES

Nonconformities are declared by this Ordinance to be incompatible with permitted uses

in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after the effective date of adoption or amendment of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

806 AVOIDANCE OF UNDUE HARDSHIP

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building for which a zoning certificate has been issued prior to the effective date of adoption or amendment of this Ordinance, provided that:

- A. Construction is commenced within 90 days after the issuance of said zoning certificate.
- B. Construction is carried on diligently and without interruption for a continuous period in excess of 30 days.
- C. Construction is completed within 2 years from the issuance of said zoning certificate.

Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and the demolition or removal of an existing building.

808 USES UNDER CONDITIONAL USE PROVISIONS NOT NONCONFORMING USES

Any use which is permitted as a conditional use in a district under the terms of this Ordinance shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

810 SUBSTITUTION OF NONCONFORMING USES

A nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use provided that the proposed nonconforming use is in less conflict with character and use of the district than the existing nonconforming use. In permitting such change, the Board may require that additional conditions and

safeguards be met, and failure to meet such conditions shall be considered a punishable violation of this Ordinance.

812 SINGLE NONCONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

814 NONCONFORMING LOTS OF RECORD IN COMBINATION

If 2 or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of adoption or amendment of this Ordinance, and if all or part of the lots with no structures do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Ordinance.

816 TERMINATION OF NONCONFORMING USES

- A. Termination of Use Through Discontinuance: When any nonconforming use is discontinued or abandoned for more than 2 years, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use shall not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.
- B. Termination of Use by Damage or Destruction: In the event that any nonconforming structure is destroyed by any means to the extent of more than 50 percent of the replacement cost of such structure, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this Ordinance. When such a nonconforming structure is damaged or destroyed to the extent of 50

percent or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Ordinance and the following conditions:

1. A zoning certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and rebuilding shall be diligently pursued to completion.
2. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.

818 REPAIRS AND MAINTENANCE

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Furthermore, nothing in this section shall prevent the strengthening or restoring to a safe condition of any portion of a structure declared unsafe by a proper authority, provided such work does not exceed in aggregate cost 50 percent of the replacement cost of the structure. Where appropriate, a building permit for such activities shall be required.

ARTICLE 9

PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

900 GENERAL

Appeals and variances shall conform to the procedures and requirements of *Sections 902 to 922 inclusive*, of this Ordinance. As specified in *Section 1220*, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

902 APPEALS

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Ordinance may be taken by any person, firm or corporation, or by any officer, board or department of the Village of Liberty Center aggrieved or adversely affected by any decision of the Zoning Inspector. Such appeal shall be taken within 20 calendar days after the date of any adverse decision by filing a written application of appeal with the Zoning Inspector and with the Board of Zoning Appeals, specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. The appellant shall post security for the cost of all action required for the hearing of the appeal. This shall include a base fee of \$25.00, and in the event that the Board of Zoning Appeals will find it necessary to draw upon any planning, legal, engineering or any other expert testimony, such fee shall be raised in order to cover all expenses of such expert testimony.

904 STAY OF PROCEEDINGS

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

906 VARIANCES

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where,

owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Ordinance would result in unnecessary hardship.

908 APPLICATION AND STANDARDS FOR VARIANCES

Except as otherwise permitted in this Ordinance, no variance in the strict application of the provisions of this Ordinance shall be granted by the Board of Zoning Appeals unless the Board shall find that the written application for the requested variance contains all of the following requirements:

- A. Name, address, and phone number of applicant(s).
- B. Legal description of property.
- C. Description or nature of variance requested.
- D. A base fee of \$25.00, and in the event that the Board of Zoning Appeals will find it necessary to draw upon any planning, legal, engineering or any other expert testimony, such fee shall be raised in order to cover all expenses of such expert testimony.
- E. Narrative statements establishing and substantiating that the variance conforms to the following standards:
 - 1. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Ordinance on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.
 - 2. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.
 - 3. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.

4. There must be proof of hardship created by the strict application of this Ordinance. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.
5. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.
6. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.
7. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

910 ADDITIONAL CONDITIONS AND SAFEGUARDS

The Board may further prescribe any conditions and safeguards that it deems necessary to insure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Ordinance.

912 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall hold a public hearing within 30 days after the receipt of an application for an appeal or variance from the Zoning Inspector or applicant. The Board may recess said hearing as necessary, and if the time and place of the continued hearing is publicly announced at the time of adjournment, no further notice(s) as specified in *Sections 914-916* shall be required.

914 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before conducting the public hearing required in *Section 912*, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Village at least 10 days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

916 NOTICE TO PARTIES IN INTEREST

Before conducting the public hearing required in *Section 912*, written notice of such hearing shall be mailed first class, by the Clerk, at least 10 days before the day of the hearing to all parties in interest. The parties shall include the applicant(s) requesting the appeal or variance and any person(s), firm or corporation owning premises located within 500 feet of the premises to which said appeal or application relates. All notices shall be sent to the addresses given in the last assessment poll. The notice shall contain the same information as required of notices published in newspapers as specified in *Section 914*.

918 ACTION BY BOARD OF ZONING APPEALS

Within 30 days after the public hearing required in *Section 912*, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in *Section 910*, or disapprove the request for appeal or variance. This time limit may be extended by the mutual consent of the Board and the applicant(s) requesting the appeal or variance. Upon approval of a variance request the Board shall issue or direct the issuance of a zoning certificate. Every decision of the Board of Zoning Appeals shall be by Resolution, each of which shall contain a full record of the findings of the Board by case number under one (1) or more of the following headings: Interpretations, Exceptions, Variance; and together with all documents pertaining thereto. Appeals from Board decision shall be made in the manner specified in *Section 1224*.

920 TERM OF VARIANCE

No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than 12 months from the date of such order unless a zoning certificate is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period.

922 **AUTHORIZED VARIANCES**

Variances from the regulations of this Ordinance shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed in *Section 908*, and *Section 910* if applicable, have been met by the applicant. Variances may be granted as guided by the following:

- A. To permit any yard or setback less than the yard or setback required by the applicable regulations.
- B. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than 80 percent of the required area and width.
- C. To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
- D. To reduce the applicable off-street parking or loading facilities required, but generally by not more than 30 percent of the required facilities.
- E. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance.
- F. To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than 40 percent.
- G. To increase the maximum allowable size or area of signs on a lot, but generally by not more than 25 percent.
- H. To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than 25 percent.

ARTICLE 10

PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USES AND SUBSTANTIALLY SIMILAR USES

1000 PURPOSE

Until recent years, the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one (1) or more use districts. However, the functions and characteristics of an increasing number of new kinds of land use combined with conclusive experience regarding some of the older, familiar kinds of uses call for a more flexible and equitable procedure for properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied, depending upon functional characteristics, competitive situations, and the availability of land. Rather than assign all uses to special, individual and limited zoning districts, it is important to provide controllable and reasonable flexibility for the investor, but at the same time, maintain adequate provisions for the security of the health, safety, convenience and general welfare of the community's inhabitants.

In order to accomplish such a dual objective, provision is made in this Ordinance for a more detailed consideration of each of certain specified activities as it may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with any other public facilities and services required, and other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as conditionally permitted uses and are permitted through the issuance of a conditional zoning certificate with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

1002 CONTENTS OF CONDITIONAL ZONING CERTIFICATE APPLICATION

Any owner, or agent thereof, of property for which a conditional use is proposed shall make an application for a conditional zoning certificate by filing it with the Zoning Inspector, who shall within 7 days transmit it to the Village Planning Commission. Such application at a minimum shall contain the following information:

- A. Name, address and phone number of the applicant(s).
- B. Legal description of the property.

- C. Zoning district.
- D. Description of existing use.
- E. Description of proposed conditional use.
- F. A site plan, plot plan or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all existing and proposed buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features, and such other information as the Planning Commission may require.
- G. Complete construction plans and specifications for all proposed development as deemed necessary by the Planning Commission.
- H. A list containing the names and mailing addresses of all owners of property within 500 feet of the property being considered.
- I. A base fee of \$25.00, and when the Planning Commission finds it necessary to cause special studies to be made, the applicant shall bear all direct and related costs.
- J. A narrative statement substantiating evidence regarding the requirements enumerated in *Section 1016* below.

1004 PUBLIC HEARING

The Village Planning Commission shall hold a public hearing within 30 days after it receives an application for a conditional zoning certificate submitted by an applicant through the Zoning Inspector.

1006 NOTICE OF PUBLIC HEARING

Before conducting the public hearing required in *Section 1004*, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Village at least 10 days before the date of said hearing. The notice shall set forth the time and place of the hearing, and shall provide a summary explanation of the conditional use proposed.

1008 NOTICE TO PARTIES OF INTEREST

Prior to conducting the public hearing required in *Section 1004*, written notice of such hearing shall be mailed by the Village Clerk, by first class mail, at least 10 days before the date of the hearing to all parties of interest, to include all property owners listed in the application. The notice shall contain the same information as required in *Section 1006* for notices published in newspapers.

1010 ACTION BY PLANNING COMMISSION

Within 30 days after the date of the public hearing required in *Section 1004*, the Planning Commission shall take one of the following actions:

- A. Approve issuance of the conditional zoning certificate by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met, and that such use will neither result in significant negative impacts upon nor conflict with surrounding uses. Such written finding may also prescribe supplementary conditions and safeguards as specified in *Section 1012*. Upon making an affirmative finding, the Planning Commission shall direct the Zoning Inspector to issue a conditional zoning certificate for such use which shall list all conditions and safeguards specified by the Planning Commission for approval.
- B. Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary.
- C. Make a written finding that the application is denied, such finding specifying the reason(s) for disapproval.

If an application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Planning Commission decisions shall be made in the manner specified in *Section 1224*.

1012 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting approval for any conditional use, the Planning Commission may prescribe appropriate conditions and safeguards in conformance with this Ordinance. Any violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be punishable under *Section 1328* of this Ordinance.

1014 EXPIRATION OF CONDITIONAL ZONING CERTIFICATE

A conditional zoning certificate shall be deemed to authorize only one (1) particular conditional use, and said certificate shall automatically expire if such conditionally permitted use has not been instituted or utilized within one (1) year of the date on which the certificate was issued, or if for any reason such use shall cease for more than 2 years.

1016 GENERAL STANDARDS FOR ALL CONDITIONAL USES

In addition to the specific requirements for conditionally permitted uses as specified in *Section 1018*, the Village Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use on the property being considered:

- A. Is in fact a conditional use as established under the provisions of *Section 402* and appears on the Official Schedule of District Regulations adopted for the zoning district involved.
- B. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Liberty Center Comprehensive Plan when adopted.
- C. 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 a use will not change the essential character of the same area.
- D. Will not be hazardous or disturbing to existing or future neighboring uses.
- E. Will not be detrimental to property in the immediate vicinity or to the community as a whole.
- F. Will be served adequately by essential public facilities and service such as highways, streets, police and fire protection, drainage structures, refuse disposal, schools; or that persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- G. That all included structures, roads and utilities shall be in compliance with the Village of Liberty Center Subdivision Regulations, the Board of Public Affairs and the Village Building Code.
- H. 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.

1018 SPECIFIC REQUIREMENTS FOR CONDITIONAL USES

The following are specific requirements and criteria for conditional uses permitted in this Ordinance as provided for in *Section 402: Official Schedule Of District Regulations*. Nothing in this Section shall prohibit the Planning Commission from prescribing supplementary conditions and safeguards in addition to these requirements in accordance with *Article 5*.

- A. In the case of group housing or other multi-family dwelling structures the lot size and lot frontage requirements may be reduced provided that the net residential population density will not exceed that indicated in the "Purpose" of that district in which the proposed group housing district is to be located.
- B. All structures, except minor structures such as utility poles and meters, and activity areas shall be located at least 25 feet from all property lines.
- C. Loud speakers which cause a hazard or annoyance shall not be permitted.
- D. Recreational facilities shall be provided as deemed necessary in the opinion of the Planning Commission.
- E. All points of entrance or exit shall be located no closer than 100 feet from the intersection or 2 streets.
- F. There shall be no more than one (1) directional advertisement oriented to each abutting road identifying the activity.
- G. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway.
- H. Such use shall not require costly or uneconomic extensions of utility services at the expense of the community.
- I. All site plans for group housing developments and apartment houses shall be approved by the Planning Commission.
- J. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.
- K. Garage, Service Station:
 - 1. Provided that such facilities be located at the extremity of the business

district so as not to interfere with the pedestrian interchange between stores in the district, and provided further that it would not limit expansion of the pedestrian oriented facilities.

2. That such facilities shall be for the purpose of servicing motor vehicles under one and one-half (1½) tons rated capacity including the dispensing of fuel and lubricants, cooling system and ignition service, sale and installation of batteries, lamps, fan belts, spark plugs, tires and accessories not requiring a change in the chassis, body or engine of the vehicle and the repairing of flat tires.
3. That all activities, except those required to be performed at the fuel pumps, and car washing shall be carried on inside a building; if work is performed on a vehicle, such vehicle shall be entirely within a building.
4. That no more than 2 driveway approaches shall be permitted directly from any thoroughfare, each of which shall not exceed 30 feet in width at the property line.

If the property fronts on 2 or more streets, the driveways shall be located as far from the street intersection as practical, but in no case shall the driveway be closer than 30 feet from the right-of-way line of the intersecting street.

At least a 6 inch high pedestrian safety curb shall be installed along all street lines except at driveway approaches.

L. Mobile Home Parks

1. Each boundary of the park must be at least 200 feet from any permanent residential building outside the park, unless separated therefrom by a natural or artificial barrier.
2. The park shall be graded to be well drained.
3. Trailer spaces shall be a minimum of 4,000 square feet for each space and at least 50 feet wide and clearly defined.
4. There shall be at least a 20 foot clearance between trailers. No trailer shall be closer than 20 feet from any building within the park or 10 feet from any property line bounding the park.
5. All trailer spaces shall abut upon a driveway of not less than 34 feet in

pavement width, which shall have unobstructed access to a public thoroughfare. All paving shall meet the requirements of Henry County street standards and lighted at night with electric lamps of not less than 2,000 lumens spaced at intervals of not more than 120 feet. Lighting shall be shielded so as to direct light on to the roads.

6. All trailers shall have a minimum width of 8 feet and a minimum floor area of 400 square feet.
7. Each park may provide service buildings to house laundry, storage facilities and offices. Walkways not less than 3 feet wide and paved shall be provided from the trailer spaces to the service buildings. A central vehicle parking area shall be provided to supply off-street parking at a ratio of one (1) space for each 3 trailer spaces.
8. An electric outlet supplying at least 220 volts shall be provided for each trailer space.
9. Each trailer space shall be provided a water tap to supply pure and adequate water for drinking and domestic purposes.
10. Each trailer space shall be provided a trapped sewer at least 6 inches in diameter which connects with a centralized disposal system.
11. Adequate garbage and rubbish cans shall be provided not further than 300 feet from any trailer space.
12. An open space recreation area shall be provided within the boundaries of the trailer park. The size of the area shall be one (1) acre for the first 10 trailer spaces plus 1/20 of an acre for each additional trailer space in the park.
13. Each park shall be equipped at all times with adequate fire extinguishing equipment as determined by the fire prevention officer.
14. No pet animal shall run at large or commit any nuisance within the limits of any trailer park.
15. The permittee, or a duly authorized attendant or caretaker shall be in charge at all times to keep the trailer park, its facilities and equipment in a clean, orderly and sanitary condition and free from any condition that will menace the health of any occupant or the public or constitute a nuisance.

1020 CONTINUATION OF EXISTING USE CONDITIONALLY PERMITTED UNDER THIS ORDINANCE

All existing uses that become conditionally permitted in their respective district at the time of passage or amendment of this Ordinance, shall be issued a conditional zoning certificate within 60 days of said passage or amendment. This provision shall apply only to commercial and industrial uses. The certificate shall be issued by the Zoning Inspector.

1022 PROCEDURE AND REQUIREMENTS TO DETERMINE THAT A USE IS SUBSTANTIALLY SIMILAR

Where a specific use is proposed that is not listed in this Ordinance as provided for in *Section 402: Official Schedule Of District Regulations*, the Board of Zoning Appeals may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in the Official Schedule of District Regulations. If the Board finds that a use is substantially similar to a specific use listed in this Ordinance, the substantially similar use is deemed to be a substantially similar permitted use in those districts where the specific use is a permitted use, and a substantially similar conditional use in those districts where the specific use is a conditionally permitted use.

In formulating a determination that a proposed use is a substantially similar use, the Board shall follow the procedures relating to appeals and variances as specified in *Article 9* of this Ordinance. Upon making a determination that a proposed use is substantially similar, the Board shall notify the Village Council of its decision and shall include in its written findings the reasoning upon which the decision is based. Unless the decision is rejected within 30 days of its receipt by the Village Council, such substantially similar use determination by the Board shall become effective.

1024 REMEDY BY APPLICANT FOR AMENDMENT

If the Board determines that a proposed use is not substantially similar, such determination shall not be appealed to the Village Council, but remedy may be sought by the appellant through the submission of an application for amendment as prescribed in *Sections 1106 and 1108*.

1026 STANDARDS FOR CONSIDERATION OF SUBSTANTIALLY SIMILAR USES

The following standards shall be considered by the Board when making a determination that a use is substantially similar to a permitted or a conditional use within a specific district:

- A. The compatibility of the proposed use with the general use classification system as specified in this Ordinance.
- B. The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by this Ordinance as being permitted, or in the case of a conditional use, conditionally permitted, in that district.
- C. The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Ordinance.

1028 EFFECT OF DETERMINATION THAT A USE IS SUBSTANTIALLY SIMILAR

Should a use be determined to be substantially similar to a specific permitted or conditionally permitted use provided for in this Ordinance, it shall then be permitted in the same manner and under the same conditions and procedures as the use is permitted to which it has been found to be substantially similar.

1030 RECORD OF SUBSTANTIALLY SIMILAR USES

The Zoning Inspector shall maintain as a public record a listing of all uses which have been determined to be substantially similar. For each such use the record shall include the use as listed in the Ordinance, the use unlisted in the Ordinance about which the determination of substantial similarity was made, and the dates of any actions thereupon by the Board of Zoning Appeals or the Village Council. This record shall also contain the same information for all uses which have been determined not to be substantially similar. The Zoning Inspector shall consult this record in the process of issuing future permits.

ARTICLE 11

PROCEDURES AND REQUIREMENTS FOR AMENDMENTS

1100 PROCEDURE FOR AMENDMENT OR DISTRICT CHANGES

This Ordinance may be amended utilizing the procedures specified in *Sections 1102-1124*, inclusive, of this Ordinance.

1102 GENERAL

Whenever the public necessity, convenience, general welfare, or good zoning practices require, Village Council may by ordinance, after receipt of recommendation thereon from the Planning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, district boundaries or classification of property.

1104 INITIATION OF ZONING AMENDMENTS

Amendments to this ordinance may be initiated in one of the following ways:

- A. By the adoption of a motion by the Planning Commission.
- B. By the adoption of a resolution by Village Council.
- C. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

1106 CONTENTS OF APPLICATION FOR ZONING MAP AMENDMENTS

Applications for amendments to the Official Zoning Map adopted as part of this Ordinance by *Article 3* shall contain at least the following information:

- A. The name, address, and phone number of the applicant(s).
- B. The proposed amending ordinance, approved as to form by the Village Legal Advisor.
- C. A statement of the reason(s) for the proposed amendment that shall include:

1. Evidence that the existing zoning district is unreasonable with respect to the applicant(s) property, and it deprives the applicant(s) of his lawful and reasonable use of the land; and/or,
 2. Evidence that the proposed zoning district would materialize in an equal or better zoning district than that existing. (For the purposes of this Ordinance, a limitation upon the financial gain from the land in question shall not constitute unreasonable zoning.)
- D. Present use.
- E. Present zoning district.
- F. Proposed use.
- G. Proposed zoning district.
- H. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require.
- I. A list of all property owners and their mailing addresses who are contiguous to and within 1000 feet from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned.
- J. A deposit of \$100.00. Any balance remaining after deduction of necessary expenses shall be refunded to the applicant(s) within 30 days after final action by the Village Council on said amendment. This fee shall not apply to any amendment introduced by a member of Village Council, Planning Commission or the Mayor, unless the amendment pertains to their personal property.

1108 CONTENTS OF APPLICATION FOR ZONING TEXT AMENDMENT

Applications for amendments proposing to change, supplement, amend, or repeal any portion(s) of this Ordinance, other than the Official Zoning Map, shall contain at least the following information:

- A. The name, address, and phone number of the applicant(s).
- B. The proposed amending ordinance, approved as to form by the Village Legal Advisor.

- C. A statement of the reason(s) for the proposed amendment that shall include:
1. Evidence that the existing zoning ordinance is unreasonable with respect to the applicant(s) property, and it deprives the applicant(s) of his lawful and reasonable use of the land; and/or,
 2. Evidence that the proposed amendment would materialize in an equal or better zoning ordinance than that existing. (For the purposes of this Ordinance, a limitation upon the financial gain from the land in question shall not constitute unreasonable zoning.)
- D. A deposit of \$100.00. Any balance remaining after deduction of necessary expenses shall be refunded to the applicant(s) within 30 days after final action by the Village Council on said amendment. This fee shall not apply to any amendment introduced by a member of Village Council, Planning Commission or the Mayor, unless the amendment pertains to their personal property.

1110 TRANSMITTAL TO PLANNING COMMISSION

Immediately after the adoption of a resolution by the Village Council or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted by the Clerk of Council or applicant(s) to the Planning Commission.

1112 SUBMISSION TO DIRECTOR OF TRANSPORTATION

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

1114 RECOMMENDATION BY PLANNING COMMISSION

Within sixty 60 days from the receipt of the proposed amendment, the Planning Commission shall transmit its recommendation to the Village Council. The Planning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment as requested, or it may recommend that the amendment be denied. The written decision of the Planning Commission shall indicate the specific reason(s) upon which the recommendation is based.

1116 PUBLIC HEARING BY VILLAGE COUNCIL

Upon receipt of the recommendation from the Planning Commission, Village Council shall schedule a public hearing. Said hearing shall be not more than 40 days from the receipt of the recommendation from the Planning Commission.

1118 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Notice of the public hearing required in *Section 1116* shall be given in one (1) or more newspapers of general circulation in the Village. Said notice shall be published at least 30 days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

1120 NOTICE TO PROPERTY OWNERS BY VILLAGE COUNCIL

If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first class mail, at least 20 days before the day of the public hearing to all owners of property within 1000 feet, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list, and to such other list(s) that may be specified by Village Council. The failure to deliver the notification as provided in this section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in *Section 1118*.

1122 ACTION BY VILLAGE COUNCIL

Within 30 days after the public hearing required by *Section 1116*, the Village Council shall either adopt or deny the recommendation of the Planning Commission or adopt some

modification thereof. In the event the Village Council denies or modifies the recommendation of the Planning Commission, it must do so by not less than three-fourths of the full membership of Village Council. No such ordinance shall be passed unless it has been fully and distinctly read on three different days except that such ordinance may become emergency legislation if three-fourths of the members of Village Council vote to dispense with this rule.

1124 EFFECTIVE DATE AND REFERENDUM

Such amendment adopted by Village Council shall become effective 30 days after the date of such adoption unless within 30 days after the passage of the ordinance there is presented to the Village Clerk a petition, signed by a number of qualified voters residing in the Village equal to not less than 10 per cent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Village Council to submit the zoning amendment to the electors of the Village for approval or rejection at the next general election.

No amendment for which such 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 12

ADMINISTRATION

1200 PURPOSE

This article sets forth the powers and duties of the Village Planning Commission, the Board of Zoning Appeals, the Village Council, the Zoning Inspector and the Planning Commission Secretary with respect to the administration of the provisions of this Ordinance.

1202 ZONING INSPECTOR

A Zoning Inspector shall be employed by the Planning Commission for the purpose of effecting proper administration of this Ordinance. The terms of employment, rate of compensation and other such conditions shall be set by the Planning Commission with approval of the Village Council.

1204 DUTIES OF ZONING INSPECTOR

For the purpose of this Ordinance, the Zoning Inspector shall have the following duties:

- A. Enforce the provisions of this Ordinance and interpret the meaning and application of its provisions.
- B. Issue zoning certificates as provided by this Ordinance, and keep a record of same with a notation of any special conditions involved.
- C. Act on all applications upon which he is authorized to act by the provisions of this Ordinance within the specified time or notify the applicant in writing of his refusal or disapproval of such application and the reasons therefor. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his request to the Board of Zoning Appeals.
- D. Conduct one (1) on-site inspection of the construction or usage affected by any zoning certificate when excavation for foundations have been completed and building lines have been established and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action. The holder of every permit must notify the Village Office as to the time when the construction will be ready for inspection.

- E. Determine the existence of any violations of this Ordinance, and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed, and to address such violations as specified in *Article 13*.

1206 PLANNING COMMISSION SECRETARY

A Secretary shall be employed by the Planning Commission for the purpose of effecting proper administration of this Ordinance. The terms of employment, rate of compensation and other such conditions shall be set by the Planning Commission with approval of the Village Council.

1208 DUTIES OF PLANNING COMMISSION SECRETARY

- A. Attend all meetings of Planning Commission and keep minutes of each meeting.
- B. Receive applications for zoning certificates and collect appropriate fees.
- C. Prepare zoning certificates for zoning inspector.
- D. Maintain permanent and current records required by this Ordinance, including but not limited to zoning certificates, inspection documents, and records of all variances, amendments and nonconforming uses.
- E. Make such records available for the use of the Village Council, the Planning Commission, the Board of Zoning Appeals, and the public.
- F. Maintain in current status the Official Zoning District Map which shall be kept on permanent display in the Village Office.
- G. Serve as the official to whom application for amendments and appeals are made, then forward copies to Clerk of Board of Zoning Appeals as necessary.
- H. Forward to the Henry County Auditor one (1) copy of each zoning certificate issued.
- I. Such other duties as prescribed by the Planning Commission.

1210 PLANNING COMMISSION COMPOSITION AND APPOINTMENT

The Planning Commission shall consist of 5 members appointed by the Mayor and approved by Village Council, one (1) of whom shall be a member of Council. Each other member shall be appointed for a period of 4 years, except that one (1) of the initial members shall be appointed for 2 years and one (1) of the initial members shall be appointed for 3 years. In the event of death or resignation of a member, the Mayor, with the approval of Council, shall make the appointment for the duration of the unexpired portion of the term of the member. The term of the Council member shall expire on December 31st of the year in which he/she is appointed.

1212 PLANNING COMMISSION PROCEEDINGS

The Planning Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance, shall elect annually a chairman from its membership and shall appoint a secretary. Planning Commission regular meetings shall be held on the third Monday of every month and at such other times as the Planning Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the Village Office. The presence of 3 members shall constitute a quorum, and the concurring vote of 3 members shall be necessary to effect an order.

1214 DUTIES OF PLANNING COMMISSION

For the purpose of this Ordinance the Planning Commission shall have the following duties:

- A. Recommend the proposed/amended Zoning Ordinance, including text and Official Zoning District Map to the Village Council for formal adoption.
- B. Initiate advisable Official Zoning District Map changes, or changes in the text of the Zoning Ordinance where same will promote the best interest of the public in general through recommendation to the Village Council.
- C. Review all proposed amendments to the text of this Ordinance and the Official Zoning District Map and make recommendations to the Village Council as specified in *Article 11*.
- D. Review all proposed conditional zoning certificate applications as specified in

Article 10.

- E. Carry on a continuous review of the effectiveness and appropriateness of this Ordinance and recommend such changes or amendments as it feels would be appropriate.

1216 BOARD OF ZONING APPEALS COMPOSITION AND APPOINTMENT

The Board of Zoning Appeals shall consist of 5 members appointed by the Mayor and approved by Village Council, one (1) of whom shall be a member of Council. Each other member shall be appointed for a period of 4 years, except that one (1) of the initial members shall be appointed for 2 years and one (1) of the initial members shall be appointed for 3 years. In the event of death or resignation of a member, the Mayor, with the approval of Council, shall make the appointment for the duration of the unexpired portion of the term of the member. The term of the Council member shall expire on December 31st of the year in which he/she is appointed.

1218 BOARD OF ZONING APPEALS PROCEEDINGS

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance, shall elect annually a chairman from its membership and shall appoint a clerk. Meetings shall be held at the call of the chairman or 2 other members, and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the Village Office.

The presence of 3 members shall constitute a quorum. The Board shall act by resolution, and the concurring vote of 3 members shall be necessary to reverse an order of determination of the Zoning Inspector, to decide in favor of an applicant in any matter over which the Board has original jurisdiction under this Ordinance, or to grant any variance from the requirements stipulated in this Ordinance.

1220 DUTIES OF THE BOARD OF ZONING APPEALS

For the purpose of this Ordinance the Board of Zoning Appeals shall have the following duties:

- A. Hear and decide appeals, as specified in *Article 9*, where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Inspector.
- B. Hear and decide variances, as specified in *Article 9*, from the district regulations established by this Ordinance as follows.

1222 DUTIES OF VILLAGE COUNCIL

The powers and duties of the Village Council pertaining to this Ordinance are as follows:

- A. Approve the appointments of members to the Planning Commission.
- B. Approve the appointments of members to the Board of Zoning Appeals.
- C. Initiate or act upon suggested amendments to the Zoning Ordinance text or Official Zoning District Map. Final action upon a suggested zoning amendment shall be undertaken at a public hearing.
- D. Override a written recommendation of the Planning Commission on a text or map amendment provided that such legislative action is passed by a vote of not less than three-quarters of the Village Council.

1224 LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law. It is further the intent of this Ordinance that the duties of the Village Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that arise. The procedure for deciding such questions shall be as stated in this section and this Ordinance. Under this Ordinance the Village Council shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law, and of establishing a schedule of fees and charges as stated in *Section 1226*. Nothing in this Ordinance shall be interpreted to prevent any official of the Village from appealing a decision of the Board of Zoning Appeals to the courts as provided in *Chapters 2505 and 2506 of the Ohio Revised Code*. Any such appeal shall be made within ten (10) days of the Board's written decision.

1226 SCHEDULE OF FEES

The Village Council shall by Ordinance establish a schedule of fees for zoning certificates, amendments, appeals, variances, conditional zoning certificates, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Ordinance, after considering the recommendations of the Zoning Inspector/Planning Commission with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the Village Office, and may be altered or amended only by the Village Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

The base schedule of fees is as follows (does not include building inspection fees):

A.	zoning certificate	
1.	R1 and R2 new construction	\$25.00
2.	new private garage	\$20.00
3.	new commercial building	\$75.00
4.	structural alteration	\$10.00
5.	accessory building - 120 sq. ft. or less	\$10.00
6.	accessory building - 121 sq. ft. and above	\$20.00
B.	conditional zoning certificate	\$25.00
C.	appeal or variance	\$25.00
D.	amendment	\$100.00 deposit

1228 BOND FOR COMPLIANCE

In authorizing any variance, or in granting any conditional, temporary or special use certificate, the Planning Commission or Board of Zoning Appeals may require that a bond of ample sum, not exceeding \$5,000.00, be furnished to insure compliance with the requirements, specifications and conditions imposed by the stipulated time period.

ARTICLE 13
ENFORCEMENT

1300 GENERAL

This article stipulates the procedures to be followed in obtaining zoning certificates, and other legal or administrative approvals under this Ordinance.

1302 ZONING CERTIFICATE REQUIRED

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a zoning certificate issued by the Zoning Inspector. A zoning certificate shall be issued only in conformity with the provisions of this Ordinance unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal or variance, as provided by this Ordinance.

1304 CONTENTS OF APPLICATION FOR ZONING CERTIFICATE

The application for zoning certificate shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one (1) year or substantially completed within two and one-half (2 ½) years. At a minimum, the application shall contain the following information and be accompanied by all required fees:

- A. Name, address and phone number of applicant.
- B. Legal description of property.
- C. Existing use.
- D. Proposed use.
- E. Zoning district.
- F. Plot plan drawn to a reasonable scale showing the dimensions of the lot to be built upon; the location, dimension, height and bulk of existing buildings or structures; the location, dimension, height and bulk of buildings or structures to be erected or

altered; and the yard, open area and parking space dimensions.

- G. Proposed number of sleeping rooms, dwelling units, occupants, employees and other uses.
- H. Evidence of ownership.
- I. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Ordinance.

1306 APPROVAL OF ZONING CERTIFICATE

Within 10 days after the receipt of an application, the Zoning Inspector shall issue a zoning certificate if the application complies with the requirements of this Ordinance and the application is accompanied by the proper fee as indicated in *Section 1226*. All zoning certificates shall, however, be conditional upon the commencement of work within one (1) year.

1308 SUBMISSION TO DIRECTOR OF TRANSPORTATION

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

1310 EXPIRATION OF ZONING CERTIFICATE

If the work described in any zoning certificate has not begun within one (1) year from the date of issuance thereof, said certificate shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning certificate has not been substantially completed within two and

one-half (2 ½) years of the date of issuance thereof, said certificate shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled certificate shall not proceed unless and until a new zoning certificate has been obtained or an extension granted.

1312 FAILURE TO OBTAIN A ZONING CERTIFICATE

Failure to obtain a zoning certificate shall be a punishable violation of this Ordinance.

1314 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES

Zoning certificates issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Ordinance.

1316 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate it, and take action thereon as provided by this Ordinance. Any possible violation of the provisions of this Ordinance which are observed by any Village of Liberty Center Official shall be reported to the Zoning Inspector.

1318 ENTRY AND INSPECTION OF PROPERTY

The Zoning Inspector is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Ordinance. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Inspector shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the Village Solicitor in securing a valid search warrant prior to entry.

1320 STOP WORK ORDER

Subsequent to his determination that work is being done contrary to this Ordinance, the Zoning Inspector shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Inspector, shall constitute a punishable violation of this Ordinance.

1322 ZONING CERTIFICATE REVOCATION

The Zoning Inspector may issue a revocation notice to revoke a certificate or administrative approval which was issued contrary to this Ordinance or based upon false information or misrepresentation in the application.

1324 NOTICE OF VIOLATION

Whenever the Zoning Inspector or his agent determines that there is a violation of any provision of this Ordinance, a written order shall be issued and shall serve as a notice of violation. Such order shall:

- A. Identify the violation.
- B. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Ordinance being violated.
- C. State the time by which the violation shall be corrected (within a period of 30 days after the written order is issued or for a longer period of time as indicated by the Zoning Inspector).

Service of notice of violation shall be as follows:

- A. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or
- B. By certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement

showing failure of delivery; or

- C. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

1326 TICKETING PROCEDURE

If, upon re-inspection following the issuance of a notice of violation, the condition has not been corrected, the person or persons responsible shall be issued a ticket. Such ticket shall:

- A. Be served personally.
- B. Be in writing.
- C. Identify the violation.
- D. State the time, date and place for appearance in court and the amount of the fine payable in lieu of a court appearance.

If the ticket cannot be served personally, the Zoning Inspector shall request that a summons be issued by the Court.

1328 PENALTIES AND FINES

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain, or structurally alter any building, structure or land in violation of any provision of this Ordinance or any amendment thereto. Any person, firm or corporation who violates this Ordinance, or fails to comply with any of its requirements, shall upon conviction thereof be fined not more than \$100.00 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

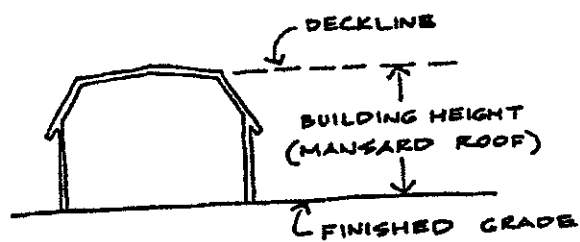
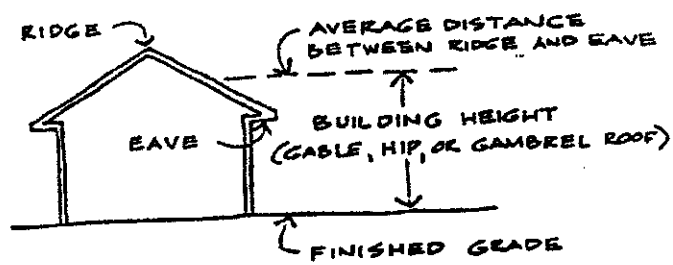
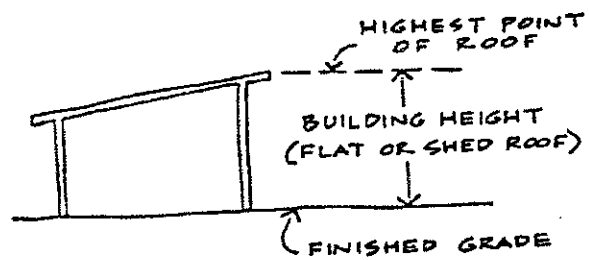
1330 ADDITIONAL REMEDIES

Nothing in this Ordinance shall be deemed to abolish, impair or prevent other additional

remedies as provided by law. In the event of a violation of any provision or requirement of this Ordinance, or in the case of an imminent threat of such a violation, the Zoning Inspector, the Village Solicitor or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourse as provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation.

APPENDIX

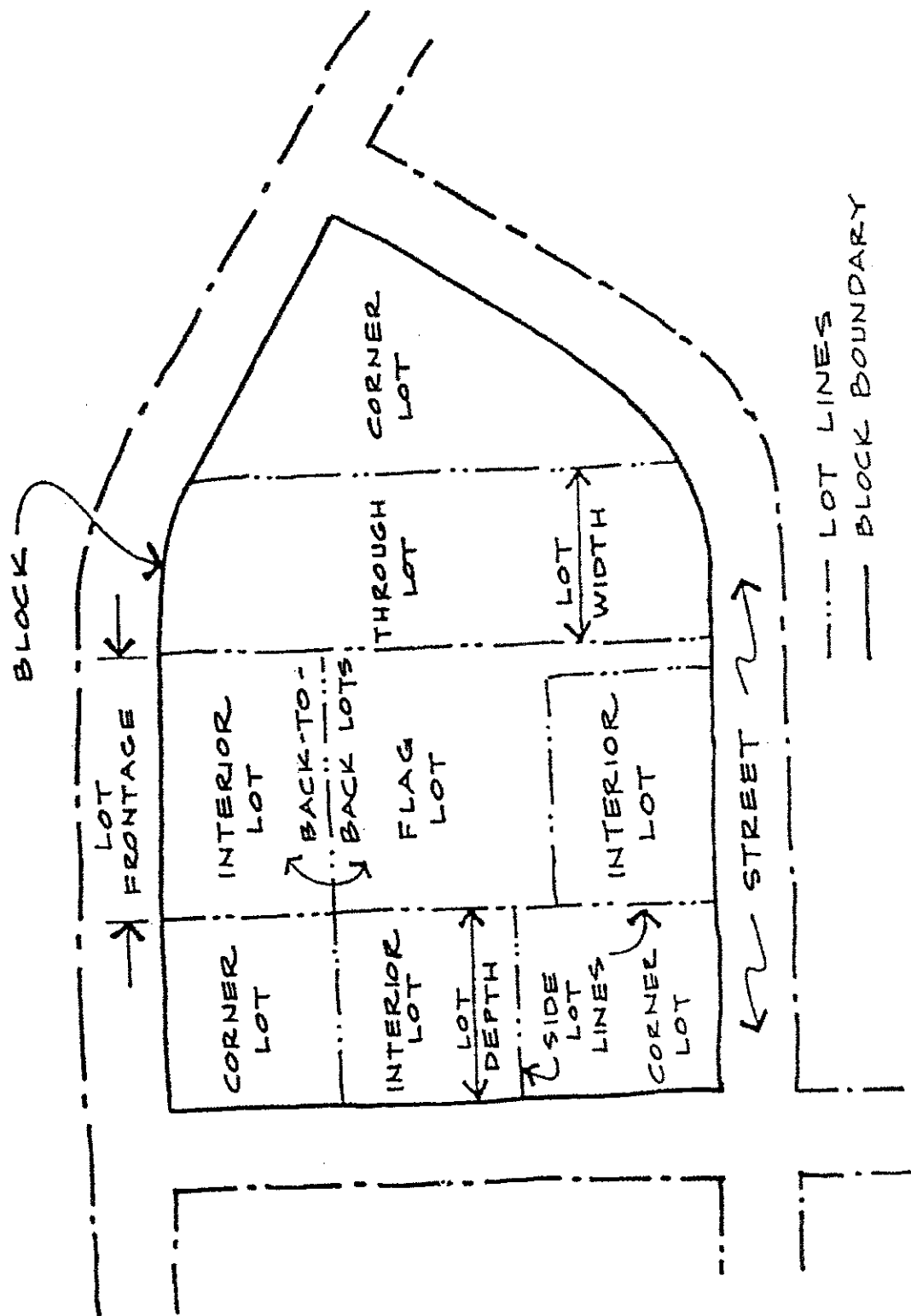
I. BUILDING HEIGHT



BUILDING HEIGHT

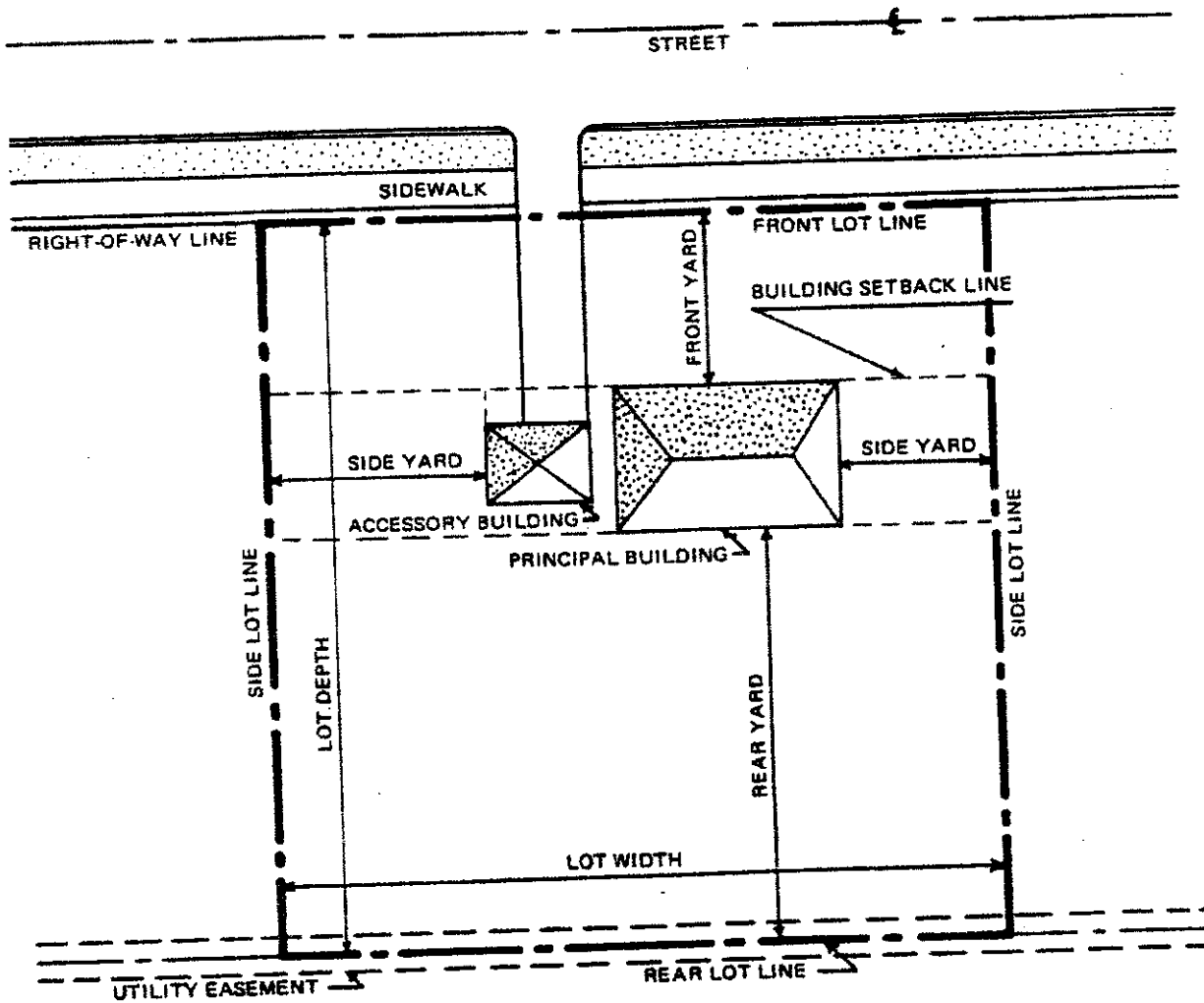
APPENDIX

II. LOT EXAMPLES



APPENDIX

III. LOT TERMS

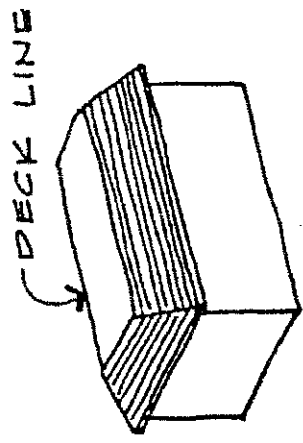


LOT AREA= TOTAL HORIZONTAL AREA

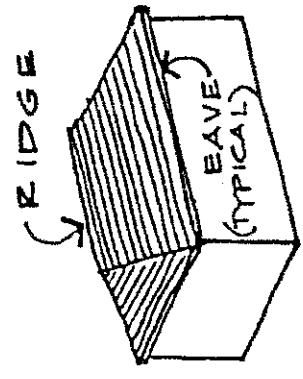
**LOT COVERAGE= PER CENT OF LOT OCCUPIED
BY BUILDING**

APPENDIX

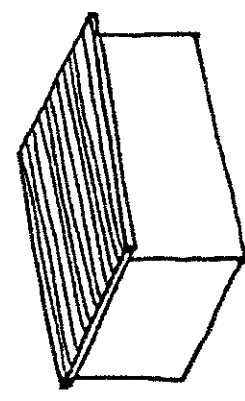
IV. ROOF TYPES



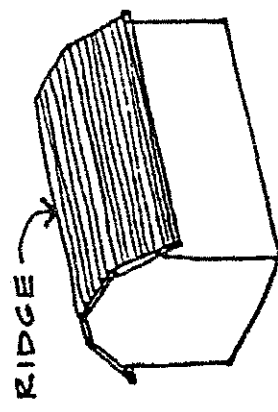
MANSARD



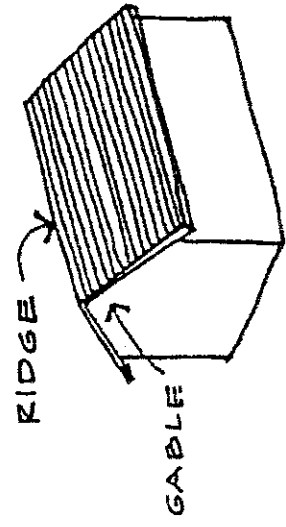
HIP



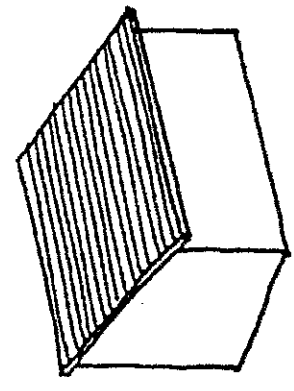
FLAT



GAMBREL



GABLE

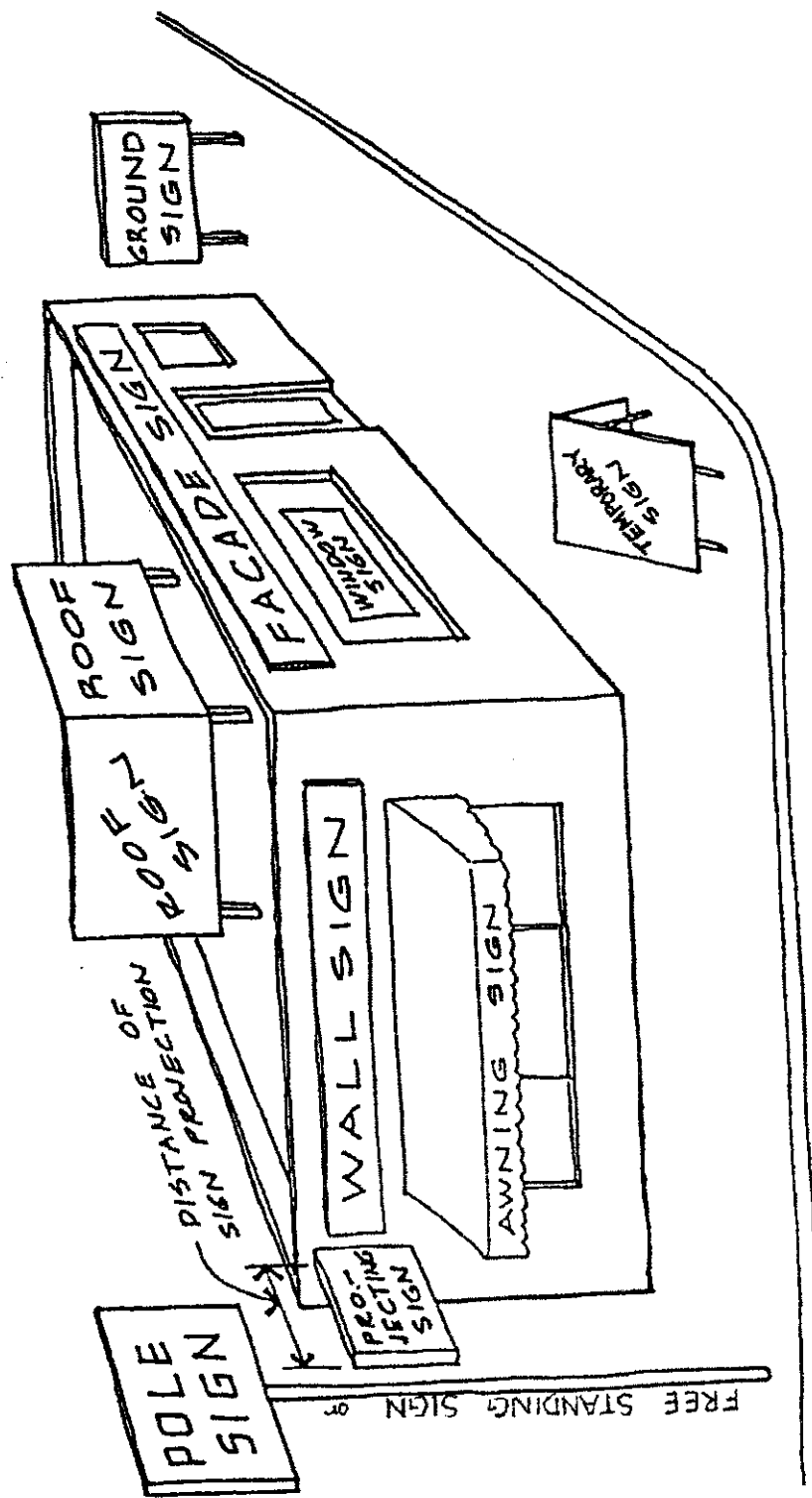


SHED

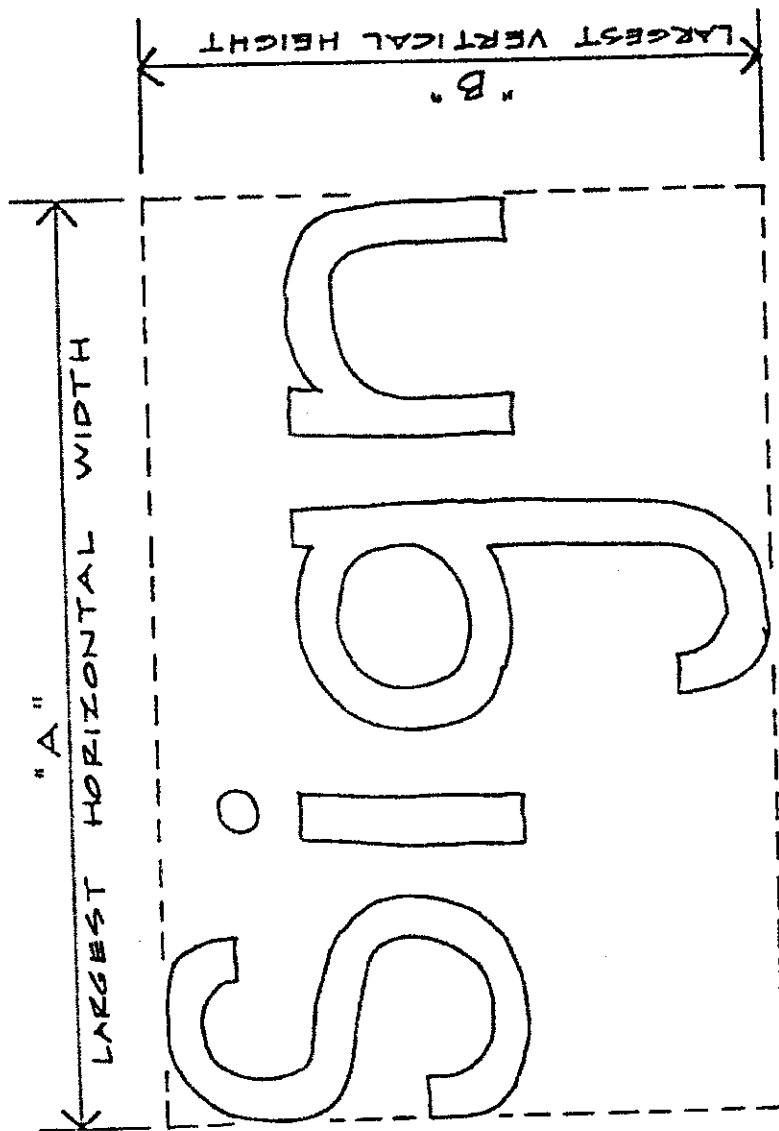
ROOF TYPES

APPENDIX

V. SIGN TYPES SIGN AREA CALCULATION



SIGN TYPES

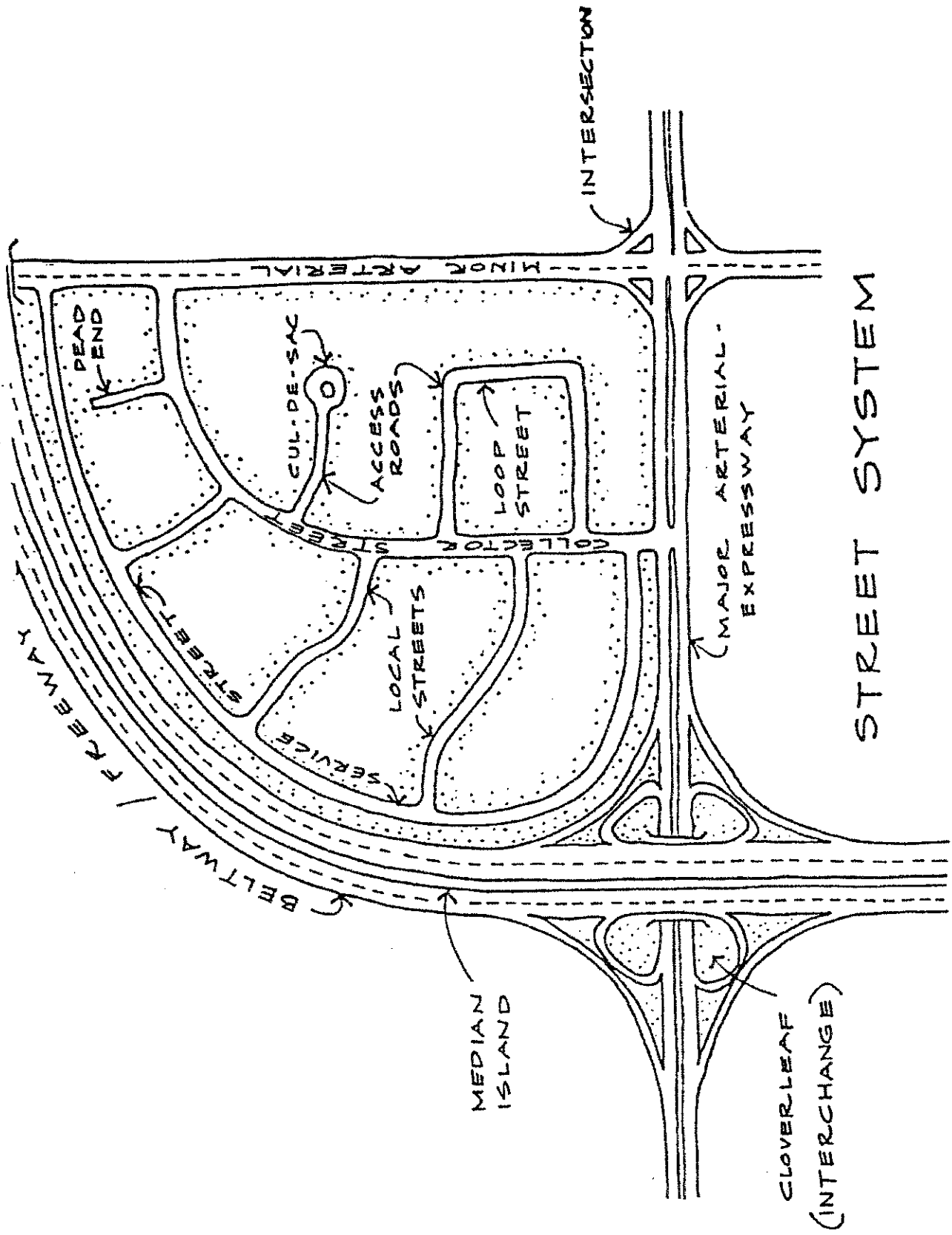


MEASUREMENT OF WALL SIGN AREA WHERE
THERE IS NO DEFINED SIGN BACKGROUND

"A" x "B" = SIGN AREA

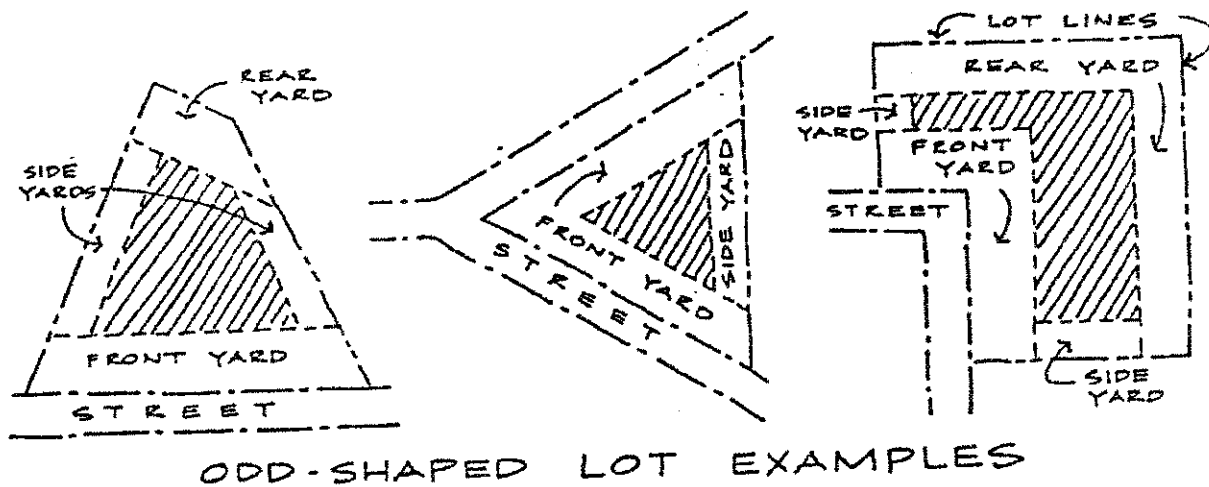
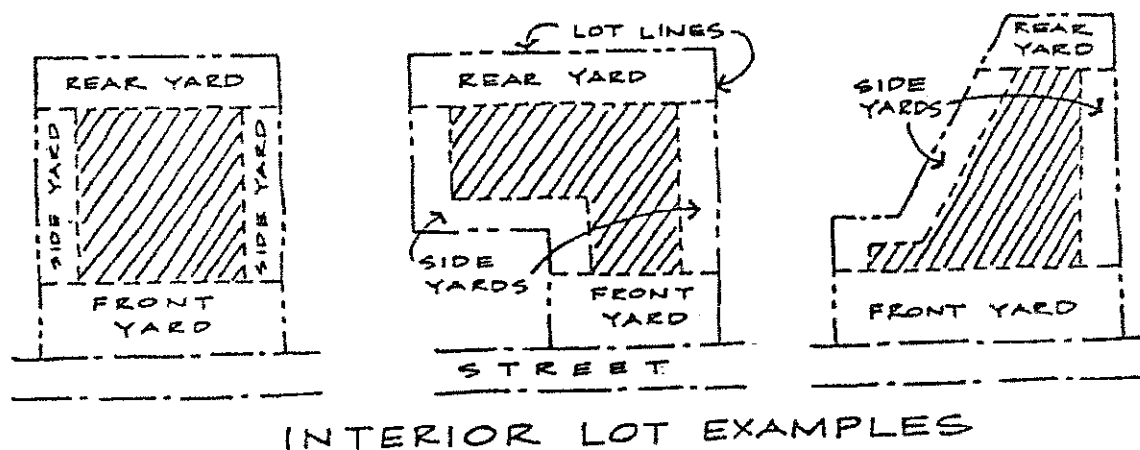
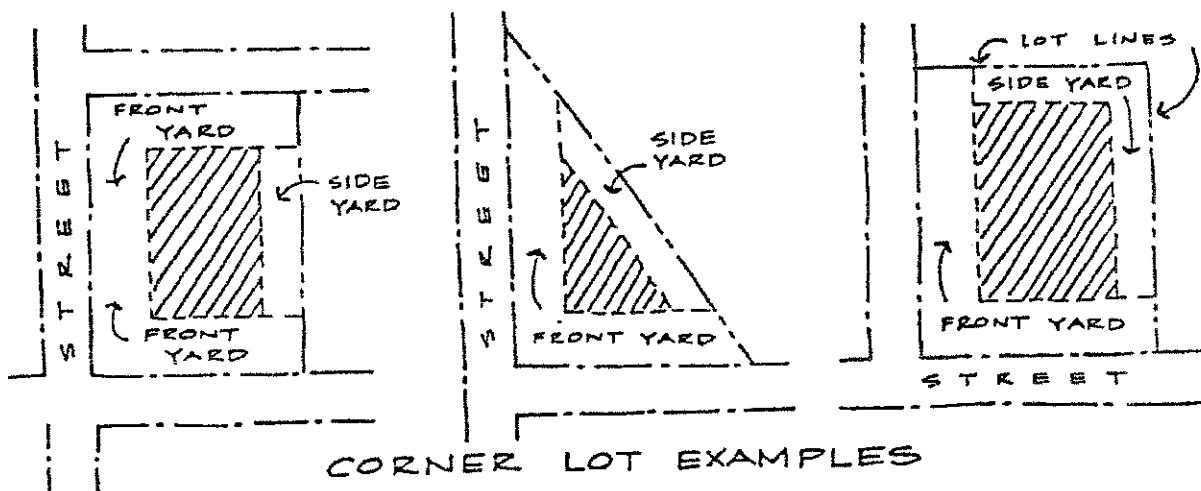
APPENDIX

VI. STREET SYSTEM



APPENDIX

VII. YARD EXAMPLES



REQUIRED YARDS

 BUILDING (ZONING) ENVELOPE
(TWO DIMENSIONAL)

APPENDIX

VIII. ZONING DISTRICTS MAP

ORDINANCE # 7-11

AN ORDINANCE REVISING THE SCHEDULE OF FEES IN
ORDINANCE NUMBER 938 OF THE VILLAGE OF LIBERTY
CENTER, HENRY COUNTY, OHIO

Be it ordained by the council of Liberty Center, Henry County,
Ohio, all members thereto elected concurring:

Section 1: The schedule of fees set forth in Ordinance number
938, section 1226 are hereby repealed.

Section 2: The schedule of fees in sections 1226 of Ordinance
number 938 are hereby modified as follows:

A. zoning certificate

- | | | |
|----|---|----------|
| 1. | R1 and R2 new construction | \$100.00 |
| 2. | new private garage | \$60.00 |
| 3. | new commercial building | \$200.00 |
| | | min/2.00 |
| | | /100 sf |
| 4. | Structural Alteration
(porches & decks) | \$40.00 |
| 5. | accessory building
(120 sq. ft. or less) | \$60.00 |
| 6. | accessory building
(121 sq. ft. and above) | \$75.00 |

B. Conditional zoning certificate \$50.00

C. appeal or variance \$50.00

D. amendment \$200.00
deposit

*Accessory Buildings + Swimming pools
require the same fee.*