

June 16, 2021: Z/C Public Hearing

2021 PROPOSED CODE AMENDMENTS -

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Liberty Township Zoning Amendment ~~Amendment~~ Resolution

As amended XXX

effective XXXX

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Code Compliance Officer

Eric Gayetsky

Zoning Secretary

Mary Beth Robinson

Adopted by the Liberty Township Trustees / November 8, 1955

Amended by the Liberty Township Zoning Commission / June 25, 1977

Amended by the Liberty Township Zoning Commission / December 10, 1986

Amended by the Liberty Township Zoning Commission / May 1, 1991

Amended by the Liberty Township Zoning Commission / December 17, 1992

Amended by the Liberty Township Zoning Commission / December 18, 1996

Amended by the Liberty Township Zoning Commission / December 21, 2000

Amended by the Liberty Township Zoning Commission / June 20, 2002

Amended by the Liberty Township Zoning Commission / October 3, 2002

Amended by the Liberty Township Zoning Commission / December 8, 2004

Amended by the Liberty Township Zoning Commission / November 18, 2015

Amended by the Liberty Township Zoning Commission / July 6, 2016

Amended by the Liberty Township Zoning Commission / September 6, 2018

Amended by the Liberty Township Zoning Commission / September 16, 2019

Definitions

Attached - Any structure or part of a structure immediately adjacent to another structure or part of a structure and fastened securely to same. When Attached is used to define the connection of two (2) Buildings, they must either: A) Share a common wall; or B) Provide for internal access between the two (2) buildings.

Flag Lot: A parcel of land in which the access to the road is provided along a long slender strip of land resembling flag poles that extend from a rectangular, more or less, main section of the lot resembling the flag.

Human Occupancy: Any portion of any structure wherein humans principally live or sleep.

Section 7.07 – ENTRY FEATURES TO PRIVATE RESIDENTIAL PROPERTIES Elements, including hardscape (i.e. brick, stone, rocks, walls) and softscape (i.e. plants, trees, shrubs) features, located near the entrance to a private residential property must comply with the following:

~~7.19~~ **7.07.A.1** Entry features shall not be placed within the intersection sight distance triangle as defined by the current edition of the ODOT Location and Design Manual, Volume 1.

~~7.19~~ **7.07.A.2** Entry features with fixed objects, such as rocks, walls, pillars, poles, trees, and other objects not prone to giving way upon impact, which protrude more than six (6) inches above the adjacent ground, shall not be located within fifteen (15) feet of the right-of-way.

~~7.19~~ **7.07.A.3** Entry features with a gate shall locate the gate in such a manner so that the gate is located a minimum of fifty (50) feet from the edge of the paved roadway or face of curb.

Section 7.15 – FENCES AND WALLS

The need for and use of fencing will vary for each zoning district depending upon the primary function or functions the fence intends to serve. As a general standard, the use of fencing should be limited to locations where the fencing will enhance the property and area safety, security, aesthetics, or privacy. Fence styles that preserve and enhance the farming and rural character and history of the Township are preferred as well, as are the use of natural materials. Henceforth, all new developments, regardless of zoning district, shall adhere to Section 7.15.F. Please note that homeowners’ associations may have more restrictive regulations.

All fencing and walls (including stockade fences and chain link fences) shall conform to all of the following: (Please note that homeowners’ associations may have more restrictive regulations):

7.15.A. No fence or wall shall be erected or constructed until a Fence permit has been issued. The application for this permit shall be accompanied by plans or drawings including a plot plan or property survey showing the actual shape and dimension of the lot on which the fence or wall is to be erected, architectural rendering of the fence or wall to include the exact height, style and type of material, location, length of the fencing, and the location of all existing buildings on the lot. Accurate distance measurements from all property lines must be shown. The signature of the property owner(s) must be shown on the plans or drawings submitted for the required zoning permit for the fence.

7.15.B The smooth finished side of the fence or wall shall be the side that faces outward from the yard being fenced, and any horizontal, diagonal, or supporting members shall be on the interior side of the fence. **Fences and walls shall be kept in proper repair and maintained.**

7.15.C No fence or wall shall be located closer to any lot line than the minimum setbacks as shown on the table below:

ZONING DISTRICT	MINIMUM SIDE YARD	MINIMUM REAR YARD
FR-1	Five (5) feet	Five (5) feet
PR, PMFR, PRC	Three (3) feet	Three (3) feet
All Zoning Districts (except FR-1)	Three (3) feet	Three (3) feet
FR-1	Five (5) feet	Five (5) feet

When erected near a property or lot line, the entire fence and any of its supporting structures or appurtenances shall be contained within the lot or property of the person erecting said fence.

7.15.D In all Zoning Districts, front yard fencing is prohibited, unless otherwise permitted under Section 7.15.F. Fences and walls shall be built at or behind the furthest forward rear corner, on each side, of the principal structure on the lot, shall not exceed six (6) feet in height measured from the finished grade to the top of the highest point of the fence or wall. Fencing in front of the principal structure may be permitted as part of the approved development plan as an aesthetic/landscaping feature in common/open spaces bordering development along the existing public roadways or to border an industrial district or portion thereof to provide safety and/or security. Commercial or Industrial District security fencing may exceed six (6)

feet in height, but no more than eight (8) feet measured from the finished grade to the top of the highest point of the fence or wall.

Illustration inserted here (to show rear corner placement)

~~7.15.D Fences and walls shall be built at or behind the rear line of the principal structure on the lot, not to exceed six (6) feet in height, measured from the finished grade to the top of the highest point of the fence or wall.~~

~~7.15.E Fences and walls shall not be built within one hundred and fifty (150) feet of the right-of-way of a Class A or Class B road.~~

~~7.15.F A fence or wall may be built without regard to the building lines if it is more than one hundred and fifty (150) feet from any property line or any road right-of-way.~~

~~7.15.G~~ **E.** No fence or wall shall be located within the public right-of-way of any road within the Township.

Section 7.15.F In the FR-1 Zoning District, all new fences and/or replacement of existing fences shall adhere to the following requirements. Maintenance of existing fences regardless of road right-of-way setback and/or type is permitted until complete replacement is warranted and then this Code shall apply.

7.15.F.1 Fences shall not be built within five (5) feet of the assigned road right-of-way of a Class A, B, or C road. On a flag lot, fencing shall be a minimum of five (5) feet from the front of the main section, or the flag, of the property. The narrow strip connecting to the roadway, or the flag pole, shall only contain fences parallel to the roadway.

Walls and fences that include masonry posts, columns or pillars shall not be built within fifteen (15) feet of the assigned road right-of-way of a Class A, B, or C road. If a previous installed fence is being totally replaced, the setback of the previous fence may be reused if closer than five (5) feet and the proposed posts are wooden. If the existing fence includes masonry posts, columns or pillars which are to be replaced, the replacement shall conform to the fifteen (15) foot setback.

Illustration inserted here (to show fencing for flag lots)

7.15.F.2 In order to enhance the rural, farming character and history of the Township, the permitted front yard and/or parallel to a roadway fencing shall adhere to the following requirements:

7.15.F.2.A The permitted styles shall include Cross Buck, three (3) or four (4) rail "Horse" post and board (with or without welded, tied or woven wired on the back side), and split 3- rail fences. Solid fencing shall not be permitted.

Illustration inserted here (to show types of permitted front yard fencing)

7.15.F.2.B Fencing materials shall be wood, cedar, pressure treated or composite materials. Dark green, dark brown or black are permitted colors. Natural uncolored wood is also permitted.

7.15 F.2.C The height of permitted front yard fencing shall be no less than three (3) feet with the maximum height of four (4) feet.

7.15.F.3 Fencing running perpendicular to any road frontage shall be the same style, height, and color as the fencing running parallel to the roadway, up until the point of reaching the furthest forward rear corner on each side of the principal structure. Masonry columns may be used in lieu of posts.

7.15.F.4 As applicable, Entry Features to private residences shall adhere to Section 7.07.

7.15.F.5 Additionally, for FR-1 lots, Section 7.15.F shall apply to new, replaced, or existing fences which run perpendicular to Class A, B, or C road and which act as an Entry Feature to a private residence.

7.15.G A fence or wall may be built without regard to the building lines if it is more than one-hundred fifty (150) feet from any property line or any road right-of-way.

7.15.H Any and all masonry walls over thirty-six (36) inches in height shall be designed by a licensed professional engineer and, after construction, shall be certified by same as having been built according to the plan.

~~7.15.I Fences and walls shall be kept in proper repair and maintained.~~

7.15. J I Decorative landscaping walls or timbers having a height of less than thirty-six (36) inches from finished level of grade are excluded from Section 7.15.D.

SECTION 7.19 – Boarding up buildings

For structures located in the Planned Commercial (PC), Industrial (I), or Planned Industrial (PI) zoning districts, the following shall apply:

Businesses / Buildings that are no longer in business, may be boarded up for security reasons subject to the following conditions:

7.19.A The owner must notify the Township Zoning Department before the “boarding” takes place and provide a “24x7” contact name and number for fire safety and security purposes.

7.19.B The boarding materials must be finished in a complimentary color to the building and kept in good repair. Any graffiti must be covered within 72 hours of notification to the owner.

7.19.C Landscaping and Parking lot maintenance must continue as would have normally if the property was still in business.

7.19.D Trash and or dumping on the property shall be cleared within 72 hours of notification to the owner.

7.19.E Overnight parking of any type of vehicle is not permitted.

Section 8.07.F.2: Accessory Building Dimensions (Floor Space Limitations): The permissible dimensions of each accessory building hereafter erected on any lot or parcel in this district shall be determined by the following: Twenty-five percent (25%) of the gross square foot area of the dwelling on said lot or parcel to which the accessory building is incidental and subordinate (including any attached facilities, such as a garage, but not including space in basements, decks, porches, patios, **or any unfinished space**), plus **an additional** five percent (5%) **of the gross square foot area of the dwelling** for each acre or portion thereof on said lot or parcel, for a **maximum** cumulative total **of allowable square footage** for all accessory buildings located on the lot or parcel. The accessory building(s) shall compliment the primary structure in color and exterior materials. No accessory building shall be used for human occupancy.

Section 20.06.F Special Events Signs: A temporary free-standing or window advertising sign announcing a special public or institutional event may be located upon the premises on which the event is to take place. Such sign may be used to advertise a grand opening, a seasonal event, or a community event. Such a sign shall not exceed ~~thirty-two (32)~~ **twenty (20)** square feet in area per side, and shall not be permitted to be displayed for more than thirty (30) days ~~prior to the planned event, nor more than seven (7) days after said event.~~ **for each event.** Such signs must include identification (name and address) of the person charged with the duty of removing said sign. Not more than two (2) such signs shall be allowed to be displayed on any one (1) lot or parcel of land at any time. **In a multiple tenant retail building, each tenant may display a special events sign a maximum of four (4) times per calendar year.**

Section 23.01 – TOWNSHIP ZONING COMMISSION

Pursuant to Section 519.04 of the ORC, the Board of Township Trustees hereby creates and establishes a Township Zoning Commission. The Commission shall be composed of five (5) members who reside in the unincorporated area of the Township, to be appointed by the Board, and the terms of the members shall be of such length and so arranged that the term of one (1) member will expire each year. The Board may appoint qualified members of the Regional Planning Commission to serve on the Township Zoning Commission. The time of service of each member shall be limited to two (2) consecutive full terms of five (5) years each. Each regular or alternate member shall serve until the member's successor is appointed and qualified.

Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Board, upon written charge being filed with the Board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be appointed by the Board of Township Trustees and shall be for the unexpired term. Prior to making any appointment to the Township Zoning Commission, the Board of Township Trustees **and/or members of the Zoning Commission** may interview each candidate or applicant for such position. The appointment shall be made by public vote at such hearing or at a later public meeting of the Board of Township Trustees. The Board of Trustees may appoint two

(2) alternate members to the Zoning Commission for such terms as determined by the Board of Trustees. An alternate member shall take the place of an absent regular member according to such procedures as may be prescribed, from time to time, by resolution adopted by the Board of Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. Alternate members shall be removable upon the same grounds and under the same procedures as regular members.

Section 25.01 – BOARD OF ZONING APPEALS

Pursuant to Section 519.13 of the ORC, a Township Board of Zoning Appeals is hereby created. Said Board of Zoning Appeals shall be composed of five (5) members who shall be appointed by the Board of Township Trustees and who shall be residents of the unincorporated territory of Liberty Township included in the area zoned by this Zoning Resolution. The terms of all members shall be five (5) years in length and so arranged that the term of one (1) member will expire each year. The time of service of each member of the Board of Zoning Appeals shall be limited to two (2) consecutive full terms. Each regular or alternate member shall serve until the member's successor is appointed and qualified.

Members of the Board of Appeals shall be removable for the reason specified and in compliance with the procedure established in ORC Chapter 519. Vacancies shall be appointed by the Board of Township Trustees and shall be for the unexpired term. Prior to making any appointment to the Board of Zoning Appeals, the Board of Township Trustees **and/or members of the Board of Zoning Appeals** may interview each candidate or applicant for such position. The appointment shall be made by public vote at such hearing or at a later public meeting of the Board of Township Trustees.

The Board of Trustees may appoint two (2) alternate members to the Board of Zoning Appeals for such terms as determined by the Board of Trustees. An alternate member shall take the place of an absent regular member according to such procedures as may be prescribed, from time to time, by resolution adopted by the Board of Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, an alternate member may vote on any matter on which the absent member is authorized to vote. Alternate members shall be removable for the same causes and in the same manner as regular members, as provided by Section 519.04 of the ORC.