

ZONING RESOLUTION OF THE NORTHEAST QUARTER OF SECTION 34  
AND  
THE NORTHWEST QUARTER OF SECTION 35 IN LIVERPOOL TOWNSHIP  
(AKA Dairy Lane, Homestead Drive, Forsyth Place, Christian Place, Parkwood  
and 2450 & 2454 Parkway)  
Amended 2013

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Date Amended - December 30, 2013

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SECTION I. SHORT TITLE.

These regulations shall be known and may be cited as the "Zoning Resolution of the Township of Liverpool for North Precinct."

SECTION II. DEFINITIONS.

Definitions have been listed in Section XVI of this Resolution for purposes of convenience but are incorporated herein as written here in full.

SECTION III. ESTABLISHMENT OF DISTRICT.

For the purposes set forth in the Preamble to this Resolution the land area within North Precinct of the unincorporated area of Liverpool Township is established as Residence R-1 District (single family dwelling only).

The boundary of said district is defined on a map titled "Zoning Map of Zoned Area R-1 (North Precinct) of Liverpool Township" which map is hereby declared to be a part of this resolution.

Where uncertainty exists with respect to the boundaries of any district as is shown on the Zoning Map the following rules shall apply.

- A. Where a district boundary is shown to approximately follow a lot line, such lot line shall be construed to be the district boundary line.
- B. Where a district boundary line is shown on the Zoning Map to approximately parallel the centerline or street line of a street or the centerline or right-of-way line of a highway, such district boundary line shall be construed as being paralleled thereto.



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- C. If no measurements are shown on the Zoning Map, measurements shall be determined by the use of the scale shown on the Map.
- D. Lots in Two Districts - Where a district boundary line divides a lot fronting on a public street, in ownership of record at the time such line is adopted, the regulations of the district wherein the front portion is located may extend not more than fifty feet (50') into the adjacent district wherein the rear portion is located.
- E. When the boundary line is a district that follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the high water line.
- F. Except when otherwise indicated by dimensions or fixed boundaries shown on the Zoning Map, the depth of residential and business districts fronting on streets or highways is established for the purpose of this resolution, at three hundred feet (300') and five hundred feet (500') respectively.

SECTION IV. APPLICATION OF REGULATIONS.

- A. Building or land shall be used or occupied in conformance with the provisions of this Resolution. Any building or structure or part thereof erected, moved, altered, restored, or reconstructed hereafter shall be used only in conformance with the regulations herein specified for the district in which it is located.
- B. Any building hereafter erected, used, occupied, altered, restored, or reconstructed shall comply with this resolution in regard to the number of families accommodated, area of lot occupied, size of front, rear, and side yards. Any part of a yard or other open space required around any building for the purpose of complying with the provisions of this resolution, shall not be included as part of a part or other open space similarly required for another building. **Zoning Permit Required.** See Ohio Revised Code 519.17.
- C. District Changes - Whenever a boundary line of a district is changed by Amendment of this Resolution as to transfer an area from one district to another district of a different classification, the regulation for the district to which the area is transferred shall apply to all buildings, structures, and uses in the area to be so transferred.

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SECTION V. RESIDENCE R-1 DISTRICT.

All buildings listed in Section V shall have siding, paint if not pre-coated, stucco, brick, or stone veneer. Standard cement or other type of block (painted or unpainted) shall not be used as an exterior finish with the exception of basements and foundations. Surface drainage including downspouts, driveway culvert, or any other water run-off shall be controlled so that adjacent properties do not erode.

A. Permitted Buildings, Structures, and Uses. **Zoning Permit Required.**

In "Residence R-1 District" only the following shall be permitted:

1. Size restrictions for all single family dwellings erected, constructed, or placed upon a residential lot after the adoption of this Resolution shall follow the minimums given below. Said minimums are calculated without a basement or garage.
  - a. One (1) story plan---1300 sq. ft. (bottom of structure on Set Back Line)
  - b. Two (2) story plan---Story one, 850 sq. ft.  
(Bottom of structure on Set back Line).  
Story two, 450 sq. ft. (One story above Set Back Line).
  - c. One and one-half (1 1/2) story plan--Story one, 850 sq. ft.  
(Bottom of structure on Set Back Line).  
Half-story, 450 sq. ft. (Bottom of half-story, one story above Set Back Line).
  - d. Split-level plan---Level 1 and Level 2, 1300 sq. ft.  
Level 1 - Bottom of structure on Set Back Line.  
Level 2 - One story above Set Back Line.
  - e. Special prohibitions
    - (1) A modular-type dwelling, manufactured home, mobile home, travel trailer, camper, condominium or multi-family dwelling shall not be erected, constructed, or placed upon a residential lot. The exception is modular-type dwellings as defined in the ORC 519.212 (see attached marked as Attachment 1) are permitted.
    - (2) Dwellings shall not be erected, constructed or placed upon a residential lot for the purpose of renting, leasing, or consignment.

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- (3) Underground, geodesic, or any other dwelling that does not conform with the general design characteristics of surrounding single family dwellings shall not be erected, constructed, or placed upon a residential lot.
- (4) Dwellings shall not be rotated or inverted. Dwelling front shall face the front street property line.

B. Set Back Line.

- 1. If there are one or more pre-existing single family residence dwellings on adjacent lots within one hundred and fifty feet (150') in either direction along the street line from a proposed single family dwelling or other structure, such proposed dwelling or structure shall be set back from the street line the average distance of the set back of the pre-existing residential dwellings. However, no provisions of this paragraph shall be construed to require a set back greater than fifty feet (50') from the street line: nor shall any dwelling or other structure be placed nearer to a front street property line than thirty feet (30').
- 2. Where no pre-existing dwellings are adjacent to a proposed dwelling or structure, a set back of not less than fifty feet (50') from the road right-of-way line shall be observed; provided, however, that such a set back line is a minimum of seventy-five feet (75') from the road centerline wherever the road right-of-way is less than fifty feet (50').
- 3. Set back line is considered the front of the dwelling or structure.

C. Area, Frontage and Lot Width.

- 1. Where public water and sanitary sewer facilities are available, no lot shall have an area less than fifteen thousand (15,000) square feet, nor a lot width less than seventy feet (70').
- 2. Where public water and sanitary sewer facilities are not available, total area and width requirements shall be the same or as required by the Health Department, but not less than C-1 above.
- 3. While lots located on cul-de-sacs and curvilinear streets may have a minimum lot width at the building line, such lots shall not have street frontage of less than thirty-five feet (35') and sixty feet (60'), respectively, but in no case shall lot area be less than fifteen thousand (15,000) square feet.

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D. Side Yards.

1. There shall be two (2) side yards with a total width of not less than twenty feet (20'). The width of the narrowest of the two (2) side yards shall be not less than eight feet (8'), except when a lot platted prior to the time of enactment of this resolution is less than fifty feet (50') wide, the total width of the two (2) side lots may be reduced to sixteen feet (16'). The width of the narrowest of the two (2) side yards shall be not less than seven feet (7').
2. In the case of a corner lot, all structures on the street side yard shall be in line with existing structures that front on this street. If there is no pre-existing structure on this street within one hundred fifty feet (150'), a street side yard of not less than fifty feet (50') from the property line must be observed.

E. Rear Yards.

1. There shall be a rear yard not less than forty feet (40') in depth.
2. The minimum width of the rear yard shall be determined by measuring the total width of the dwelling including garage but not including accessory buildings times 1/3.
3. No structure shall be closer to the rear property line than six feet (6').

F. Front, Rear and Side Yards.

Nothing in this Resolution shall prevent the use for single family residential purposes of a lot platted prior to the time of enactment of this Resolution: however, the front yard, rear yard and side yard requirements as stipulated for the district in which it is located shall be met, unless proper application for variance of these requirements is made to the Township Board of Zoning Appeals and sufficient reasons are presented to convince the Board that such variation is warranted and should, therefore, be granted.

G. Driveways.

1. No driveway shall exceed twenty-five (25) percent of the width of the front building line or front property line, whichever is greater.
2. The depth of the driveway shall not be greater than the width of the driveway past the rear building line of a rear entry garage and shall not be closer than six feet (6') to the side or rear property line.



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3. An auxiliary pad used for a turnaround shall adjoin the driveway. Said pad shall not be larger than twenty-five feet (25') by twenty-five feet (25'). When facing the front property line from the front building line, said pad shall not extend more than thirty-five feet (35') beyond the front building line.

H. Height.

1. Dwellings shall not exceed fifty feet (50') in height.

I. Private Garages **Zoning Permit Required**

1. Garages shall not be placed closer to the street line than the front building line nor closer to the rear property line than six feet (6'). Side yard requirement shall be maintained as stipulated in paragraph D above.

2. The above, however shall not prevent the building of a garage as a structural part of a dwelling.

3. No living quarters shall be constructed above a private garage or other out buildings which are not a structural part of the main dwelling.

J. Accessory Buildings **Zoning Permit Required**

1. Accessory buildings shall not be placed closer to the street line than the front building line nor closer to the rear or side property line than six feet (6').

2. The side yard requirement may be altered if one of the following conditions is met.

a. An accessory building is placed behind an addition to the main structure.

b. An accessory building is placed behind a garage constructed beside the main structure.

c. In both a and b above, the accessory building shall not extend past the side or rear building lines.:-

3. An accessory building shall not be constructed, larger than fourteen feet (14') by eighteen feet (18') and not higher than one (1) story and a loft.. No animal(s) shall be housed in said accessory building.

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4. An accessory building for the purpose of housing an animal, including but not limited to a dog house, shall not be more than fifty (50) cubic feet. Said accessory buildings are limited to two (2). Said accessory buildings shall be kept from view of the front property line. Said accessory buildings shall not give off obnoxious or pungent odors and shall not house animals creating annoying sounds.

**K. Swimming Pools. Zoning Permit Required**

A receptacle for water having a water surface area of more than one hundred (100) square feet and a depth greater than twenty-four inches (24") shall be considered to be a private swimming pool for the purpose of this ordinance and shall be subject to the following restrictions:

All the pools listed below including but not limited to hot tubs, jacuzzis, or any other type of tub or pool must be obscured from sight when viewed from the front property line. A closed view fence of not less than four feet (4') in height and not more than eight feet (8') in height must be erected.

1. Permanent In-Ground Swimming Pool.

- a. No portion of such pool including walk, deck, and fence, shall be permitted to be closer than twelve feet (12') from any side property line, nor closer than six feet (6') to the rear property line, nor closer than the front building line.
- b. The pool area shall be entirely enclosed by a fence. All fence openings into the pool area enclosure shall be equipped with doors or gates equipped with self-closing and self-latching devices. The fence and gate shall be not less than four feet (4') and not over six feet (6') in height above ground level, commencing at grade level and extending vertically. Such fence may enclose only the pool area or the entire yard, so long as it serves adequately to protect children from entry to the pool.
- c. If pool structure is less than four feet (4') above ground, it shall be deemed to be a permanent in-ground pool and the rules of paragraph (a) shall apply.

2. Permanent Above Ground Swimming Pools Four Feet (4') or Above.

- a. No portion of such pool, including walk, deck, and fence, shall be permitted to be closer than twelve feet (12') from any side property line, nor closer than six feet (6') to the rear property line, nor closer than the front building line.
- b. Pools shall have decking and safety rails around decking with lock-up ladder.

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c. All entrance gates shall be equipped with self-closing and self-latching devices, so long as it serves adequately to protect children from entry to the pool.

3. Temporary Portable Swimming Pools Summer Use Only.

- a. "Summer use only" means the pool cannot be erected before May 1st and must be dismantled by October 1st. If a temporary portable pool is left up beyond the above mentioned dates it becomes a permanent pool and the rules for permanent above ground pools shall apply.
- b. No portion of such pool shall be permitted to be closer than twelve feet (12') from any side property line, nor closer than six feet (6') to the rear property line, nor closer than the front building line.
- c. No zoning permit shall be required for a temporary portable swimming pool.

L. Heating, Cooling and Electric Generating Devices and Apparatuses.

1. Any heating and/or cooling device (base not more than sixty-four (64) square feet) including but not limited to heat exchangers, cooling towers, evaporator, condenser, or exhaust fans shall not be placed closer than six feet (6') from the side property line not closer than six feet (6') from the rear property line nor closer to the front than the front building line (including fence or shrubbery). Any vented or stacked heating device shall have a stack or chimney that must extend eighteen inches (18") above the highest point of the roof line.
2. Any of the above devices shall be enclosed with a closed-view fence or shrubbery of not less than six feet (6') and no more than eight feet (8') in height to obscure the view from the adjacent property's rear or side yard and the front property line. Wells and/or Geothermal units shall be below ground level. Solar Cells can be roof mounted or erected behind the front building line.

M. Satellite Dishes and Electronic Equipment.

1. Any electronic equipment including but not limited to satellite dishes or any other similar transmitting or receiving equipment shall not be placed closer than six feet (6') to the side property line, nor closer than six feet (6') to the rear property line, nor closer to the front than the front building line including fence or shrubbery.

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2. Any of the above devices shall be enclosed with a closed-view fence or shrubbery not less than six-feet (6') and not more than eight feet (8') high as to totally obscure the view from the adjacent property's rear or side yard and the front property line.

3. Satellite dishes can be mounted anywhere on a structure for proper reception.

N. Television and Radio Towers.

1. Television and radio vertical towers shall not be closer than six feet (6') to the side property line, nor closer than six feet (6') to the rear property line and shall not extend beyond the front building line.
2. Television and/or radio tower height shall not extend more than twelve feet (12') above the highest point of the building roofline.
3. Any transmission from or to said towers shall not interfere with neighboring electronic devices including but not limited to television, radio, or wireless telephone.

O. Storage Tanks.

1. All storage tanks for utilities except water shall be installed above ground and limited to servicing the utilities of that dwelling.
2. Water storage tanks such as a cistern may be placed underground and used for yard and garden irrigation.
3. Storage tanks include, but are not limited to, fuel oil, propane, or butane.
4. Numbers 1 and 3 above shall not be placed closer than six feet (6') to the side property line or closer than six feet (6') to the rear property line nor closer to the front than the front building line including fence. Any of the above devices shall be enclosed with a closed-view fence of not less than six feet (6') high and not more than eight feet (8') high as to totally obscure the view from the adjacent properties or front property line.

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P. Yard Fences, Walls, Hedges, Shrubbery and Trees.

1. When a residential yard fence, wall, hedge, or shrubbery is erected or placed upon land in a Residential R-1 District, they shall not exceed eight feet (8') in height above the grade level, shall not extend beyond the front building line, and shall be recessed two feet (2') from said property line. Permanent fences can be erected, but are not limited to the following: split rail, basket weave, picket, board and batten, vinyl, baffle, stockade, estate rail, solid wood, stone, brick masonry, ornamental metal or similar designs. No fence shall be electrified except underground pet fence. A no fee zoning permit is required. (Permit shall have construction plans attached).
2. Chain link fences: See Section V item P (12) for restrictions.
3. Temporary snow fences may be erected after November 15<sup>th</sup> and are to be removed prior to April 1<sup>st</sup>. Such fences shall be located a minimum of ten feet (10') from any property boundary line.
4. Temporary vegetable garden fencing may be erected during vegetable growing season. Such fencing shall be removed within one (1) month after vegetable growing season.
5. A temporary no fee zoning permit is required prior to erecting any temporary fence.
6. All fences and surrounding areas shall be regularly maintained in good condition, repair and appearance.
7. All fences shall not be constructed in a manner which restricts or obstructs natural drainage.
8. Fences cannot be erected of the following material: barbed wire, concertina wire, guard rail, smooth wire, woven wire, welded wire, pallets, tires or similar materials
9. Hedges, shrubberies, or fences may be located between the front property line and the front building line, providing they do not exceed three feet (3') in height. Hedges, shrubberies, decorative wall or fences shall be recessed two feet (2') from said property lines.
10. No hedge, shrubbery, decorative wall or trees shall extend beyond the property line.

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11. On corner properties located at street and/or highway intersections in any district established by this Resolution, no fence, wall, sign, hedge, shrubbery, or other structure or planting which obstructs the view of motorist and thereby creates a traffic hazard shall be erected, placed, planted, or maintained within the triangular area formed by connecting with a straight line two (2) points located on the respective right-of-way twenty-five feet (25') distance from point of intersection.

12. Chain-link fence shall not extend beyond the front building line nor face the front property line.

13. Retaining walls may be constructed with a maximum of two feet (2') above the grade level of materials being retained. Fences mounted on a retaining wall shall be measured from the top of the earth being retained to the top of the fence. Said retaining wall shall be structurally sound, using acceptable engineering standards. No tires, pallets or similar materials shall be allowed. Retaining walls are defined as retaining earthen or media materials in part or in total. A no fee zoning permit is required. (Permit shall have construction plans attached) .

Q. Refuse Burning.

No burning of refuse shall be permitted indoors or outdoors which results in the emission of objectionable odors, smoke, fumes, dirt, or endangers the property of others.

R. Signs

1. Permitted uses

a. Signs not larger than six (6) square feet when placed on property.

S. Sales.

The selling of goods, equipment, or services is prohibited except for the following:

1. Garage, yard, or any other type of sale shall be limited to three (3) occurrences per year with a maximum of three (3) days per occurrence.
2. Sales shall be conducted from 8:00 a.m. to 5:00 p.m. Monday through Saturday.
3. Sunday sales and sales on religious holidays are prohibited.

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T. Tents and Temporary Play Structures for Children.

1. Tents and temporary play structures shall be erected May through September and shall be located in the rear yard obscured from the front property line.
2. Tents or any temporary structure shall not be used for occupancy.
3. Shacks, unsightly, or unsafe structures that diminish property value shall not be erected.
4. Tents may be erected for not more than one (1) week for special events including but not limited to graduation, weddings, anniversaries, or other such events.

U. Children's Recreational Sets.

Children's recreational sets such as swings, sliding boards, or gymnastic equipment shall be erected in the rear yard only and obscured when viewed from the front property line. If recreational sets are not obscured from the front property line by a building, then a closed-view fence or shrubbery shall be required. Recreational sets shall be erected a minimum of six feet (6') from the side property line and six feet (6') from the rear property line.

V. Lawn Ornaments.

1. A maximum of four (4) lawn ornaments may be placed in the front and side yards and be visible from the front property line.
2. Lawn ornaments shall not be larger than three feet (3') by three feet (3') by four feet (4') high.
3. The above restrictions do not apply to decorations for holidays such as Christmas.

W. Animals.

1. Animals shall not be a nuisance or annoyance to neighbors.
2. Animal husbandry is prohibited.

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X. Pollution.

1. "Pollution" shall mean the contamination or alteration of the physical, chemical, or biological properties of any natural surface or ground water of the township or the discharge of any liquid, gas, or solid substance into said water, on the land or in the air as will or is likely to create a nuisance or render such water, air, or land harmful, detrimental, or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other beneficial uses, or to livestock, animals, or aquatic life and create obnoxious or pungent odors.
2. "Pollution" as described above is prohibited

Y. Noise Pollution.

1. The operation of lawn mowers, chain saws, or other equipment shall occur during daylight hours only.
2. Noise created by renovation or construction shall be limited to daylight hours.
3. Excessive or disruptive noise created by individuals, groups, sound equipment, vehicles, or any noise-producing devices shall not be permitted.

Z. Garbage and Rubbish.

1. All exterior property and premises, and the interior of every structure shall be free from any accumulation of rubbish or garbage.
2. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.
3. All garbage, rubbish and recycling containers shall be stored to the rear of the front building line. Such containers shall be inside the premises or behind a closed-view fence or shrubbery.

AA. Utilities.

All utilities shall conform to local and state laws.



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BB. Vehicles. (Township Trustees shall regulate all parking along the street per ORC 505.17)

1. Except for the purpose of pick-up and delivery, no commercial trucks, tractors, tractor trailers, semi-trucks and trailers, and commercial trailers shall be parked in any R-1 zone either upon a lot or along the highway.
2. Only one (1) vehicle one (1) ton capacity or less and using commercial plates, may be parked in a residential driveway. Said vehicle shall not contain livestock or rubbish, and shall not emit obnoxious or pungent odors or noise.
3. No dilapidated or unlicensed vehicles may be parked on the property or along the highway.
4. Minor repairs and maintenance may be performed on a resident's personal vehicle in a residential driveway. The maximum repairs and maintenance per household shall be two (2) occurrences per week with a maximum of twenty-four (24) hours per occurrence.
5. All vehicles shall be parked in a residential driveway or garage and not in the street or in a yard.
6. During special events and holidays, vehicles may be parked along but not on the street for a maximum of forty-eight (48) hours.
7. Travel trailers, motor homes, dune buggies, race cars, go-carts, campers, motorcycles, aircraft, antique or modified automobiles or trucks, boats, or other watercraft or any type of recreational or competition vehicle are prohibited unless completely enclosed by a complying permanent structure. The exception to the above is the loading or unloading of said vehicles or the visitation of persons owning such vehicles for a maximum of fourteen (14) days. Travel trailers, motor homes, campers and boats (not to exceed one of each) shall be permitted from April 15<sup>th</sup> through October 15<sup>th</sup>. None shall be utilized for occupancy on the property.

CC. Property Maintenance.

1. All platted lots shall be maintained throughout the year to enhance and not devalue the surrounding neighborhood.
2. Maintenance includes but is not limited to paint, gutters, siding, windows, doors, roofs, driveways, lawns, trees, shrubbery, foundations, and retaining walls.

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3. Roof repair that is made by temporarily patching an area resulting in a dark or contrasting area shall be rectified within an eight (8) month period.
4. All utilities including but not limited to gas, water, sewage, and electric shall be maintained.
5. The exterior and interior of the dwelling must be maintained in a clean, safe, secure, and sanitary condition.
6. The property that borders neighboring properties shall be maintained free of rubbish and clutter including but not limited to materials, tools, and equipment.
7. Grass shall be maintained at a maximum four inch (4") height and shrubbery shall be trimmed. With the exception of wooded undeveloped areas.
8. Vacant acreage and lots that are platted shall be maintained free of rubbish
9. Lots that are not platted shall be maintained in the above standard within four hundred feet (400') of any dwelling.
10. The property owner shall be responsible to use commercially accepted methods to treat and eliminate, including but not limited to, blighted, infected, or bug, insect, rodent, reptile, or other animal-infested property.

DD. Material Storage.

1. Storage of materials or objects of any type or description that will devalue the neighborhood will not be permitted.
2. Firewood must be stacked behind the front building line or obscured from view by shrubbery or a closed-view fence.

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SECTION VI. NON-CONFORMING BUILDING USES

The use of any building or land at the time of the enactment of this Resolution may be continued although such use does not conform to the provisions of this Resolution for the district in which such non-conforming use is located, subject to, however, the following provisions:

A. Construction Started Prior to Resolution.

Nothing herein contained shall require any change in plans, construction, or use of a building, the actual construction of which shall have been begun prior to the adoption of this Resolution and which entire building shall be completed according to such original plans within six (6) months of said time of adoption.

B. Reconstruction, Alteration, and Extension of a Non-Conforming Building or Structure.

A non-conforming building or structure may not be reconstructed, altered, or extended.

C. Abandonment.

Whenever a non-conforming use has been discontinued for a period of two (2) years, such use shall not thereafter be re-established, and future use shall be in conformity with the provisions of this Resolution.

D. Changes.

Once changed to a conforming use, no building, land, or other structure shall be permitted to revert to a non-conforming use. No new non-conforming use may be added to, substituted for, an existing non-conforming use.

E. Business, Commercial, and Non-Profit Organizations.

A dwelling and/or property in Residence R-1 District shall not be used for business, commercial or non-profit organizations including but not limited to housing for transients, housing for social rehabilitation, housing for teaching or instructing individuals, or housing for manufacturing or assembling any product.

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F. Sexually-Oriented Business.

No building or property shall be used for a sexually-oriented business as defined by the following:

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

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

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

G. Mobile or Portable Structures and Equipment, Recreational Vehicles, Swimming Pools, and Storage Tanks.

All mobile or portable structures and equipment, recreational vehicles, safety items regarding swimming pools, fences around swimming pools, and storage tanks as defined in Section V O 1,3, and 4 shall be brought into compliance within twelve (12) months of the Current Zoning Resolution effective date.

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SECTION VII. ADMINISTRATION AND ENFORCEMENT.

A. Zoning Inspector.

1. The Board of Township Trustees may appoint a Township Zoning Inspector who shall be responsible for the enforcement of the provisions of this Resolution.
2. It shall be the duty of this Township Zoning Inspector to issue permits as provided by the Resolution and to keep a record of all permits issued, with a notation of all special conditions involved. He shall file and safely keep copies of all plans submitted and the same shall form a part of the records of his office. Such records shall be available for the use of the Board of Township Trustees, the Zoning Commission, the Board of Zoning Appeals and the public.
3. The Township Zoning Inspector may receive a compensation as fixed by the Board of Township Trustees.

B. Zoning Permits.

1. The Board of Township Trustees shall adopt a system of zoning permits. The cost of a zoning permit for a dwelling (including attached garage) or similar building, for an unattached automobile garage, accessory building, building or other structure can be obtained from the Zoning Inspector. If construction is started before a permit is obtained on a structure that requires a permit, a penalty shall be applied amounting to the cost of the original permit for the first offense. For the second offense, the penalty shall be two (2) times the cost of the original amount.
2. A zoning permit shall hereinafter be secured from Township Zoning Inspector prior to construction, erection, reconstruction, or major alteration of any building or structure or part thereof in the township. All requests for zoning permits shall be made in writing by the owner or by his authorized agent and shall include a statement of the use or intended use of the building or structure after construction, erection, reconstruction, or major alteration, and shall be accompanied by a plan drawn to scale, showing the proposed building line in its exact relation to lot and street lines as well as satisfactory evidence that the line or lines of the bounding street or streets has or have been accurately located on the ground. No zoning permit shall be issued unless the individual or company requesting same owns or controls an existing parcel of ground or a newly approved subdivided lot of sufficient size to comply with the requirements of this Resolution. Building maintenance items including but not limited to roof, siding, doors, windows, gutters, etcetera shall not require a building permit.

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3. After the zoning permit is issued, any subsequent changes in building plans must be presented to the Zoning Inspector for approval before such changes are made. If such changes are denied, such denial will be in writing.

C. Temporary Permit.

A temporary permit may be authorized by the Board of Zoning Appeals for a period not to exceed one (1) year, for non-conforming uses incidental to housing and construction projects and including, but not limited to, such structures and uses as house trailers, storage of building supplies, machinery, or a real estate office located on the tract being offered for sale, provided such permits are issued only upon agreement by the owner to remove the structure or structures upon the final expiration of the permit, and discontinue the use or uses. Such permit may be annually renewed for a period of two (2) years.

D. Occupancy Permits.

1. No building or structure for which a zoning permit is required, hereafter constructed, erected, reconstructed, or altered, shall be occupied, no use shall be made of any land, until an occupancy permit has been issued by the Township Zoning Inspector, certifying that the building, structure, or land use complies with provisions of this Resolution.
2. Occupancy permits shall be applied for coincidental with the application of a zoning permit. When the inside and outside construction, alteration or similar preparation is completed for normal use, the Township Zoning Inspector shall be notified and shall issue or deny an occupancy permit within ten (10) days thereafter.

SECTION VIII. INTERPRETATION OF RESOLUTION.

A. How Constituted - Rules of Commission.

1. The Zoning Commission shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none of whom shall be concurrently appointed as a member of the Board of Zoning Appeals) who are residents of the unincorporated area of the precincts of Liverpool Township.

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2. Of the five (5) members, one (1) shall serve until the first Monday of the second January following the appointment; one (1) until the first Monday of the third January thereafter, one (1) until the first Monday of the fourth January thereafter, one (1) until the first Monday of the fifth January thereafter, and one (1) until the first Monday of the sixth January thereafter. Their successors shall be appointed on the expiration of their respective terms to serve five (5) years. Each member shall serve until his successor is appointed and qualified. The Board of Township Trustees may appoint two alternate members to the township zoning commission, for terms to be determined by the board of township trustees. The Board of Township Trustees may remove any member for cause after a public hearing in accordance with the provisions of Section 519.04 O.R.C. Vacancies shall be filled for the unexpired terms of any member whose place becomes vacant.
  3. The Zoning Commission shall, by a majority vote of its members, elect a Chairman and Vice-Chairman who shall occupy such office until their successors are duly elected at the next annual meeting of the Commission, which shall be held during the month of January of each year.
  4. Meetings of the Commission shall be at the call of the Chairman and at such other times as the Commission may determine. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, and of each members' absence or failure to vote, and shall keep records of every official action. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Commission shall be filed in the office of the Commission and shall be a public record.
- B. Powers of the Commission.
- 1 Prepare the Zoning Resolution.
  2. Take action on some zone change requests and make recommendations of same to the Board of Township Trustees.
  3. Recommend advisable zone changes, or changes in the text of the Zoning Resolution where same will promote the best interests of the public in general,

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SECTION IX. BOARD OF ZONING APPEALS.

A. How constructed - Rules of Board.

1. The Board of Zoning Appeals shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none of whom shall be concurrently appointed as a member of the Zoning Commission) who are residents of the unincorporated area of the precincts of Liverpool Township.
2. Of the five (5) members, one (1) shall serve until the first Monday of the second January following the appointment; one (1) until the first Monday of the third January thereafter, one (1) until the first Monday of the fourth January thereafter, one (1) until the first Monday of the fifth January thereafter, one (1) until the first Monday of the sixth January thereafter. Their successors shall be appointed on the expiration of their respective terms to serve five (5) years. Each member shall serve until his successor is appointed and qualified. The Board of Township Trustees may appoint two alternate members to the township zoning commission, for terms to be determined by the board of township trustees. The Board of Township Trustees may remove any member for cause after a public hearing in accordance with the provisions of Section 519.13 O.R.C. Vacancies shall be filled for the unexpired terms of any member whose place becomes vacant.
3. The Board of Zoning Appeals shall, by a majority vote of its members, elect a Chairman and Vice-Chairman who shall occupy such office until their successors are duly elected at the next meeting of the Board, which shall be held during the month of January of each year.
4. Meetings of the Board shall be at the call of the Chairman and at such other times as the Board may determine. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, and of each member's absence or failure to vote, and shall keep records of every official action. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board shall be filed in the office of the Board of Trustees and shall be a public record.

B. Powers of the Board.

1. Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Township Zoning Inspector in his enforcement of this Resolution or any amendment thereto.



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2. Authorize, upon appeal, in specific cases, such variances from the terms of this Resolution, as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done.
3. In exercising the above mentioned powers, the Board may, in conformity with paragraphs 1 and 2, reverse or affirm, wholly or partially, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made.
4. Order the Zoning Inspector to grant or decline zoning permits in cases brought before the Board and impose such conditions and requirements as it may deem proper in connection with.

SECTION X. APPEAL.

A. Who May Appeal.

Appeals to the Board may be made by any person aggrieved or adversely affected by any decision of the Zoning Inspector, or by any person having a reasonable basis for requesting a variance of this Resolution.

B. Appeal, How Perfected.

Appeal shall be perfected by filing a notice of appeal in the office of the Zoning Inspector setting forth the order or decision from which the appeal is taken, or the grounds on which the appeal is based.

C. Time within Which to Perfect Appeal.

In all cases, the required notice shall be filed within twenty (20) days from the entry of the order from which appeal is perfected.

D. Effect of Appeal.

Appeal stays all orders or decision unless the Zoning Inspector makes an affidavit; a stay would result in imminent peril to life or property. In such cases, there shall be no stay of any order or decision unless ordered by the Board of Zoning Appeals, or the Common Pleas Court, for good cause shown.

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E. Hearing of Appeal.

The Board shall fix a reasonable time for the hearing of the appeal, give ten (10) days notice to the parties in interest, and decide the appeal within reasonable time after it is submitted.

F. Authority of Presiding Officer.

The presiding officer of the Board of Zoning Appeal shall have the authority to compel the attendance and testimony of witnesses, to administer an oath to witnesses, and to make such orders as may be necessary for the proper exercise of its functions.

G. Voting.

A majority vote of the members of the Board of Zoning Appeals shall be necessary to arrive at a decision or determination.

H. Higher Authority.

Any person adversely affected by a decision of the Board may appeal to the Court of Common Pleas of Columbiana County on the grounds that such decision was unreasonable or unlawful. The court may affirm, reverse, vacate, or modify the decision complained of in the appeal.

SECTION XI. RULES OF PROCEDURE.

The Zoning Commission and the Board of Appeals may make reasonable rules and regulations governing its procedure and the conduct of its business and each body may suspend or vary such procedural requirements, if in its judgment, it will expedite the functioning of the body, or relieve unnecessary inconvenience or hardship.

SECTION XII. AMENDMENTS, SUPPLEMENTATION, OR REPEAL OF ZONING RESOLUTION.

The Board of Township Trustees may amend or supplement this Resolution in accordance with the provisions of Section 519.12 O.R.C. as amended July, 1956, and in September, 1957 or any future amendments or supplements thereto, when such action is necessary. Any Zone change request which is disapproved by the Board of Township Trustees shall not be resubmitted for the same area, or revised area which includes the original area, for a minimum period of one (1) year from the date of final action by such Board.

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SECTION XIII. SEPARABILITY.

If, for any reason, any clause, sentence, paragraph, section or any other part of the Resolution shall be adjudged by the court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Resolution, but shall be confined in its operation to the clause, sentence, paragraph, section, or other part of this Resolution directly involved in the controversy in which such judgment shall have been rendered.

SECTION XIV. VIOLATIONS AND PENALTIES.

A. Prohibition against Violation.

No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of this Resolution subsequent to its adoption by the aforementioned precinct of Liverpool Township.

B. Violation of any provision of this Resolution or any amendment or supplement thereto, shall constitute a misdemeanor, and each day the violation continues shall be deemed a separate offense, and each offense shall be punishable by a fine of not more than One hundred dollars (\$100.00).

C. Actions Instituted to Prevent Violation of Zoning Resolution.

In any case any building is, or is proposed to be, located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is, or is proposed to be used, without a permit in violation of this Resolution, the Board of Township Trustees, the Prosecuting Attorney of the County, the Township Zoning Inspector, or any adjacent property owner who would be especially damaged by such violation, in addition to other remedies provided by law may institute injunction, mandamus, abatement, or any other appropriate action, or proceeding to prevent, enjoin, abate, or remove such unlawful location erection, construction, reconstruction, enlargement, change, maintenance, or use.

SECTION XV. EFFECTIVE DATE.

This amended resolution will take effect upon the steps completed in Section 519.12 O.R.C.

SECTION XVI. DEFINITIONS.

For the purpose of this Resolution, certain terms or words used herein shall be construed or defined as follows:

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Words used in the present tense include the future tense.

The singular number includes the plural.

The word "person" includes a corporation, firm, partnership, or association of persons, as well as an individual.

The word "lot" includes the word "plot" or "parcel."

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

**ACCESSORY BUILDING:** A subordinate building, the use of which is customarily incidental to that of the main building, and which is located on the same lot or parcel of land.

**ACCESSORY USE:** A use customarily incidental and subordinate to the principal use of building, and located on the same lot with such principal use of building.

**ALLEY:** A public thoroughfare having a right-of-way width of twenty feet (20') or less, regardless of how named.

**ALTERATIONS:** As applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities; or an enlargement, whether by extending on a side or by increasing in height, or in moving from one location or position to another.

**BOARDING HOUSE:** Any dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire, with or without meals. A rooming house or furnished rooming house shall be deemed a boarding house.

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

**BUILDING, FRONT LINE OF:** The line of the front of the building projected to the side property lines. This front includes sun parlors and porches, whether enclosed or unenclosed, but does not include steps.

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**BUILDING, REAR LINE OF:** The line of the rear of the building projected to the side property lines. This rear includes sun parlors and porches, whether enclosed or unenclosed, but does not include steps.

**BUILDING, SIDE LINE OF:** The line of the side of the building projected to the front and rear property lines. This side includes sun parlors and porches, whether enclosed or unenclosed, but does not include steps.

**BUILDING, HEIGHT OF:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof.

**BUILDING, PRINCIPAL:** A building in which the main or principal use of the lot is conducted and said building was originally constructed.

**CONSTRUCTION:** Any excavation, grading, erection, or moving of materials, equipment, or buildings on site in preparation for construction shall constitute construction.

**DWELLING:** A building designed or used exclusively as the living quarters for one, (1) or more families, with a maximum of three (3) persons per bedroom.

**DWELLING UNIT:** A dwelling portion thereof providing complete living facilities for one (1) family, with a maximum of three (3) persons per bedroom.

**DWELLING, ONE FAMILY:** A detached building designed for, or occupied exclusively by, one (1) family, with a maximum of three (3) persons per bedroom.

**DWELLING, TWO FAMILY:** A building designed for, or occupied exclusively by two (2) families living independently of each other, with a maximum of three (3) persons per bedroom.

**DWELLING, MULTIPLE:** Any building under a single roof, with or without firewall partitions, designed for occupancy by or occupied by three (3) or more households living as families, with a maximum of three (3) persons per bedroom.

**FAMILY:** One (1) or more persons occupying a dwelling unit and living as a single housekeeping unit, with a maximum of three (3) persons per bedroom.

**FENCE, CLOSED-VIEW:** A nonchain-link or nonmetal fence that totally blocks the view from either side.

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**FENCE HEIGHT:** Fence Height is measured as a vertical distance between the ground level (elevation) at the base of the fence and top surface of the fence, (exclusive of fence post). When fences are constructed on top of earthen mounds, or similar elevated configurations then both shall be included in the calculation of fence height. On sloping properties where a fence is constructed of sections which are terraced to match the terrain, fence height shall be the average of the high and low points of each fence section. In such instances, portions of the fence may exceed the maximum allowable height; provided, that the average height of the fence section does not exceed the fence maximum height permitted.

**GARAGE, PRIVATE:** A garage used for storage purposes for vehicles used by members of the family or families housed in the building to which the garage is accessory.

**GARAGE, PUBLIC:** A building or portion thereof, other than a private garage designed or used for equipping, servicing, repairing, hiring, selling, or storing motor driven vehicles.

**HOME OCCUPATION:** An occupation for gain or support conducted by a person residing on the premise, within the dwelling or other permitted accessory building, provided that no article is sold or offered for sale, except such as is produced on such premises.

**HOTEL:** A building containing rooms which are used, rented, or hired out to guests for sleeping purposes, and whereby a general kitchen and dining room are provided within the building or in an accessory building.

**HOUSE TRAILER:** Any self-propelled or non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation whether resting on wheels, jacks, or other foundation and used and or constructed as to permit its being used as a conveyance upon the public streets or highways.

**JUNK YARD:** Any concentration of three (3) or more used motor vehicles not displaying current motor vehicle license, parked or stored primarily for the purpose of collecting worn out, inoperative parts, dismantling and selling same; or the collection and storage of other old machinery and various types of metal.

**LINE, STREET:** Street line, street property line, right-of-way line are intended to mean the same line (The line that divides privately owned property and governmentally owned or controlled property).

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**LOT:** A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use, and the customary accessory buildings and open spaces belonging to the same.

**LOT, CORNER:** A lot fronting on two (2) private or public streets at their intersection.

**LOT, DEPTH OF:** The average horizontal distance between the front and rear property lines, measured generally parallel with the side lot lines.

**LOT, WIDTH OF:** The width measured parallel to the front building line and/or front property line, whichever is greater and perpendicular to the side property lines.

**LOT, FRONTAGE OF:** The width measured along the right-of-way boundary line upon which the lot fronts.

**LOT, LINES:** A boundary line dividing one lot from another.

**MOBILE HOME:** All portable units intended for occupancy as a year-round permanent residence and so placed as to be substantially affixed to the site.

**MOBILE HOME LOT:** The portion of a Mobile Home Park designated for the use or occupancy of one (1) mobile home.

**MOBILE HOME PARK:** A tract of land used for the parking of mobile homes together with the necessary improvements and facilities upon the land.

**MODULAR TYPE DWELLING:** A modular type dwelling is a single or double wide manufactured dwelling totally or partially preassembled off-site.

**MOTEL:** A building or group of buildings used as a hotel in which the rooms are accessible from an outdoor parking area.

**NON-CONFORMING USES:** A use of a building or land that does not agree with the regulations of the use within the district in which it is located.

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**OPEN SPACE:** An unoccupied space open to the sky on the same lot with the building.

**PARKING SPACES:** The area required for parking one (1) automobile, which in this Resolution, is held to be an area ten feet (10') wide and twenty feet (20') long, which does not include access space.

**PLAT:** A map, plan, or layout of a city, town, section, or subdivision, indicating the location and boundaries of individual properties, same having been officially recorded.

**PROPERTY, FRONT LINE OF:** The width measured along the right-of-way boundary line and perpendicular to the side property lines upon which the lot fronts.

**PROPERTY, SIDE LINE OF:** The lines perpendicular to the front and rear property lines measuring the depth of the property and generally parallel with the side lot lines.

**PROPERTY, REAR LINE OF:** The lines perpendicular to the side property lines measuring the width of the property generally parallel with the rear lot line.

**REFUSE:** Discarded or waste materials such as dirt, ashes, masonry, tin cans, bottles, wood, paper, and other similar items which do not, however, contain garbage or foodstuffs in any form.

**SET BACK:** The minimum horizontal distance between the street line and the front line of the building, as defined herein

**SIGNS:** All outdoor displays and their structures of any size that are built, fabricated, and used by any person or persons, firm, or corporation for the attraction of the public on any subject whatsoever.

**STORY:** That portion of a building included between the surface on any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

**STREET:** A public thoroughfare.

**STRUCTURE:** A structure is any form of construction built for a dwelling, garage, or accessory building.



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**TOURIST HOME:** A dwelling in which overnight accommodations are provided or offered for not more than ten (10) transient guests for compensation.

**UNLICENSED:** A vehicle that does not have the required legal tag or plate including legal registration.

**YARD, FRONT:** An open space on the same lot with a principal building extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot.

**YARD, REAR:** An open space on the same lot with a principal building extending the full width of the lot and situated between the rear line of the lot and the rear line of the principal building projected to the side lines of the lot.

**YARD, SIDE:** An open, unoccupied space on a lot occupied by a building extending for the full length of the building between the building and side lot line.

No definition given herein shall be interpreted to grant or imply the granting of any legal right not specifically given in the body of this Resolution.

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## Attachment 1

### Attachment per SECTION V. RESIDENCE R-1 DISTRICT, A, 1, e

## 519.212 Location of permanently sited manufactured home.

(A) Except as provided in division (B) of this section, sections 519.01 to 519.25 of the Revised Code do not confer on any township zoning commission, board of township trustees, or board of zoning appeals the authority to prohibit or restrict the location of a permanently sited manufactured home, as defined in division (C)(6) of section 3781.06 of the Revised Code, in any district or zone in which a single-family home is permitted.

(B) Division (A) of this section does not limit the authority of a township zoning commission, board of township trustees, or board of zoning appeals to do either of the following:

(1) Require that a permanently sited manufactured home comply with all zoning requirements that are uniformly imposed on all single-family residences in a district or zone in which the permanently sited manufactured home is or is to be located, except requirements that specify a minimum roof pitch and requirements that do not comply with the standards established pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401 ;

(2) Prohibit from any residential district or zone, travel trailers, park trailers, and mobile homes, as these terms are defined in section 4501.01 of the Revised Code, and manufactured homes that do not qualify as permanently sited manufactured homes.

(C) This section does not prohibit a private landowner from incorporating a restrictive covenant in a deed, prohibiting the inclusion on the conveyed land of manufactured homes, as defined in division (C)(4) or (6) of section 3781.06 of the Revised Code, or of travel trailers, park trailers, and mobile homes, as defined in section 4501.01 of the Revised Code. This division does not create a new cause of action or substantive legal right for a private landowner to incorporate such a restrictive covenant in a deed.

Effective Date: 03-30-1999

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**519.04 Township zoning commission.**

The board of township trustees of any township proceeding under sections [519.01](#) to [519.99](#) of the Revised Code, shall create and establish a township zoning commission. The commission shall be composed of five members who reside in the unincorporated area of the township, to be appointed by the board. The board of township trustees may appoint two alternate members to the township zoning commission, for terms to be determined by the board of township trustees. An alternate member shall take the place of an absent regular member at any meeting of the township zoning commission, according to procedures prescribed by resolution by the board of township 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. The terms of the regular members shall be of such length and so arranged that the term of one member will expire each year. Where there is a county or regional planning commission the board may appoint qualified members of such commission to serve on the township zoning commission. 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 nonperformance of duty, misconduct in office, or other cause by the board, upon written charges 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 days prior to the hearing, either personally, by registered mail, or by leaving such copy at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the board and shall be for the unexpired term. Effective Date: 07-22-1998

**519.13 Township board of zoning appeals.**

In any township which adopts zoning regulations the board of township trustees shall appoint a township board of zoning appeals composed of five members who shall be residents of the unincorporated territory in the township included in the area zoned. The board of township trustees may appoint two alternate members to the township board of zoning appeals, for terms to be determined by the board of township trustees. An alternate member shall take the place of an absent regular member at any meeting of the board of zoning appeals, according to procedures prescribed by resolution by the board of township 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. The terms of all regular members shall be of such length and so arranged that the term of one member will expire each year. Each regular or alternate member shall serve until the member's successor is appointed and qualified. Members shall be removable for the same causes and in the same manner as provided by section [519.04](#) of the Revised Code. Vacancies shall be filled by the board of township trustees and shall be for the unexpired term. The members may be allowed their expenses, or such compensation, or both, as the board of township trustees may approve and provide. The board of zoning appeals may, within the limits of the moneys appropriated by the board of township trustees for the purpose, employ such executive, professional, technical, and other assistants as it considers necessary. Effective Date: 07-22-1998

**519.14 Powers of township board of zoning appeals.**

The township board of zoning appeals may:

(A) Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of sections [519.02](#) to [519.25](#) of the Revised Code, or of any resolution adopted pursuant thereto;

(B) Authorize, upon appeal, in specific cases, such variance from the terms of the zoning resolution as will not be contrary to the public interest, where, owing to special conditions, a liberal enforcement of the resolution will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done;

(C) Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in the zoning resolution. If the board considers conditional zoning certificates for activities that are permitted and regulated under Chapter 1514. of the Revised Code or activities that are related to making finished aggregate products, the board shall proceed in accordance with section [519.141](#) of the Revised Code.

(D) Revoke an authorized variance or conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated.

The board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under division (D) of this section and of the holder's right to a hearing before the board, within thirty days of the mailing of the notice, if the holder so requests. If the holder requests a hearing, the board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by the holder's attorney, or by other representative, or the holder may present the holder's position in writing. The holder may present evidence and examine witnesses appearing for or against the holder. If no hearing is requested, the board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

In exercising the above-mentioned powers, the board may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken. Effective Date: 07-22-1974; 04-06-2007



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**519.15 Rules, meetings and procedures of board.**

The township board of zoning appeals shall organize and adopt rules in accordance with the zoning resolution. Meetings of the board of zoning appeals shall be held at the call of the chairperson, and at such other times as the board determines. The chairperson, or in the chairperson's absence the acting chairperson, may administer oaths, and the board of zoning appeals may compel the attendance of witnesses. All meetings of the board of zoning appeals shall be open to the public. The board of zoning appeals shall keep minutes of its proceedings showing the vote of each regular or alternate 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 immediately filed in the office of the board of township trustees and be a public record.

Appeals to the board of zoning appeals may be taken by any person aggrieved or by any officer of the township affected by any decision of the administrative officer. Such appeal shall be taken within twenty days after the decision by filing, with the officer from whom the appeal is taken and with the board of zoning appeals, a notice of appeal specifying the grounds. The officer from whom the appeal is taken shall transmit to the board of zoning appeals all the papers constituting the record upon which the action appealed from was taken.

The board of zoning appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten days' notice in writing to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten days before the date of such hearing, and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney. Effective Date: 07-22-1998

**519.16 Enforcement of zoning regulations - township zoning inspector.**

For the purpose of enforcing the zoning regulations, the board of township trustees may provide for a system of zoning certificates, may establish and fill the position of township zoning inspector, together with assistants as the board deems necessary, may fix the compensation for those positions, and may make disbursements for them. The township fiscal officer may be appointed secretary of the township zoning commission, secretary of the township board of zoning appeals, and zoning inspector, and the fiscal officer may receive compensation for the fiscal officer's services in addition to other compensation allowed by law. Effective Date: 10-01-1953; 12-20-2005

**519.17 Zoning certificate required.**

No person shall locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure within the territory included in a zoning resolution without obtaining a zoning certificate, if required under section [519.16](#) of the Revised Code, and no such zoning certificate shall be issued unless the plans for the proposed building or structure fully comply with the zoning regulations then in effect. Effective Date: 10-01-1953

**519.23 Prohibition against violating resolution.**

No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of any resolution, or amendment or supplement to such resolution, adopted by any board of township trustees under sections [519.02](#) to [519.25](#), inclusive, of the Revised Code. Each day's continuation of a violation of this section may be deemed a separate offense. Effective Date: 10-01-1953

**519.99 Penalty.**

Whoever violates sections [519.01](#) to [519.25](#) of the Revised Code shall be fined not more than five hundred dollars for each offense. Effective Date: 06-14-2000



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