

# GRAND PRAIRIE TOWNSHIP ZONING RESOLUTION

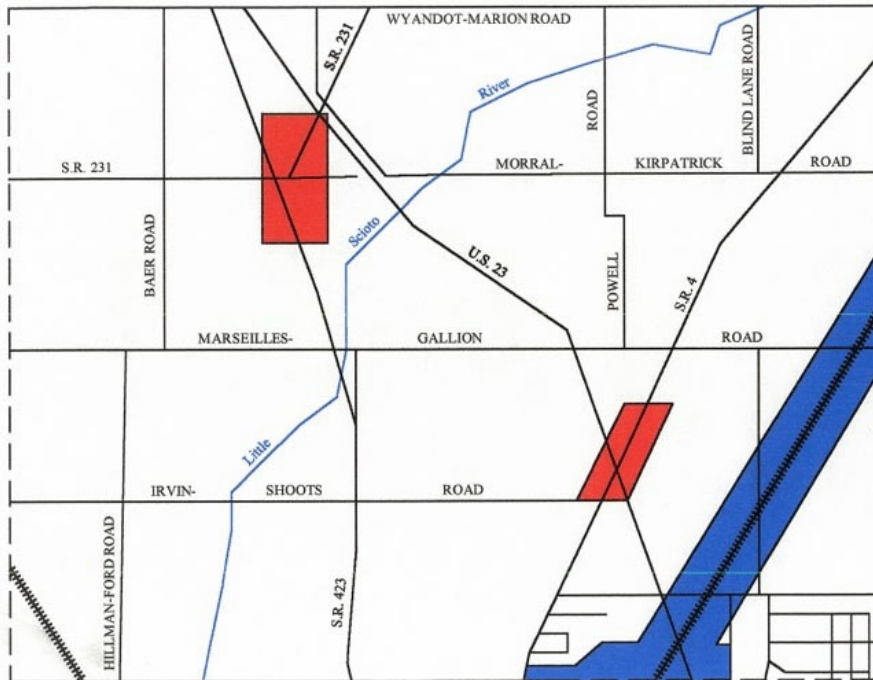
July 1987  
Revised 1999  
Revised 2000

## **GRAND PRAIRIE TOWNSHIP ZONING RESOLUTION**





Whereas, the Board of Trustees of Grand Prairie Township, deems it in the interest of the public health, safety, morals, and general welfare of said township and its residents to establish a general plan of zoning for the unincorporated area of said township.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Grand Prairie Township that such zoning resolution is hereby created.

# GRAND PRAIRIE TOWNSHIP GENERALIZED ZONING MAP



## ZONING DISTRICT LEGEND

-  "R" - RESIDENTIAL DISTRICT
-  "B-1" - LIMITED COMMERCIAL DISTRICT
-  "B-2" - GENERAL COMMERCIAL DISTRICT
-  "I" - INDUSTRIAL AND MANUFACTURING DISTRICT



Map Source: 1977 RPC Marion County Highway Map.

Map Date: 8/11/00

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## SECTION I

### PURPOSE & INTENT AND INTERPRETATION

#### PURPOSE & INTENT

This Zoning Resolution is adopted to promote the public health, safety, morals, comfort, property and general welfare; to protect and conserve property and property values to secure the most appropriate use of land and facilitate adequate but economical provisions of public improvements, all in accordance with a comprehensive plan. More specific purposes are:

1. To protect the character and the values of the agricultural, residential, institutional, business and manufacturing uses, and to insure their orderly and beneficial development, and
2. To improve the public safety by locating buildings and uses adjacent to major thoroughfares, so they will cause the least interference with and be damaged least by traffic movements, and
3. To provide open spaces for light and air, to prevent excessive concentration of the population where public water supply and sanitary sewers are not now available, to prevent scattered and uncoordinated development, and
4. To guide the future development of the township in accordance with a comprehensive plan, and to assure economical extension of public improvements and services.

#### INTERPRETATION

1. The provisions of the Resolution shall be construed as minimum requirements. They do not prevent other more restrictive requirements.
2. Where this Resolution imposes greater restrictions upon the use of land or buildings or upon the bulk of buildings, and where it requires higher standards than are required by other laws, ordinances, rules, or regulations, this Resolution shall prevail, and where other laws, ordinances, rules or regulations are more restrictive, they shall prevail.

## SECTION II

### ZONING DISTRICTS

The Township is hereby divided into the following districts:

1. Residential, which is hereby designated as "R" District.
2. Limited Commercial District, which is hereby designated as "B-1 " District.
3. General Commercial District, which is hereby designated as "B-2" District.
4. Industrial and manufacturing, which shall be designated as "I" District

The districts as shown on the map hereto attached are hereby established and said map is made a part hereof.

No building of premises shall be used and no building shall be erected except in conformity with the regulations prescribed herein for the district in which it is located.

## **SECTION III**

### **AGRICULTURE**

Land in any district may be used for agricultural purposes. No zoning certificate shall be required for the construction of buildings incident to the use for agricultural purposes of the land which such buildings shall be located. For the purpose of this Resolution, "Agriculture" shall be defined as a minimum of ten (10) acres with a minimum gross income of twenty-five thousand dollars (\$25,000) being derived from dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry. A zoning permit; however, is necessary for a farm residence(s).



## SECTION IV

### “R” - RESIDENTIAL DISTRICT

There is hereby created a “Residential Zone” which includes all territory not included in the Industrial and Commercial Zones for Grand Prairie Township, Marion County, Ohio.

The following uses and no other shall be deemed Class R uses and permitted in all “R” - Residential Districts.

1. Single-family, two-family dwellings or multi-family dwellings and buildings accessory thereto. Single-family and two-family dwellings shall also include Industrialized Units and Manufactured Homes (as defined in Section XXIII). See Section XIV for minimum residential building requirements. Single-family, two-family dwellings and multi-family dwellings shall exclude tents, cabins, recreational vehicles, and mobile homes.
2. Tourist homes, rooming houses and boarding houses accepting not more than four (4) guests at any one time.
3. Church, school, college, university, children’s home, public library, public museum, community center, fire station, township hall, publicly owned park, publicly owned playground.
4. Any person may maintain an office or may carry on a customary home occupation in the dwelling house used by him as his private residence providing such use does not involve any extension or modification of such dwelling which will alter its outward appearance as a dwelling and providing such use does not involve any outward evidence of such use other than a sign as authorized in other sections of this Resolution.
5. Hospital, sanitarium or rest home carding for four (4) or more patients, for other than drug or liquor addicts, contagious diseases, insane or mental cases, providing that any such hospital, sanitarium or rest home shall have a lot area of not less than five (5) acres and a frontage on a public thoroughfare of not less than three hundred (300) feet.
6. Roadside stand consisting of a removable structure used only for the display and sale of agricultural products produced on the premises, provided that adequate facilities are maintained for off-the-road parking by customers provided that such stand is removed during the seasons when it is not actually used. Such stand shall be at least twenty (20) feet back from the traveled portion of the road.

The above uses shall be permitted only providing such use is not noxious, dangerous or offensive by reason of odor, dust, smoke, gas, noise, fumes, flame or vibration.

## SECTION V

### "B-1" - LIMITED COMMERCIAL DISTRICT

**Purpose:** The purpose of the Limited Commercial District is to encourage the development of limited retail and such business and professional services necessary to the convenience and well-being of the adjacent residential community at appropriate locations.

Principal Permitted Uses:

1. Dwelling units of the type permitted and as regulated in the "R" - Residential District.
2. Agriculture
3. Retail sales, personal service, and office establishments, of the types listed hereunder not including drive-in facilities, provided each such establishment occupies a total floor area of not more than 4,000 square feet.
  - A. Drug store, including fountain
  - B. Hardware store limited primarily to retail sales
  - C. Barber and beauty shops
  - D. Offices in which goods or merchandising are not produced, displayed, stored, exchanged or sold, of the following types:
    1. Medical and dental offices and clinics.
    2. Legal, engineering, architectural, accounting, and similar professional offices.
    3. Accounting, book keeping and auditing services.
    4. Real estate and insurance offices.

**NOT INCLUDING USES FIRST PERMITTED IN THE "B-2"- GENERAL COMMERCIAL DISTRICT.**

Conditional Permitted Uses:

1. Any other retail business or personal service determined by the Board of Appeals to be of the same general character as those uses permitted above, and demonstrated as necessary to serve the normal day-to-day needs of the population in the residential areas.

Accessory Permitted Uses:

1. Any use customarily incidental to the principal permitted use.
2. Outdoor advertising signs as regulated in Section XII.

## SECTION VI

### "B-2" - GENERAL COMMERCIAL DISTRICT

**Purpose:** The purpose of the General Commercial District is to encourage the development of general retail, but not wholesale merchandising establishments, and such business and professional services necessary to the convenience and well being of the adjacent residential community at appropriate locations.

#### Principal Permitted Uses:

1. Any principal use permitted in the "B-1"- Limited Commercial District without limitation to drive-in facilities.
2. Dwelling units within the same structure containing a permitted commercial use.
3. Any retail business whose principal activity is the sale of new or used merchandise or antiques. Such retail business may include a workshop for the servicing or repair of goods sold on the premises, but shall not include the manufacture of goods or products.
4. Hotels or motels.
5. Service establishments in which the retail sale of goods may or may not be involved, such as:
  - A. Photography studios.
  - B. Catering services.
  - C. Secretarial, stenographic, and typing services.
  - D. Addressing and mailing services.
6. Commercially operated vocational schools.
7. Restaurants, tea rooms, cafes, and other establishments serving food, beverages, or both.
8. Banks and other financial establishments including drive-in facilities.
9. Offices of professional, business, or industrial firms, not including the manufacture or storage of goods on the premises.
10. Radio and television studios, swimming pools, assembly halls, enclosed theaters, concert halls, dance halls or similar places of entertainment.
11. Commercial establishments engaged in the completion of finished products, limited to the following:
  - A. Duplicating, blue printing, photocopying and film processing.
  - B. Locksmiths, gunsmiths.
  - C. Interior decorating.

12. Repair services related to goods permitted to be sold in this District, such as:
  - A. Household appliance repair.
  - B. Furniture refinishing or re-upholstering.
  - C. Shoe repair and shoe shine shops.
  - D. Watch, clock or jewelry repair.
  - E. Auto repair.
13. Drive-in establishments which relate to the sale or services permitted in this District.
14. Rental or sale of automobiles, trucks, trailers, and home gardening tools.
15. Recreation facilities such as:
  - A. Mini-golf.
  - B. Batting cages.
16. Gasoline service stations and car washes.
17. Off-street parking as a principal use.

Conditional Permitted Uses:

1. Video game halls.
2. General enclosed warehousing.
3. Sale and storage of building materials, not including sawmills or the mixing of cement, concrete, or asphalt paving materials.
4. The manufacture of precision instruments such as photographic, optical, electronic, or computer equipment.
5. Adult only entertainment establishments (see Section XXIII for definitions) - located a minimum of 1,000 linear feet from any house, school, church, or cemetery.

Accessory Permitted Uses:

1. Any use customarily incidental to the principal permitted use.
2. Outdoor advertising signs as regulated in Section XII.

## **SECTION VII**

### **"I" - INDUSTRIAL AND MANUFACTURING DISTRICT**

The following uses and no other shall be deemed Class I uses and permitted in all "I" Districts:

1. Any use permitted in a "R" district or a "B-1" district shall be permitted in an "I" District with the exception of areas that may be designated as industrial parks which shall be zoned for industrial use only.
2. Any wholesale merchandising, industrial or manufacturing use, providing such use is not noxious, dangerous or offensive by reason of emission of odor, dust, smoke, gas, noise, flame or vibration, except uses specifically prohibited in this resolution.

## SECTION VIII

### PROHIBITED USES

The following shall be deemed objectionable and shall not be permitted in any “R”, “B”, or “T” Districts:

1. Amusement park.
2. Commercial aviation field.
3. Brewery.
4. Metallic powder works.
5. Bulk petroleum station with tanks above ground.
6. Chemical plant.
7. Crematory.
8. Distilling of bones, fat or glue, glue or gelatin manufacturing.
9. Dry cleaning plant.
10. Manufacturing or storage of explosives, gunpowder or fireworks.
11. Bumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, except such as result from the normal use of premises, unless such dumping is done at a place provided by the township trustees for such specific purposes.
12. Junk yards, automobile graveyards, or places for the collection of scrap metal, paper, rags, glass or junk for salvage or storage purposes.  
  
The storage of two or more unlicensed or abandoned motor vehicles shall be deemed to constitute an automobile graveyard.
13. Outdoor theaters.
14. Slaughterhouses.
15. Fertilizer plant.
16. Race tracks.
17. Retailing of alcoholic beverages.

## **SECTION IX**

### **TEMPORARY LIVING SPACE**

Temporary living spaces or these spaces used until the main dwelling is completed (and generally located in basements, garages, or mobile homes, etc.), shall not be permitted in any residential district unless a permit is granted and a permit fee paid, such permit not to exceed six (6) months. A dwelling, however, may be occupied on or above the ground floor before it is entirely completed, if approved by the Board of Appeals.

Mobile homes may be parked in areas other than trailer parks, provided a permit is granted and payment of permit fees for a period of not more than six months in any year for any trailer, and provided there is not more than one trailer on a lot and it is not located in a front or side yard.

Mobile home parks (or tourist camps) in operation at the effective date of this Resolution may continue in operation but no additional mobile home spaces may be added or any other extensions of use as a mobile home park or other nonconforming use shall be permitted in any district.

## **SECTION X**

### **SWIMMING POOLS**

Swimming pools may be allowed in any district provided the pool is used primarily for the enjoyment of the occupants or employees of the principal use of the property on which it is located.

The pool shall be completely enclosed by a wall or fence of at least six(6) feet in height having a gate or gates of the same height. The fence may not be closer than ten (10) feet to any lot line of the lot on which it is located.



## **SECTION XI**

### **NON-CONFORMING USES**

1. A non-conforming use existing at the time this Resolution takes effect may be continued, except that if it is voluntarily discontinued for two (2) years or more, it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such district.
2. Any building arranged, intended, or designed for a non-conforming use, the construction of which has been started at the time of the passage of this resolution, but not completed, may be completed and put to such non-conforming use, providing it is done within one (1) year after this resolution takes effect.
3. Any building or structure, existing as a non-conforming use at the time this resolution takes effect, which is destroyed by fire or the elements, may be reconstructed and restored providing the same is done within two (2) years from the date of said destruction.
4. A building or structure devoted to a non-conforming use at the time this resolution takes effect may not be altered or enlarged so as to extend said non-conforming use.
5. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted or non-conforming use.

## **SECTION XII**

### **OUTDOOR ADVERTISING SIGNS**

For the purposes of this Resolution, outdoor advertising shall be classified as a business use and shall be permitted in any "I" district and all lands used for agricultural purposes, subject to the regulations contained in this resolution:

1. Signs no larger than three (3) square feet in area are permitted in established residential districts when the use of the sign is in direct relation to the premises. Signs in conformity with the above limitations shall not require a zoning permit.
2. An outdoor advertising sign or billboard, other than those mentioned in Paragraph 1 of this Section, shall be deemed a structure and shall require a zoning certificate before being erected, constructed or replaced.
3. No outdoor advertising sign, except those mentioned in Paragraph 1 of this Section, shall be placed nearer any street or road than the minimum set-back building line.
4. No outdoor advertising sign more than three (3) square feet in size shall be located within one hundred fifty (150) feet of any intersection unless affixed to a building and not extending beyond or above the same more than three (3) feet.
5. Any illuminated sign shall be so shaded as not to interfere with the vision of persons on the highway or to annoy neighbors.

## **SECTION XIII**

### **PUBLIC UTILITIES AND RAILROADS**

This Resolution shall not apply to public utilities or railroads. However, Section 519.221 of the Ohio Revised Code permits townships to regulate cellular communication towers owned by public utilities in areas zoned for residential use.

The following regulations shall be met whenever a public utility tower is to be located, erected, constructed, reconstructed, or any other situation as defined in Section 519.211 (A) of the Ohio Revised Code:

1. Telecommunication or cellular towers shall be a minimum of 1000 feet from any residential dwelling unit.
2. Telecommunication or cellular towers shall be a minimum of one and one-half ( $\frac{1}{2}$ ) tower heights (including base height if applicable) from any buildings, roads, alleys, utility lines, etc.
3. Any site where a telecommunication or cellular tower is constructed, shall be landscaped and maintained in keeping with the decor of the area in which the tower is located.
4. Telecommunication or cellular towers shall be a minimum of 5280 feet from any public or private airport.

## SECTION XIV

### MINIMUM LOT AREA AND MINIMUM DWELLING SIZE

#### MINIMUM LOT AREA PER FAMILY

<u>TYPE OF DEVELOPMENT</u>	<u>SANITARY SEWER AND WATER AVAILABLE</u>	<u>NO SANITARY SEWER OR WATER AVAILABLE</u>
Single-Family Dwelling Unit	*Lot Area: 20,000 sq. ft. ** Frontage: 100 feet	*Lot Area: 43,560 sq. ft. ** Frontage: 100 feet
Two-Family Dwelling Unit	*Lot Area: 30,000 sq. ft. ** Frontage: 100 feet	*Lot Area: 43,560 sq. ft. ** Frontage: 100 feet
Multi-Family Dwelling Unit ***	*Lot Area: 10,000 sq. ft. per unit ** Frontage: 100 feet	NA

\* In computing lot areas, one-half of the width of the road or street right-of-way may be included if the lot owner holds title to the same.

\*\* The minimum lot width shall be measured at the building line unless such lot was designated on a recorded plat and separately owned at the time this resolution took effect and cannot practicably be enlarged to conform with this requirement.

\*\*\* All parking area spaces shall not be less than (9) feet wide and twenty (20) feet long with a twenty-four (24) foot back up. Such space shall be measured rectangularly and be served by isles of sufficient width to permit easy and smooth access to all parking spaces. All parking areas and adjacent isles or driveways shall be paved with asphaltic material or cement.

#### MINIMUM DWELLING SIZES

All single-family, two-family, or multi-family dwelling units must meet the following requirements which shall be construed to be the minimum building requirements.

Manufactured homes must meet all of the following requirements and have a manufacture date after January 1, 1995.

1. Minimum building width of 26 feet at the narrowest point exclusive of breeze ways, porches, terraces, and garages or attachments.
2. The minimum floor area for a single- or two-family dwelling shall be 1144 square feet if the residential structure has one-story, and 1200 square feet if the residential structure has more than one-story.
3. The minimum floor area for multi-family residential structure shall be 1000 square feet

per dwelling unit in the residential structure.

4. All dwelling units must be permanently attached to a cement block, concrete foundation, or locally approved footing with a minimum footer depth of three (3) feet below finish grade.
5. The dwelling unit has a minimum 3:12 residential roof pitch, conventional residential siding, and six-inch minimum eave overhang with additional appropriate guttering.

## SECTION XV

### BUILDING SETBACKS AND HEIGHT LIMIT

#### BUILDING SETBACK FROM STREET RIGHT-OF-WAY LINE

No building or structure or any portion thereof, except steps and uncovered porches less than ten (10) feet in width, shall be erected within fifty (50) feet of the right-of-way side line of any street or road.

#### SIDE LOT CLEARANCE

For every building erected in an "R" District, there shall be a minimum side lot clearance on each side of said building of not less than fifteen (15) feet, which space shall remain open and unoccupied by any building or structure. Attached garages or accessory buildings connected with the main building by a breeze way or other permanently constructed connection shall be construed to be part of the main building for the purpose of this section. All other accessory buildings shall be at least twenty (20) feet from any dwelling.

Provided, however, that an accessory building located not less than twenty (20) feet to the rear of the main building may be erected not less than five (5) feet from a side lot line, except on corner lots; provided, that it will be not less than twenty (20) feet distant from any existing residence. An accessory building is a subordinate building customarily incident to and located on the same lot with the main building.

#### REAR LOT CLEARANCE

For every building erected in an "R" District and for every dwelling erected in any district, there shall be a minimum rear lot clearance at the rear of said building of at least fifteen (15) feet, which space shall remain open and unoccupied by any building or structure.

#### CORNER LOTS

The setback building line on a corner lot shall be in accordance with the provisions governing the road or highway on which the building faces. If possible, the side-yard clearance on the side road shall conform to the setback line for an inside lot on said street or road, but in no event shall said side-yard clearance be less than twenty five (25) feet from the right-of-way side lines of the street or road.

#### BUILDING HEIGHT LIMIT

No structure or building in the "R" District shall exceed sixty (60) feet in height. The height limitations may be appealed to the Grand Prairie Township Board of Zoning Appeals. Telecommunication or cellular communication towers exceeding sixty (60) feet in height shall be subject to the requirements of Section XIII.

## SECTION XVI

### QUARRYING AND NATURAL RESOURCES

#### QUARRYING

1. Quarrying regulations are established to protect adjacent residential areas and to control noise, vibration, dust, explosions, and other objectionable influences so as not to endanger the health and safety of surrounding neighborhoods.
2. Land and buildings shall be used for the following purposes: mining, quarrying, excavating, processing, removal and stockpile of rock, sand, gravel or clay; rock crushing plants, batching plants, mixing plants for either portland cement or asphaltic concrete, block or tile plants.
3. All equipment used in such operations shall be maintained, operated and blasting shall be performed in such a manner as to eliminate vibration, dust or fragments of stone which are injurious or annoying to persons living in the vicinity.
4. Boundaries of property or operations shall be fenced and posted, or open pits shall have a slope of not less than one (1) foot horizontal to one (1) foot vertical. Pits in which production has been completed shall not be used for dumping of rubbish.
5. Blasting and quarrying operations with the exception of loading out of finished products shall be conducted between six (6) A.M. and ten (10) P.M. except that the Board of Appeals may extend hours of operations when it has been determined to the satisfaction of the Board that an emergency requiring extended hours exists.
6. Stone products emitting dust, strippings or soil shall not be stockpiled so as to create an annoyance.
7. Main or accessory buildings shall be set back at least seventy five (75) feet from a public road. Processing of principal products or operations of accessory plants shall not be permitted less than one thousand (1000) feet from a residential district. Excavation shall not be permitted less than one hundred (100) feet from a residential district.

#### NATURAL RESOURCES

The mining or quarrying of rock, sand, gravel or clay, mineral ore deposits, and the drilling for oil or gas shall be permitted in zoned area provided:

1. Such operations are at least two thousand (2000) feet from an established residential development.
2. Such operations are at least one thousand (1000) feet from an established single

isolated residence, provided such residence is not on the land where the operation is performed.

3. Application for such operations shall be made to the zoning inspector who shall issue a certificate for same on receipt of a one hundred dollar (\$100.00) fee. Certificate shall be valid for one (1) year and renewable annually at one hundred dollars (\$100.00) per annum.
4. Upon termination of operations, land shall revert to the original use. All buildings and structures shall be removed at the expense of the operator within six (6) months of termination date.



## SECTION XVII

### ZONING INSPECTOR AND CERTIFICATES

1. The position of Township Zoning Inspector is hereby created. He shall be appointed by the Board of Township Trustees and shall receive such compensation as the Trustees shall provide. He shall keep records of all applications for Zoning Certificates and the action taken thereon.
2. Before constructing any building (excluding buildings incident to agricultural purposes and accessory buildings of less than fifty (50) square feet, changing the use of, or altering any building or structure (including accessory buildings over fifty (50) square feet or changing the use of any premises) an application shall be made to the Township Zoning Inspector for a Zoning Certificate. The applicant shall indicate the exact location of the proposed construction and submit a plot plan showing the proposed location and dimensions and the proposed use.
3. A Zoning Certificate shall be revocable, if among other things, the actual use, construction or alteration does not conform to the terms of application and the Certificate granted thereon.
4. A Zoning Certificate shall expire one (1) year after issuance unless the construction or alteration permitted by it has been substantially begun and is thereafter pursued to completion, or unless the land or premises have been put to the use permitted by such Certificate.
5. Application for a zoning certificate shall be accompanied by the following fees: minimum or base fee for a new construction or alteration shall be ten dollars (\$10.00). The base fee covers valuation of new construction or alteration up to and including one thousand dollars (\$1000.00). Valuation of construction or alteration over and above one thousand dollars (\$1000.00) shall be an additional one dollar (\$1.00) per one thousand dollars (\$1000.00) of valuation.

A fee of ten dollars (\$10.00) will be charged by the Zoning Inspector to issue a Temporary Visitors Zoning Certificate for a visiting travel trailer parking on any premise over ten (10) days in any thirty (30) day period.

All matters demanding a decision by the Board of Zoning Appeals shall require a payment of a twenty dollar (\$20.00) fee plus all advertising costs. Petitions to amend the Zoning Regulations that are initiated by property owners or lessees of property shall require payment of a fifty dollar (\$50.00) fee.

No permit shall be required for minor alterations, remodeling or repairs on any building, providing that the gross ground floor area is not enlarged. No permit shall be required for temporary removable structures erected as part of a construction project, nor for construction of roads, sewers, service lines, utility lines or driveways.

## SECTION XVIII

### APPEALS AND HARDSHIPS

The Board of Township Trustees shall appoint a Township Board of Zoning Appeals comprising five (5) members who shall be residents of the unincorporated territory in the township included in the area zoned. The terms of all members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Members shall be removable for the same causes and the same manner as provided by Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. The members shall serve without compensation (519.13 Ohio Rev. Code).

The Township Board of Zoning Appeals may:

1. 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, inclusive, of the Ohio Revised Code, or of any resolution adopted pursuant thereto.
2. 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 literal enforcement of the resolution will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done.

In exercising the above-mentioned powers, such 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 shall have all powers of the officer from whom the appeal is taken (519.14 Ohio Rev. Code).

The Township Board of Zoning Appeals shall organize and adopt rules in accordance with the Zoning Resolution. Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board determines. The Chairman, or in his absence the acting chairman, may administer oaths, and the Board may compel the attendance of witnesses. All meetings of the Board 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 immediately filed in the office of the Board of Township Trustees and be a public record.

Appeals may be taken to the Board 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 (20) days after the decision by filing with the officer from whom the appeal is taken and with the Board, a notice of appeal specifying the grounds. Each application shall be accompanied by a check payable to the Board of Trustees or a cash payment sufficient to cover the cost of publishing and mailing notices of the hearing or hearings. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was

taken.

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 a reasonable time after it is submitted. Upon the hearing any party may appear in person or by attorney. Any person adversely affected by a decision of a Board may appeal to the court of common pleas of Marion County on the ground that the decision was unreasonable or unlawful. The court may affirm, reverse, vacate, or modify the decision complained of in the appeal (519.15 Ohio Rev. Code).

## SECTION XIX

### AMENDMENTS

The Township Zoning Commission shall meet quarterly and may initiate amendments to this Resolution from time to time. Amendments may also be initiated by the Township Trustees or by petition. Before submitting a recommendation of any amendment to the Zoning Resolution to the Board of Township Trustees, the Township Zoning Commission shall hold not less than one (1) public hearing thereon, notice of which shall be given by one (1) publication in one (1) or more newspapers of general circulation in the Township at least thirty (30) days before the date of such hearing. When the Township Zoning Commission has completed its recommendations for an amendment, it shall certify the same to the Board of Township Trustees.

After receiving the certification of a proposed amendment to the Zoning Resolution from the Township Zoning Commission and before adoption of any such zoning amendment, the Board of Township Trustees shall hold a public hearing thereon, at least thirty (30) days notice of the time and place of which shall be given by one (1) publication in a newspaper of general circulation in the township. Such hearing may be continued from time to time if in the public interest to do so.

No change in or departure from the text or maps of the amendment as certified by the Township Zoning Commission shall be made unless the same be first submitted to the Township Zoning Commission for its approval, disapproval or suggestions. If such changes are disapproved by the Township Zoning Commission, provisions so disapproved must receive the favorable vote of the entire membership of the Board of Township Trustees in order to be adopted.

After receiving a recommended amendment to the zoning plan from the Township Zoning Commission and holding the public hearing provided for, the Board of Township Trustees shall consider such recommendation and vote upon the recommended amendment to the Zoning Resolution. If the amendment to the Zoning Resolution is adopted by the Board of Township Trustees, it shall take effect thirty (30) days thereafter, unless within said period there is presented to the Board of Township Trustees a petition signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the amendment to the Zoning Resolution and affected by the amendment, equal to not less than eight (8) percent of the total vote cast for all candidates for Governor in such area at the last general election in which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area for approval or rejection at the next primary or general election, in which event the amendment shall not take effect unless a majority of the electors voting on said issue shall approve the same.

Each application for an amendment, except those initiated by the Zoning Commission or Trustees, shall be accompanied by a check payable to the Trustees or a cash payment sufficient in the amount to cover the cost of the publishing, posting and or mailing the notices of the hearing or hearings required by the foregoing provisions.

## SECTION XX

### ENFORCEMENT

1. It shall be unlawful to construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any regulation or any provision of this resolution or any amendment thereto. Any person, firm or corporation violating this resolution or any regulation, provision or amendment thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one-hundred dollars (\$100.00) each day and every day during which such illegal erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.
2. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of law or of this Resolution or any amendment thereto, the Board of Township Trustees, the prosecuting attorney of the county, the Township Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use. The Board of Township Trustees may employ special counsel to represent it in any proceedings or to prosecute any actions brought under this section.

## **SECTION XXI**

### **EFFECT OF INVALIDITY OF ONE SECTION**

Should any section or provision of the Resolution be decided by the Courts to be unconstitutional or invalid, such decisions shall not effect the validity of the Resolution as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.

All Resolutions or parts thereof which are in conflict with the provisions of this Resolution are hereby repealed.

**SECTION XXII**

**EFFECTIVE DATE**

This Resolution shall take effect and be in force immediately following certification by the Board of Elections, if the plan is so approved by a majority of the vote cast on the Resolution.

## **SECTION XXIII**

### **DEFINITIONS**

#### **Intent**

The following terms shall have, throughout this text, the meaning given herein:

1. The word "shall" is to be interpreted as mandatory and not directory; the word "may" is permissive;
2. All words used in the singular shall include the plural, and all words used in the present tense shall include the future tense, unless the context clearly indicates the contrary;
3. The word "Township" shall mean Grand Prairie Township, Marion County, Ohio, the term "Commission" shall mean the Zoning Commission of said Township, the term "Board" shall mean the Board of Zoning Appeals of said Township, and the term "Trustees" shall mean the Board of Township Trustees of said Township.

#### **Adult Only Entertainment Establishments**

An establishment which features services which constitute adult services which constitutes adult material or which features exhibitions of: persons totally nude, topless or bottomless, or persons with less than full opaque covering of private parts of the body, erotic dancers, strippers, male or female impersonators, or similar entertainment which constitutes adult material.

#### **Adult Only Material**

Any book, magazine, newspaper, pamphlet, poster, print, slide, transparency, figure, image, description, motion picture, pornographic record or tape, other tangible thing or any service, capable of arousing interest through sight, sound, or touch, or is characterized by an emphasis on sexual excitement.

#### **Agriculture**

A minimum of ten (10) acres with a minimum gross income of twenty-five thousand dollars (\$25000.00) being derived from dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.



## **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 tie-down areas, hangers and other necessary buildings, and open spaces.

## **Areas**

1. Area of Buildings. The area at the ground level of the main building and all accessory buildings (excluding unenclosed porches, terraces and steps) measured from the outside surface of exterior walls.
2. Area of Lot. The total horizontal area within the lot boundary lines of a zoning lot.

## **Buildings and Structures**

1. Structure. That which is constructed, located more or less permanently on the ground or attached to something located on the ground.
  - a. Including buildings, barriers, bridges, bulkheads, coal bunkers, public seating facilities, platforms, pools, poles, tanks, tents, towers, roadside stands, sheds, signs, walls and decks.
  - b. Excluding: trailers and other vehicles whether on wheels or other supports.
  - c. Fences: Sections XV (Setback lines), XV (side lot clearance), XV (rear lot clearance), and XV (corner lots) as set forth in preceding sections shall not apply but a zoning permit shall be required.

For the purpose of this resolution, a fence is defined as a boundary device either permanent or temporary, consisting of posts, wire and/or rail enclosing lots, yards, drives, or fields for the purposes of protection, privacy or decoration. More permanent or solid devices constructed of stone, brick, or masonry and used for the above purpose shall be defined as walls.

2. Building. A structure which is permanently affixed to the land, has one or more floors and a roof, is bounded by either open space or lot lines, and used as a shelter or enclosure for persons, animals, and/or property. This term shall be used synonymously with "structure" unless otherwise noted, and shall be construed as if followed by the words "or parts thereof".
3. Main Building. The building occupied by the chief use or activity on the premises, all parts of which are connected in a substantial manner by common walls or a continuous roof.

4. Accessory Building. A subordinate building detached from, but located on the same zoning lot as the main building, the use of which is customarily incident to that of the main building or use.
5. Building Line. (Synonymous with set back line) A line established by this Resolution, generally parallel with a lot line, defining the limits of a yard in which no building or structure above ground may be located, except as otherwise provided herein.

### **Dwellings and Other Living Accommodations**

1. Dwelling Unit. Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for bathing and toilet facilities - all used by only one family.
2. Dwelling. A building designed or occupied exclusively for non-transient residential use (including one family, two-family, or multi-family buildings).
3. Industrialized Unit. A building unit or assembly of closed construction fabricated in an off-site facility that is substantial self-sufficient as a unit or as a part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured home.
4. Manufactured Home. A building unit or assembly of closed construction fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.
5. Mobile Home. A building unit or assembly of closed construction fabricated in an off-site facility, is more than 35 body feet in length, or, when erected on a site is 320 or more square feet, that is built on a permanent chassis and is transportable in one or more sections, and does not qualify as a manufactured home or industrialized unit as defined in this Chapter. These units were primarily built before 1976 when HUD standards became effective.
6. One Family Dwelling. A building consisting of one dwelling unit only, detached or separated from other dwelling units by open space.
7. Two-Family Dwelling. A building consisting of two dwelling units which are either attached side by side or one above the other, and each unit having either a separate or combined entrance(s) including duplex and flats.
8. Multi-Family Dwelling. A building or portion thereof designed for or used for residence purposes by three or more families, including an apartment building or town

house.

9. Rooming House. A building operated by a resident family accommodating for compensation, one (1) to four (4) (inclusive) persons by the week, or for a more extended period of time.
10. Tourist House. A one-family dwelling, operated by a resident family in which only overnight guests are lodged for compensation.

### **Family**

Either an individual, two or more persons who live together in one dwelling unit and maintain a common household, related by blood, marriage or adoption.

### **Home Occupations and Professional Offices**

1. Home Occupation. A gainful occupation clearly incidental and secondary to the use of the dwelling for residential purposes, conducted wholly within a dwelling, or in a building accessory thereto, only by members of the resident family.
2. Home Professional Office. A secondary office clearly accessory to and located in the dwelling occupied by a person practicing in any of the recognized professions (including accountant, architect, artist, engineer, lawyer, musician, physician).

### **Junk or Auto Wrecking Yard**

Land used to dismantle more than one motor vehicle or trailer, or land used to store, sell or dump partly dismantled, obsolete or wrecked vehicles or their parts, second-hand building materials, junk, paper, containers or other salvaged materials.

### **Lot**

1. Zoning Lot. A single tract of land abutting a dedicated street, occupied or intended to be occupied by a use, building or group of buildings and their accessory used and buildings as a unit, together with such open spaces as are required by this Resolution (it may not coincide with a lot of record). Unless the context clearly indicates the contrary, the term lot is used synonymously with zoning lot throughout this Resolution.
2. Corner Lot. A lot abutting on two streets at their intersections, where the interior angle or intersection is not more than one hundred thirty five (135) degrees.
3. Interior Lot. A lot other than a corner lot or through lot.
4. Front Lot Line. The lot line separating an interior lot from the street upon which it

abuts; or the shortest lot line of a corner lot which abuts a street.

5. Lot Depths. The mean horizontal distance of a lot measured between the front and rear lot lines.
6. Lot Widths. The horizontal distance of a lot measured along the building line at right angle to the mean lot depth line.

### **Nonconforming Building Use**

1. Nonconforming Building. A building existing lawfully at the time this Resolution, or an amendment thereto, became effective but which does not conform to the area or yard regulations of the district in which it is located.
2. Nonconforming Use. The use of a building or land existing lawfully at the time this Resolution, or an amendment thereto, became effective but which does not conform to the use regulations of the district in which it is located.

### **Permanent Foundation**

Permanent masonry, concrete, or locally approved footing or foundation.

### **Roadside Stand**

A removable structure used only, or intended to be used only, for the sale of seasonal agricultural products produced on the premises.

### **Signs**

1. Sign. A structure or part thereof, of any device attached to a structure or painted or represented on a structure, which shall display or include any letter, word, model, banner, pennant, insignia, device or representation used as, or which is in the nature of, an announcement, direction or advertisement.
2. Business Sign. A sign which directs attention to a business, commodity, service or profession conducted, sold or offered upon the same lot.
3. Real Estate Sign. A for sale" or For rent" sign relating to and located on the zoning lot.
4. Advertising Sign. A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zoning lot (including a billboard).

## Street

An existing public way shown upon a plat heretofore approved by official action and duly filed and recorded and affording the principal means of access to abutting property.

## Trailers

1. House Trailers. A self propelled or non-self propelled vehicle so designed, constructed, or added to by means of accessories in such manner as will permit the use and occupancy therein for human habitation whether resting on wheels, jacks or other foundations and used or so constructed as to permit its being used as a conveyance upon the public highways.
2. Trailer Park or Tourist Camp. Any premise occupied by, or designed to be occupied by, more than one family in house trailers, tents, camp cars, or similar facilities, and shall include roadway, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such house trailer park.

## Use

1. Use. Any purpose for which buildings, other structures or land may be arranged, designed, intended, maintained, or occupied; or any occupation, business, activity or operation carried on in a building, other structure or on land.
2. Main Use. The principal purpose or activity of a building, other structure or zoning lot.
3. Accessory Use. A use located on the same lot with the main use of building or land, but incidental to the main use of main building or land.

## Variance

A modification of this Resolution, permitted in instances where a literal application of these provisions would result in undue hardship as a result of some peculiar or unique condition or circumstance pertaining only to the zoning lot in question.

## Yards

1. Yard. That portion of the open area on a zoning lot extending between a building and the nearest lot line, open and unobstructed from the ground upward.
2. Front Yard. The yard extending from the front wall of the building to the front lot line across the full width of the lot.
3. Rear Yard. The yard extending from the rear wall of the building to the rear lot

line across the full width of the lot.

4. Side Yard. The yard extending between a side lot line and the nearest wall of the building, and from the front yard to the rear yard, provided, that for a corner lot, the side yard extends from the front yard to the rear lot line on the street side.
5. Required Yard. The minimum yard required between a lot line and a line for a building, to comply with the regulations of the district in which the zoning lot is located.