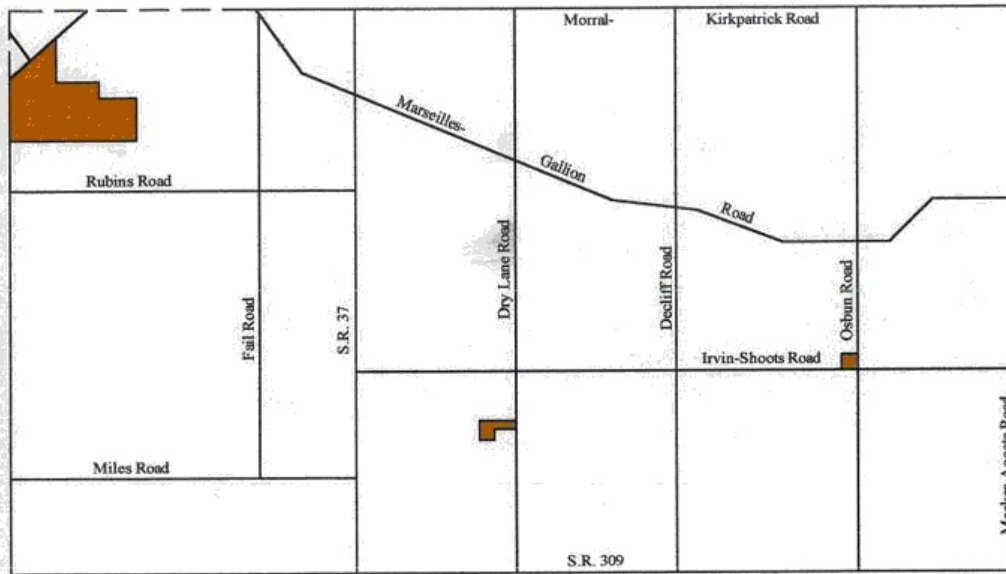






*Grand Township
Zoning Resolution*

Amended
September, 1999
November, 2003

GRAND TOWNSHIP GENERALIZED ZONING MAP



ZONING DISTRICT LEGEND

-  "FP" - FLOOD PLAIN DISTRICT (See FIRM Maps)
-  "AG-RES" - AGRICULTURAL/RESIDENTIAL DISTRICT
-  "LC" - LIMITED COMMERCIAL DISTRICT
-  "B-I" - BUSINESS-INDUSTRIAL DISTRICT



Map Source: 1977 RPC Marion County Highway Map.

Map Date: 1/3/01

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GRAND TOWNSHIP

ZONING RESOLUTION

WHEREAS, the Board of Trustees of Grand 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 said township.

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

CHAPTER 1
JURISDICTION AND PURPOSE

1.10 JURISDICTION

The provisions of this Resolution shall apply to the unincorporated territory of Grand Township in which a majority vote is recorded at the next election or at any subsequent election.

1.20 PURPOSE

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

1. To aid in preserving agricultural land in Grand Township.
2. To provide adequate light, air, privacy and convenience of access to property.
3. To lessen or avoid congestion on the streets and highways of Grand Township.
4. To aid in limiting future flood damages.

CHAPTER 2
LEGAL PROVISIONS

2.01 INTERPRETATION

2.011 MINIMUM REQUIREMENTS

The provisions of this resolution shall be construed as minimum requirements. They do not prevent other more restrictive requirements, if approved by the Electors (eligible voters) of the Township, at any general, primary, or special elections.

2.012 CONFLICTS

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 apply.

2.02 CONFORMANCE REQUIRED

Except as hereinafter provided, no land, buildings, structure, or premises shall hereafter be used, and no building or structure or part thereof shall be located, erected, moved, re-constructed, extended, enlarged, or altered except in conformity with regulations herein specified for the District in which it is located.

2.03 SEPARABILITY

Should any section, clause, or provision of this Resolution be declared by a court of competent jurisdiction to be invalid, such declaration shall not affect the validity of the Resolution as a whole, or part thereof, other than the part so declared invalid.

2.04 PENDING CONSTRUCTION

Nothing herein shall require any change in plans, construction, size, or designated use of any development, building, structure, or part thereof, for which an official action to commence construction has been made before the effective date of this Resolution provided that construction is begun no later than six (6) months after the effective date of this Resolution and is carried on to completion in a reasonable manner and without unnecessary delay.

CHAPTER 3
GENERAL PROVISIONS

3.01 STREET OR ROAD FRONTAGE REQUIRED FOR ALL LOTS

Except as permitted by other provisions of this Resolution, each use of land shall be located on a lot, as defined in Chapter 18, which lot shall have frontage on a street or road.

3.02 AGRICULTURAL EXEMPTION

Nothing contained in this resolution shall prohibit the use of any land for agricultural purposes as defined in Chapter 18. No zoning permit shall be required for the construction of buildings incidental to the agricultural operation on the land where such buildings shall be located. The owners or operators of land used for agricultural purposes shall not be required to obtain a zoning permit or conform to the zoning resolution when remodeling an existing farm residence or building a new farm residence provided that the new residence is to be occupied by the owners or operators of the agricultural operation. However, any additional residential structures shall be required to have a zoning permit and conform to the zoning requirements.

CHAPTER 4
OFFICIAL ZONING MAP AND ZONING DISTRICTS

4.10 OFFICIAL ZONING MAP

The Township of Grand is hereby divided into Districts which are shown on a map entitled "Official Zoning District Map of Grand Township". This Official Zoning Map shall be identified by the signatures of the Grand Township Trustees and Grand Township Clerk. The Official Zoning District Map shall remain on file in the office of the Grand Township Trustees.

4.20 OFFICIAL ZONING MAP AS PART OF THIS RESOLUTION

The Official Zoning Map and all notations, references and other matters thereon are hereby made a part of this Code

4.30 DETERMINATION OF DISTRICT BOUNDARIES

Except where referenced and noted on the Official Zoning District Map by a clearly designated line and/or written dimensions, the district boundary lines are intended to follow property lines, lot lines or the center lines of streets, alleys or streams as they existed at the time of adoption of this Code. The Zoning Inspector shall interpret the location of boundary lines as shown on the Zoning District Map. When the Zoning Inspector's interpretation is questioned, the boundary lines shall be determined by the Board of Zoning Appeals as prescribed in Chapter 12.

4.40 ZONING DISTRICT CLASSIFICATION

All parts of the unincorporated township shall be designated on the Official Zoning District Map as being located in one of the following zoning districts:

"FP"	Flood Plain District
"AG-RES"	Agricultural-Residential
"LC"	Limited Commercial-Office
"B-I"	Business-Industrial

4.50 DEGREE OF RESTRICTIVENESS

Whenever, in this Code, the order or districts as to the degree of restrictiveness is referred to, the order shall be as listed above, with the "FP" District being the most restricted and the "B-I" District being the least restricted.

CHAPTER 5
"FP" FLOOD PLAIN DISTRICT

5.01 PURPOSE

The purpose of the Flood Plain District is to regulate development on Flood Prone land in order to reduce future potential loss of life, and damages to property

5.02 FLOOD PLAIN DISTRICT OVERLAY

The Flood Plain District shall be an overlapping zone with regulations in addition to any other underlying Zoning District as established in Chapter 4.

5.03 USE REGULATIONS

Any uses permitted in the underlying Zoning District shall be allowed with the exception of the storage of potentially hazardous materials which, if subject to flooding, may become flammable, explosive, or otherwise injurious to human, animal, or plant life.

5.04 DEVELOPMENT STANDARDS

All structures within the Flood Plain District shall meet the existing county Flood Plain Development Standards as enforced by Marion County.

5.05 ESTABLISHMENT OF FLOOD PLAIN ZONE BOUNDARY

The boundaries of the Flood Plain District shall be based on the Flood Insurance Rate Map provided from the Federal Emergency Management Agency pursuant to the National Flood Insurance Program. Should this map be revised, the Flood Plain District boundaries shall likewise be revised.

5.06 DISCLAIMER OF RESPONSIBILITY

This Code does not imply that areas outside the Flood Plain District or land uses permitted with such district will be free from flooding or flood damages. This Code shall thus not create liability on the part of Grand Township or officer or employee thereof for any flood damages that result from reliance on this Code.

CHAPTER 6
"AG-RES" AGRICULTURAL-RESIDENTIAL DISTRICT

6.01 PURPOSE

The purpose of the "AG-RES" Agricultural-Residential District is to provide areas for low-density residential development and various agricultural uses. The comparatively low-density residential development is desirable due to the reduced levels of public services and utilities existing and planned for the near future. The promotion of agricultural land uses is desirable given the fundamental importance of agricultural products and the potential for the unnecessary and irreversible loss of farmland through unplanned and premature urban development.

6.02 USE REGULATIONS

1. Principal Permitted Uses

Agricultural
Public Uses
Semi-Public Uses
Single-Family Dwellings
Veterinary Clinics or Hospital
Seasonal Dwellings
Private Cemeteries
Nursery Schools and Day Nurseries
Sanitariums, Convalescent Homes and Rest Homes
Rooming or Boarding
Recreation Facilities, Private

2. Conditional Permitted Uses

Two-family Dwellings
Multiple-Family Dwellings
Airports
Recreational Facilities, Limited Commercial
Storage and/or Sale of Fertilizer and Agri-chemicals

Temporary Living Spaces (See Section 9.03)

Nurseries, Lawn and Garden Centers

Advertising Signs (See Section 9.045)

Mineral, Sand and Gravel Extraction (See Section 9.08)

Top Soil Removal

3. Accessory Permitted Uses and Structures

Private Garages

Private Swimming Pools

Garden Houses, Tool Houses, Playhouses

Living Quarters of Persons Employed on the Premises

Home Occupations (See Section 9.01)

Required Off-street Parking Space

Permanent Roadside Stands on Farms (See Section 9.02)

Accessory Signs (See Section 9.043)

6.03 AREA AND DIMENSIONAL STANDARDS

Use	Minimum Lot Size		Minimum Yard Dimension			Max. Coverage of Lot (%)
	Width (Ft.)	Area	Front	Side	Rear	
1 family dwellings	250	2 Acres	90	50	50	-
2 family dwellings	250	2 Acres	90	50	50	-
Multi-family dwellings (public water & sewer required)	250	2 Acres	90	50	50	-
All other uses	Sufficient to comply with yard & lot coverage requirements					20

No structure or building shall exceed 60 feet in height. The height limitation may be appealed to the Grand Township Board of Zoning Appeals. Telecommunication or cellular communications towers exceeding 60 feet in height shall be subject to the requirements of Section 9.12. (Effective 9-1999)

6.04 NUMBER OF LOTS

PURPOSE: Recognizing the growing concerns relating to farm land preservation and the need to control premature development, the following restrictions shall apply within the "Ag-Res" Agricultural - Residential District.

1. Any parcel or lot of record on the effective date of this Resolution may be subdivided, if also in accordance with the Marion County Subdivision Regulations, to provide only up to five (5) residential lots.
2. A residential lot is defined as any lot under five (5) acres with a home either in use, planned, or potential use.
3. This restriction on the number of residential lots shall apply for a period of twenty (20) years following the effective date of this resolution. At that time, or before, this Resolution may be amended to delete this section or to renew it. If it is renewed, parcels of land on record shall be then considered as of the effective date of the amendment, not as of the original effective date of this Resolution.

CHAPTER 7
LIMITED COMMERCIAL DISTRICT

7.01 PURPOSE

The purpose of the Limited Commercial District is to encourage the development of 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.

7.02 PRINCIPAL PERMITTED USES

1. Dwelling units of the type permitted and as regulated in the "AG-RES" District.
2. Retail sales, personal service and office establishments provided each such establishment occupies a total floor area of not more than 4,000 square feet, except that, for retail stores engaged primarily in the sale of foods for home preparation and consumption, the total floor area shall not be more than 20,000 square feet.
 - A. Agriculture
 - B. Grocery store, food market, dairy store, delicatessen, party store, fruit market.
 - C. Restaurant
 - D. Bakery, with the production of bakery goods limited to goods sold on the premises.
 - E. Drug store, including fountain
 - F. Hardware store limited primarily to retail sales
 - G. Flower shop, for the sale of plants, flowers and accessory materials not produced on the premises
 - H. Barber and beauty shops
 - I. Dry-cleaning and laundry pick-up services
 - J. Self service laundry and dry-cleaning
 - K. Shoe shine and shoe repair shop, hat cleaning and blocking
 - L. Tailor or dressmaking shop
 - M. News stand
 - N. 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 services.
 3. Accounting, bookkeeping and auditing services
 4. Real estate and insurance offices
- O. Funeral home or mortuary
- P. Car washes

7.03 CONDITIONAL PERMITTED USES

1. Any other retail business, personal service, or office 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.

7.04 ACCESSORY PERMITTED USES

1. Any use customarily incidental to the principal permitted use.
2. Outdoor advertising signs as regulated in Chapter 9.

7.05 AREA AND DIMENSION STANDARDS

All structures shall comply with the dimensional requirements hereunder:

1. Minimum Front Yard Depth shall be ninety (90) feet.
2. Minimum Side and Rear Yard
 - A. If both the side or rear lot line abuts land which is within the limited Commercial District, no minimum side or rear yard is required.
 - B. If either the side or rear lot line abuts land within a different zoning district that yard (or both) shall have a setback equal to the height of the building but not less than twenty-five (25) ft.

CHAPTER 8
"B-I" BUSINESS - INDUSTRIAL

8.01 PURPOSE

The purpose of the "B-I" Business-Industrial District is to provide for various types of commercial and industrial development at appropriate locations.

8.02 USE REGULATIONS

1. Principal Permitted Uses

Any principal use permitted in the L-C District, except dwelling units.

Agriculture

Public Uses

Semi-public Uses

Lodging, including Motels

Retail business whose principal activity is the sale of new or used merchandise if not elsewhere prohibited.

Service establishments such as barber shops, photography studios, dry cleaning, etc.

Restaurants, taverns, cafes, etc.

Workshop types of services such as electrical repair, locksmiths, or repair of other goods permitted to be sold within the district.

Professional, business or industrial offices.

Gasoline service stations

Blending, packaging and storage of previously manufactured products, such as chemical products, feed, grain and industrial compounds.

Manufacturing of household, business, or industrial products if not elsewhere prohibited or regulated.

Non-manufacturing activities such as transportation terminals, warehousing, research testing laboratories, fuel dealers, etc.

Mining of natural resources

Advertising signs (See Section 9.045)

2. Conditional Permitted Uses (Subject to approval by Board of Zoning Appeals)

Commercial or Industrial uses determined by the Board of Zoning Appeals to be of same general character as the above principally permitted uses.

The fabrication of structural steel, heavy machinery and transportation equipment.

Punch presses and stamping operations.

The processing or manufacturing of food products.

Sawmills, mixing of cement, bituminous or asphaltic concrete.

Topsoil removal

The following uses, which shall not be located within two thousand (2,000) feet of any existing residence or residential district.

1. Chemical and/or fertilizer manufacturing plant
2. Distilling of bones, fat or glue, or gelation manufacturing
3. Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, or hazardous waste
4. Refining or processing crude petroleum
5. Sanitary landfills
6. Bulk storage of flammable liquids
7. Manufacturing explosives, ammunition, fireworks, matches
8. Refining or processing crude petroleum
9. Airports
10. Junk or salvage yards if surrounded by screened fence six (6) feet high.
11. Adult Only Entertainment Facilities

3. Accessory Permitted Uses

1. Accessory Signs (See Section 9.044)
2. Off-street parking and loading
3. Any use customarily incidental to an allowed use

8.03 AREA AND DIMENSION STANDARDS

All structures shall comply with the dimensional requirements hereunder:

1. Minimum Front Yard Depth

The minimum front yard depth shall be ninety (90) feet.

2. Minimum Side and Rear Yard

A. If both the side or rear lot line abuts land which is within the Business-Industrial District no minimum side or rear yard is required.

B. If either the side or rear lot line abuts land within a different zoning district, that yard (or both) shall have a setback equal to the height of the building, but not less than twenty-five (25) feet.

CHAPTER 9
SUPPLEMENTARY DISTRICT REGULATIONS

9.01 HOME OCCUPATIONS

Any person may maintain an office or carry on a customary home occupation in the dwelling used as the person's private residence provided the following conditions are met:

1. The home occupation does not involve any extension or modification of the dwelling which will alter its outward appearance as a dwelling other than a sign as permitted under Section 9.043.
2. No mechanical equipment shall be installed or used which will create excessive noise, interference with radio or television transmission or reception.

9.02 ROADSIDE STANDS ON FARMS

Roadside stands consisting of a removable structure used only for the display and sale of agricultural products, produced on the premises are permitted accessory uses provided that:

1. Adequate facilities are provided and maintained for off-street parking.
2. That such stand is removed during the seasons when it is not actually used.
3. The stand shall be set back at least ten (10) feet from the right-of-way.

9.03 TEMPORARY LIVING SPACE (Effective 9-1999)

9.031 Accessory Buildings

A manufactured home can be used as an accessory building, or a recreational vehicle can be used as an accessory use, if it is located on the same lot as an existing dwelling and is used as a temporary living space (with permit) in the case of hardship. Hardships typically include the care of ill or aged relatives or the need for a temporary living space during the construction of a new, permanent dwelling unit.

9.032 Requirements for Accessory Manufactured Homes or Recreational Vehicles as Temporary Living Spaces

1. All accessory manufactured homes or recreational vehicles shall comply with Marion County Health Department regulations regarding sanitary sewage disposal and watersupply.
2. No accessory manufactured home or recreational vehicle shall be used as a rental unit for the general public.
3. A permit for a temporary living space in an accessory manufactured home or recreational vehicle may be issued for a period of one (1) year.
4. An extension beyond one (1) year may be granted only by the Board of

Zoning Appeals. The Board must specify a time period for any extension.

5. All accessory manufactured homes or recreational vehicles shall be located in the rear yard behind the principal dwelling or the proposed location of the principal dwelling unit.
6. All manufactured homes shall have skirting installed along the perimeter of the unit.
7. Upon expiration of the zoning permit, the accessory manufactured home shall be immediately removed from the property. The recreational vehicle may remain, not be used as temporary living space or as an accessory use.

9.04 SIGNS

9.041 Exempted Signs

The following signs are not subject to the provisions of this Resolution:

1. Signs relating to the agricultural operations of a particular farm. Signs relating to general commercial products which are not produced on the farm are not exempt.
2. Governmental signs for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public utility companies for the purpose of safety.

9.042 General Provisions

1. No sign shall be created in such a manner as to obstruct free and clear vision, or at any location where, by reason of position, shape or color it may obstruct the view of motorists or pedestrians.
2. Any illuminated sign shall be so shaded so as to interfere with the vision of motorists or pedestrians and so as not to direct light on a neighboring residential property.
3. Any sign that is not maintained shall be removed.

9.043 Accessory Signs in Agricultural-Residential District

1. A home occupation or professional office may have one (1) unlighted sign, not more than four (4) square feet in area.
2. Any other permitted non-residential use may have one (1) sign with not more than thirty-six (36) square feet per face.

9.044 Accessory Signs in the L-C or B-I Districts

1. Wall signs on the building shall be permitted and not regulated as to size. In addition, up to two (2) freestanding signs for each commercial or industrial use shall be permitted with a maximum of three hundred (300) square feet of

total freestanding sign size.

9.045 Advertising Signs

1. Advertising signs shall be deemed to be a conditional permitted use.
2. Advertising signs shall comply with the yard requirements for the accessory uses in the district in which it is to be located.
3. No advertising sign shall be located within one hundred fifty (150) feet of any road intersection unless affixed to the principle structure.
4. There shall be no more than one (1) advertising sign on any lot having less than two hundred (200) feet of unbroken frontage on a single street or road. A lot having two hundred (200) or more feet of unbroken frontage may have on a single street or road two (2) advertising signs.
5. The maximum total sign area of a single advertising sign shall be five hundred (500) square feet of area per face.

9.05 FRONTAGE REQUIREMENTS FOR DEEP LOTS WITHIN THE AGRICULTURAL-RESIDENTIAL DISTRICT

In the Agricultural-Residential District, where development is desired a substantial distance from the road, the minimum required frontage may be reduced to fifty (50) feet at a distance 90 feet from the building site provided the following conditions are met:

1. The total area of the lot is three (3) acres or more.
2. The width of lot, measured at the building line, is one hundred (100)ft.
3. All applicable setback requirements are met.
4. Only one single-family dwelling is constructed on the lot and no other abutting property uses the strip for access unless it is dedicated as a public street or approved as a private street.
5. The lot is approved under the Marion County Subdivision Regulations.

9.06 ACCESSORY STRUCTURES

- A. Attached garages or other accessory structures connected with the main building by a breezeway or other permanently constructed shall be considered to be part of the principal structure for the purposes of this resolution.
- B. Accessory structures shall be located not less than twenty (20) feet to the rear and side of the principal structure and not less than five (5) feet from a side or rear lot line.
- C. On corner lots, an accessory structure may not be constructed within twenty (20) feet of any existing residence.

9.07 CORNER LOTS

In all districts, a corner lot shall have a minimum side yard on the side street equal to the required front yard depth required in the district in which it is located.

9.08 MINIMUM RESIDENTIAL DWELLING UNIT REQUIREMENTS [new]

All single-family, two-family and multi-family dwelling units, including all mobile and/or manufactured homes must meet the following requirements, which shall be construed to be the minimum requirements.

1. The minimum floor area for a single- or two-family dwelling unit, excluding garages, porches or attachments, shall be 900 square feet if the residential structure has one-story, and shall be 700 square feet of gross ground floor area if the residential structure has more than one-story.
2. The minimum floor area for a multi-family residential structure, excluding garages, porches or attachments, shall be 900 square feet per dwelling unit in the residential structure.

9.081 ADDITIONAL REQUIREMENTS FOR MANUFACTURED HOMES WHICH HAVE A MANUFACTURE DATE OF JANUARY 1, 1995 OR LATER [new]

In addition to the requirements set forth in sections 9.08 above and Section 9.09 below, all manufactured homes which have a manufacture date of January 1, 1995 or later must also comply with the criteria set fourth in Revised Code Section 3781.06 (B) (6) for a permanently sited manufactured home. This criteria includes:

1. The structure, excluding any addition, has a width of at least 22 feet at one point and a length of at least 22 feet at one point; and
2. The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a 6-inch minimum eave overhang, including appropriate guttering.

9.09 MOBILE OR MANUFACTURED HOMES

Manufactured homes constructed after January 1, 1995 and meeting the “Permanently Sited Manufactured Home” requirements of the state of Ohio are exempt from the following requirements.

Any mobile home or manufactured home constructed prior to January 1, 1995 are permitted on individual lots provided the following requirements are met:

1. The unit shall be placed on a permanent concrete foundation.
2. The skirting around the unit must be metal or vinyl and must be flush with all sides of the unit.
3. The tongue (if detachable) and wheels shall be removed.
4. Upon issuance of a zoning permit under this Section, the applicant shall install the

foundation and perimeter walls and notify the Zoning Inspector. After the Zoning Inspector has been notified, he shall inspect said work within ten (10) working days. Only after the Zoning Inspector has inspected the foundation and determined that it and the unit, itself, are in compliance with the requirements of this Section, may the unit be installed.

5. The unit must comply with the minimum lot size and minimum yard requirement for the district in which it is located. (See Ag-Res District)

9.091 MOBILE OR MANUFACTURED HOME PARKS

9.091 APPLICATION

The owner of a tract of land twenty (20) acres or more in area, located within a residential district may submit a plan for the development and use of such tract as a mobile park under the provisions of this section.

9.0911 DEVELOPMENT STANDARDS

A. OHIO DEPARTMENT OF HEALTH

All mobile home parks shall meet the requirements of the Ohio Sanitary Code adopted by the Ohio Department of Health under the authority of the Ohio Revised Code Section 3733.02.

B. SUBDIVISION REGULATIONS

All mobile home parks shall meet the requirements of the Subdivision Regulations for Marion County and the City of Marion under the authority of the Ohio Revised Code Section 711 (Explained in O.A.G. 72-020).

C. BOARD OF ZONING APPEALS

All applications and plans for mobile home parks shall be reviewed by the Board of Zoning Appeals. In reviewing such application and plans for a mobile home park, the Board shall determine whether the following requirements are met:

1. The proposed park is twenty (20) acres or more in size.
2. The front yard depth for the park as a whole is at least ninety (90) feet.
3. The side yards and rear yard for the park as a whole are each fifty (50) feet from the interior lot line. If the park abuts more than one existing public road, then the side or rear yard on a public road shall be ninety (90) feet measured from the center of the road.

4. The mobile homes within the park shall be limited to single occupancy, not including transient or vacationing families or persons, and not including the storage, display, or sale of mobile homes on the premises.
5. The park will be located to assure maximum compatibility with other types of residential development.
6. The park will not be detrimental to the neighborhood.
7. As a condition to determining that the park is compatible to nearby residential development, the Board of Zoning Appeals may set conditions including, but not limited to, a requirement of screening by plants to obscure the view of the tract, limitations on signs allowed, and assurance of adequate recreation facilities.
8. A manufactured home park shall not have for display, sale, or storage any manufactured homes on the premises.

D. BOARD OF ZONING APPEALS APPROVAL

If after review of the application and plans for a mobile home park, the Board finds that all requirements have been met, the Board may grant approval.

9.10 ADULTS ONLY ENTERTAINMENT ESTABLISHMENT REGULATIONS

Adults only entertainment establishments are a conditional permitted use only in the Business-Industrial District and are prohibited in all other districts. This type of the use is subject to both a public hearing and approval by the Board of Zoning Appeals. This type of use must also comply with the following conditions:

1. Any adult-only entertainment establishment shall be located a minimum of fifteen hundred (1500) feet from any church, cemetery residential dwelling, or residential dwelling district in order to avoid a degrading influence on these uses or areas.
2. Any adult-only entertainment establishment shall be located a minimum of five thousand one hundred (5100) feet from any public or private school in order to avoid a potential noise, traffic conflict, and visual blight on the same section of road.
3. In all of the above cases, the distance shall be measured from the nearest property line of the existing use to the nearest property line of the proposed adult only entertainment establishment use.

9.11 SANITARY LANDFILLS, JUNK YARDS, CHEMICAL MANUFACTURING PLANTS, HAZARDOUS WASTE AND SIMILAR USES

These uses are prohibited in any district except in the Business-Industrial District and only then if:

1. More than two thousand (2000) feet from any residence or residential district.
2. Approved by the Board of Zoning Appeals after a public hearing. (See Chapter 8.02 (2.) Conditional Permitted Uses and Chapter 12.022 Application for Conditional Uses.)

9.12 PUBLIC UTILITIES (Effective 9-1999)

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

CHAPTER 10
NON-CONFORMING USES AND BUILDINGS

10.01 INTENT

Within the districts established by this Resolution or subsequent amendments, there exists lots, uses of land and structures which individually or in combination were lawful before this resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution, shall be allowed to continue to exist until voluntarily removed. It is also the intent of this Resolution that non-conformities shall not be enlarged upon, expanded or extended, nor be used as ground for adding other structures or uses prohibited elsewhere in the same district.

10.02 NON-CONFORMING LOTS

In a district in which dwellings are permitted, a dwelling and accessory structure(s) may be constructed on a lot which is non-conforming as to width and/or area provided the following conditions are met:

1. The lot was a lot of record at the effective date of this Resolution.
2. The lot is in separate ownership and not of continuous frontage with adjacent lots of the same ownership.
3. All applicable setback requirements are met.
4. The lot has been approved for on-lot water supply and sewage disposal by the Marion County Health Department.

10.03 NON-CONFORMING USES

A non-conforming use may be continued subject to the exceptions and conditions hereunder.

10.031 CHANGE OF NON-CONFORMING USES

A non-conforming use may be changed to another non-conforming use with prior approval from the Board of Zoning Appeals in accordance with Chapter 12 of this code.

10.032 ABANDONMENT

No building, structure or premises where a non-conforming use has ceased for two (2) or more years shall again be put to a non-conforming use.

10.033 EXPANSION OF USE

No structure in which a non-conforming use occurs may be expanded or changed to provide for an expansion of its non-conforming use without prior approval from the Board of Zoning Appeals. Examples of such expansion include increasing the number of dwelling units in a housing structure or increasing the floor space of a commercial

or industrial establishment.

10.04 NON-CONFORMING STRUCTURES

10.041 Structural Alteration or Repair

A non-conforming building may be altered or repaired without prior approval from the Board of Zoning Appeals if such alteration or repair does not increase the degree of non-conformity. For example, if the setback requirements are non-conforming as to dimensions, such dimensions shall not be further decreased.

10.042 Repairing Damaged Non-conforming Buildings

A non-conforming structure in which a non-conforming use occurs that is destroyed by fire, flood, winds, natural disasters, or other acts beyond the control of the owner may be repaired or reconstructed and the non-conforming use, if any, may be continued provided that such repair or reconstruction is begun within a period of one (1) year and carried on diligently and does not increase the degree of non-conformity.

CHAPTER 11
ZONING INSPECTOR AND ZONING PERMITS

11.01 POSITION OF TOWNSHIP ZONING INSPECTOR

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.

11.02 ZONING PERMITS

11.021 APPLICATIONS

Before constructing any building, (excluding buildings incident to agricultural purposes, but not dwelling units for farm workers), parking area with five (5) or more spaces, changing the use, altering any building or structure, undertaking a home occupation, adding accessory building(s), or installing sign(s), an application shall be made to the Zoning Inspector for a zoning permit. The applicant shall submit a description of the proposed construction, alteration, or change of use. Such description shall include when applicable, drawings to scale, showing relevant dimensions and any other information necessary for the enforcement of this Resolution.

No zoning permit shall be required for alterations, remodeling or repairs on any building, provided that the original footprint of the building is not altered.

No zoning permit shall be required for garden houses, tool houses, or playhouses. However, anyone building one of these structures should consult with the Zoning Inspector for setback requirements before construction is started.

No zoning permit shall be required for temporary removable structures erected as part of a construction project, nor for the construction of roads, sewers, service lines, utility lines, or driveways.

11.022 REVOKING A PERMIT

A zoning permit shall be revocable, if among other things, the actual use, construction or alteration does not conform to the terms of the application and permit granted thereon.

11.023 EXPIRATION OF A ZONING PERMIT

A zoning permit shall expire one (1) year after issuance unless the construction, alteration or change of use permitted by its issuance has been substantially begun and is thereafter pursued to completion.

11.03 PERMIT FEES

See Zoning Inspector or Township Clerk for current fees.

CHAPTER 12
BOARD OF ZONING APPEALS

12.01 ESTABLISHMENT AND ORGANIZATION

The Board of Township Trustees shall appoint a Township Board of Zoning Appeals consisting of five (5) members who shall be residents of the unincorporated territory of the township. 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. Members shall be removable for the same causes and in the same manner as provided by Section 519.04 of the Ohio Revised Code. Vacancies shall be filled by appointments made by the Board of Township Trustees and shall be for the unexpired term. The members shall serve without compensation.

12.02 POWERS OF THE BOARD

12.021 INTERPRETATION OF THIS RESOLUTION

Upon appeal from a decision of the Zoning Inspector, the Board may hear and decide any question involving the interpretation of the text of this Resolution or zoning map.

12.022 APPLICATIONS FOR CONDITIONAL USES

The Board shall have original jurisdiction and shall hear and decide upon application filed for conditional uses. In considering such an application, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and consistency therewith of the proposed use and development. Before authorizing a conditional use, the Board shall determine whether the proposed use would be hazardous, harmful, noxious, offensive or a nuisance to surrounding neighborhoods.

12.023 VARIANCES

The Board may authorize upon appeal in specific cases, variances from the provisions of this Resolution as will not be contrary to the public interest. However, nothing contained herein shall authorize the Board to affect changes in the zoning map or to add to the uses permitted in any zoning district. In order to grant a variance, the Board must find:

1. That there are special circumstances or conditions applying to the land or buildings for which the variance is sought. These circumstances or conditions shall be such that the strict applications of the provisions of this Resolution would result in practical difficulties and unnecessary hardship and deprive the applicant of the reasonable use of the land or building.
2. That the granting of the variance will be in harmony with the general purpose and intent of this Resolution and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
3. That the condition or situation of the specific piece of property for

which the variance is sought is not of so general or recurrent a nature as to make it more practicable to consider an amendment to the resolution according to the procedure set forth in Chapter 14.

12.03 PROCEDURES

The Township Board of Zoning Appeals shall organize and adopt rules in accordance with this Resolution. Meetings of the Board shall be held at the call of the Chairman, or in his absence, the Acting Chairman. The Chairman or 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. The Board shall keep records of its actions, all of which shall immediately be filed in the office of the Board of Township Trustees.

Three (3) members of the Board shall constitute a quorum to conduct business. The Board shall act by Resolution and the concurring vote of three (3) members shall be necessary to decide on any matter of which the Board has jurisdiction to decide upon. In the absence of three (3) members, one (1) member shall be a quorum for the purpose of establishing a date and time for the continuance of the meeting, after this is accomplished, such meeting shall be adjourned.

12.031 APPLICATIONS AND APPEALS

An application for a decision or an appeal to the Board may be made by any person or organization affected by the provisions of this Resolution. Appeals to the Board shall be taken within twenty (20) days after a decision by the Zoning Inspector. The applicant shall file a form (approved by the Board) with the Board which specify the grounds of the appeal.

When an application or appeal has been filed in proper form and with required data, the Secretary of the Board shall place within sixty (60) days said application or appeal on the calendar for a hearing and cause notices to be served stating the time, place, and object of such hearing. Such notices shall be served personally or by mail at least ten (10) days prior to the day of such hearing to all parties of interest. The Board shall also publish a notice of such hearing in a newspaper of general circulation in Grand Township at least ten (10) days prior to the public hearing.

The Board shall decide upon an application or appeal within thirty (30) days after the hearing. Any person may appear at such hearings in person or by agent or attorney.

12.04 FEES

See Zoning Inspector or Township Clerk for current fees.

CHAPTER 13
ZONING COMMISSION

13.01 ORGANIZATION

The Zoning Commission shall be composed of five (5) members, appointed by the Township Trustees who shall be residents of the unincorporated territory of Grand Township. The terms of all members shall be of such length and so arranged that the term of one member shall expire each year. Each member shall serve until his successor is appointed. 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 appointments made by the Board of Township Trustees. The members shall serve without compensation.

13.02 GENERAL PROCEDURES

The Township Zoning Commission shall meet at least one (1) time per year and shall also adopt rules to govern its activities in accordance with this Resolution. All meetings of the Commission shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be filed immediately in the office of the Township Trustees and shall be a public record. Three (3) members of the Commission shall constitute a quorum.

13.03 POWERS AND DUTIES

1. The Zoning Commission may initiate proposed amendment to this Resolution.
2. The Zoning Commission shall review all proposed amendments to this Resolution and make recommendations to the Board of Township Trustees pursuant to Chapter 14.

CHAPTER 14
AMENDMENTS

14.01 AMENDMENTS

The Grand Township Trustees, Zoning Commission, property owners or lessees of property in Grand Township may initiate amendments. The procedure for such proposed amendments shall be as set forth in the Ohio Revised Code, Section 519.12.

CHAPTER 15
ENFORCEMENT

15.01 ENFORCEMENT

It shall be unlawful to construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of 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 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.

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 of Marion, 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 other appropriate action 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.

A lot, yard, parking area or other open space shall not be reduced in area or dimension so as to make said area or dimension less than the minimum required by this Resolution. A part of a yard, parking area or other space provided for any building in compliance with this Code shall not be included as a part of a yard, parking area or other open space required for another building.

CHAPTER 16
EFFECT OF INVALIDITY OF ONE SECTION

16.01 EFFECT OF INVALIDITY

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

CHAPTER 17
EFFECTIVE DATE

17.01 EFFECTIVE DATE

This Resolution shall take effect and be in force within thirty (30) days following certification by the Board of Elections, if the Resolution is so approved by a majority vote cast by the electors of Grand Township.

CHAPTER 18 ***DEFINITIONS***

ADULTS ONLY MATERIAL

Any book, magazine, newspaper, pamphlet, poster, print, slide, transparency, figure, image, description, motion picture film, pornographic record, tape, or video. In addition any 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

The use of land for farming, including dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal or poultry husbandry.

AIRPORT

Any runway, land or other facility designed or used either publically or privately by any person for the landing or taking-off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangers and other necessary buildings, and open spaces. (Effective 9-1999)

BUILDING

Any structure having a roof supported by columns or walls used for shelter or enclosure of persons or property. (Effective 9-1999)

BUILDING OR STRUCTURE HEIGHT

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building or structure to the highest point. (Effective 9-1999)

BUILDING FOOTPRINT

The maximum extent of the existing building foundation.

COMPREHENSIVE PLAN

The Comprehensive Plan for Marion County or parts thereof, as and when adopted or amended by the Marion County Regional Planning Commission.

CONDITIONAL USE

A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals.

CONDITIONAL USE PERMIT

A permit issued by the Zoning Inspector. Upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

DISTRICT, ZONING

A portion of the land within Grand Township where certain uniform regulations and requirements are in effect.

DWELLING

Any building or portion thereof designed or used as the home of one or more persons or families, including modular dwellings but not including a tent, cabin, hotel, motel, or recreation vehicle.

DWELLING, MODULAR

A fixed dwelling constructed with preassembled or partially preassembled modules or units, built using the same type of materials used in conventional construction, brought to a building site by temporary means of transport, assembled and permanently fixed to the ground. A mobile home as separately defined shall not be deemed to be a modular dwelling.

DWELLINGS AND OTHER LIVING ACCOMMODATIONSDWELLING 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.

DWELLING

A building designed or occupied exclusively for not-transient residential use (including one family, two-family, or multi-family buildings).

ONE-FAMILY DWELLING

A building consisting of one unit only, detached or separated from other dwelling units by open space.

TWO-FAMILY DWELLING

A building consisting of two dwelling units which are either attached side by side or are above the other and each unit having either a separate or combined entrance(s) including duplex and flats.

DWELLING, SEASONAL

A summer cottage, winter lodge, or similar lodging occupied less than six (6) months during a year.

FLOOR AREA

The measurement of floor area for the purposes of this Resolution shall be the sum of the area of the first floor; as measured to the inside of exterior walls plus that area, similarly measured, of all other stories having eighty-four (84) or more inches of headroom. For residential uses, the floor area of uninhabitable basements, cellars, garages, attics, breeze ways, and unenclosed porches shall be excluded.

HOME OCCUPATION

An occupation which is carried on in the home clearly incidental and secondary to the residential use meeting the requirements of Section 9.01 of this Resolution.

JUNK YARD

Land used to dismantle more than two motor vehicles or trailers, or land used to store, sell or dump partly dismantled, obsolete or wrecked vehicles or their parts, used building materials, junk, paper, or other salvaged materials.

LOT

A single tract or parcel of land having frontage on a dedicated public or approved private street or road, occupied or intended to be occupied by a principle building or group of such buildings and accessory buildings or utilized for a principle use and uses accessory thereto, together with the minimum open space as required in this Resolution.

LOT DEPTH

The mean horizontal distance between the front and rear lot lines, measured at right angles to the street or road lines.

LOT LINE FRONT

The lot line separating the lot from the right-of-way hue of the principle street on which the lot abuts.

LOT LINE REAR

The lot line opposite and most distant from the front lot line.

LOT LINE SIDE

Any lot line other than a front or rear lot line. A side lot line of a corner lot separating a lot from a street or road, is called a side street lot line. A side lot line separating a lot from another lot is called interior lot line.

LOT OF RECORD

A lot which is a part of a recorded plat or a lot described by metes and bounds, the map and/or description of which has been recorded in the office of the Marion County Recorder.

LOT, AREA

The computed area within the lot lines.

LOT, CORNER

A lot abutting two streets or roads at their intersections, where the interior angle is not more than 135 degrees.

LOT, WIDTH

The mean horizontal distance across the lot between side lot lines, measured at right angles to the lot depth, provided that the minimum lot widths required by this Resolution shall be so measured at a distance from the front lot line equal to the required depth of the front yard.

MANUFACTURED HOME (MOBILE HOME)

The terms "manufactured homes" and "mobile homes" are equivalent. Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such a manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other foundation and constructed as to permit it being conveyed upon public streets and highways and exceeding a gross weight of four thousand, five hundred (4,500) pounds and overall length of 30 feet. This includes units which are not inspected by HUD. This definition shall not include a travel or vacation vehicle self-propelled or non-self-propelled.

PARCEL

See "Lot" definition.

PRINCIPLE BUILDING

A building or structure in which is conducted the principle use of the lot on which it is situated.

PRINCIPLE USE

The primary or chief purpose for which a lot or structure is used.

PUBLIC USES

All lands, other than streets and highways, owned by and officially designated for continuing public use by a municipality, township, county, school district, State of Ohio, United States Government,

or any other duly constituted agency of the government, such as parks, schools, and administrative, recreation, cultural, and service buildings.

RECREATION FACILITIES, GENERAL COMMERCIAL

Recreation areas and facilities open to the public, established and operated for profit, including commercial golf courses, swimming pools, riding stables, race tracks, amusement parks, carnivals and similar commercial enterprises.

RECREATION FACILITIES, LIMITED COMMERCIAL

Recreation areas and facilities open to the public, established and operated for profit, limited to enterprises serving vacationing and/or one-day customers, including picnicking, camping, fishing and boating, miniature golf, ice/roller skating rinks, playgrounds, etc. with the sale of goods and services limited to food, beverages, boating, fishing and camping supplies, boat docking and launching, tent and recreational vehicle parking.

RECREATION FACILITIES, PRIVATE

Privately owned recreation facilities which are not operated for the general public for profit, including private country clubs, golf courses, riding clubs, fishing or hunting clubs, game preserves, swimming pools and other similar non-commercial recreation areas or facilities.

SETBACK LINE

A line established by the zoning ordinance (resolution), generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said Code

SEMI-PUBLIC USES

Land owned by a non-profit organization or agency which is open to general public use, including but not limited to a cemetery, church, Sunday school, parochial school, college, hospital, site occupied by an auditorium, museum, art gallery, or other institutions of an educational, religious, charitable, or philanthropic nature but not including any private or semi-private club, lodge, fraternity, sorority, or other similar activity.

SIGN ACCESSORY

A sign which relates solely to the building or lot on which it is located.

SIGN, ADVERTISING

A sign which directs attention to a use, commodity, or service not related to the lot or parcel on which it located.

YARD, FRONT

A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principle building.

YARD, REAR

A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principle building.

YARD, SIDE

A yard extending from the principle building to the side lot line on both sides of the principle building between the lines establishing the front and rear yards.