

Marion Township Zoning Resolution

Effective: November 6, 1956
Revised: 2014

PREAMBLE

RESOLUTION AMENDING THE ZONING RESOLUTION OF MARION TOWNSHIP, MARION COUNTY, OHIO

Whereas, on November 6, 1956 by action of the Board of Trustees of Marion Township, Marion County, Ohio and the ratification thereof of the electorate of said Township, a Zoning Resolution became effective for said Marion Township, and,

Whereas, thereafter said Zoning Resolution was amended on March 18, 1959, August 15, 1960, and March 25, 1963, and,

Whereas, the within amended Zoning Resolution was approved by the Marion Township, Marion County, Ohio Zoning Commission after public hearing thereon held in accordance with the law on February 18, 1975, and,

Whereas, said Marion Township Zoning Commission submitted the within amended Zoning Resolution to the Board of Trustees of Marion Township, Marion County, Ohio on the 19th day of March 1975, and,

Whereas, the Board of Trustees of Marion Township, Marion County, Ohio, held a public hearing upon said amended Zoning Resolution in accordance with the law on the 17th day of April 1975, and,

Whereas, the Board of Trustees of Marion Township, Marion County, Ohio deem it in the best interest of the public health, safety, morals, comfort and general welfare of said Township and its residents to adopt said amended resolution and therefore, my unanimous vote of the members of said Board of Trustees of Marion Township, Marion County, Ohio, adopted said Amended Zoning Resolution at its regular meeting held on April 24, 1975, and,

Now Therefore, Be It Resolved, by the Board of Trustees of Marion Township, Marion County, Ohio that the Zoning Resolution of Marion Township, Marion County, Ohio and the same hereby amended as hereinafter set forth.

Be it further resolved by the Board of Trustees of Marion Township, Marion County, Ohio that said Amended Zoning Resolution shall be in full force and effect from and after the earliest date allowed by law as provided in Ohio revised Code, Section 519.12.

Approved and Passed by
The Board of Trustees of Marion Township,
Marion County, Ohio.
April 24, 1975

/s/ Richard E. Lister

/s/ Howard McCurdy

/s/ Robert G. Burton

Attest:
/s/ W. Kenneth Tobin
Clerk

TABLE OF CONTENTS

CHAPTER 1 - JURISDICTION AND PURPOSE	<u>1</u>
1.01 AREA OF JURISDICTION	<u>1</u>
1.02 PURPOSE	<u>1</u>
CHAPTER 2 - DEFINITIONS	<u>2</u>
2.01 DEFINITIONS	<u>2</u>
WIND TURBINE DEFINITIONS	<u>14</u>
CHAPTER 3 - LEGAL PROVISIONS	<u>15</u>
3.01 MINIMUM REQUIREMENTS AND CONFLICT	<u>15</u>
3.02 CONFORMANCE REQUIRED	<u>15</u>
3.03 SEPARABILITY	<u>15</u>
3.04 PENDING APPLICATION	<u>15</u>
3.05 VIOLATIONS, PENALTIES	<u>15</u>
CHAPTER 4 - NONCONFORMING USES AND STRUCTURES	<u>16</u>
4.01 INTENT	<u>16</u>
4.02 NON-CONFORMING OF USE	<u>16</u>
4.021 Change of Use	<u>16</u>
4.022 Abandonment	<u>16</u>
4.03 STRUCTURAL NON-CONFORMANCE	<u>16</u>
4.031 Structural Alteration, Extension or Repair	<u>16</u>
4.032 Expansion of Use	<u>17</u>
4.04 REPAIRING DAMAGED BUILDINGS	<u>17</u>
CHAPTER 5 - ZONING DISTRICTS AND ZONING DISTRICT MAP	<u>18</u>
5.01 ZONING DISTRICTS	<u>18</u>
5.011 Zoning District Classification	<u>18</u>
5.012 Degree of Restrictiveness	<u>18</u>
5.02 ADOPTION OF ZONING DISTRICT MAP AS PART OF RESOLUTION ...	<u>18</u>
5.03 DETERMINATION OF DISTRICT BOUNDARIES	<u>19</u>
5.04 VACATION OF STREETS, ALLEYS OR OTHER PUBLIC WAYS	<u>19</u>
CHAPTER 6 - GENERAL ZONING DISTRICT PROVISIONS	<u>20</u>
6.01 STREET FRONTAGE REQUIRED FOR ALL LOTS	<u>20</u>
6.02 REQUIRED LOT AREA OR OTHER OPEN SPACE CANNOT BE REDUCED	<u>20</u>
6.03 GENERAL ZONING DISTRICT REGULATIONS	<u>20</u>
6.04 AGRICULTURE	<u>20</u>
CHAPTER 7 - “FP” FLOOD PLAIN DISTRICT	<u>22</u>
7.01 PURPOSE	<u>22</u>
7.02 FLOOD PLAIN DISTRICT OVERLAY	<u>22</u>
7.03 USE REGULATIONS	<u>22</u>
7.04 DEVELOPMENT STANDARDS	<u>22</u>
7.05 ESTABLISHED OF FLOOD PLAIN ZONE BOUNDARY	<u>22</u>
7.06 DISCLAIMER OF RESPONSIBILITY	<u>22</u>
CHAPTER 8 - “A-1” AGRICULTURAL DISTRICT	<u>23</u>
8.01 PURPOSE	<u>23</u>
8.02 USE REGULATIONS	<u>23</u>

8.03	AREA AND DIMENSIONAL STANDARDS	24
8.04	DWELLINGS ON FARMS	24
CHAPTER 9 - <u>“R-S” RURAL-SUBURBAN RESIDENCE DISTRICT</u>		25
9.01	PURPOSE	25
9.02	USE REGULATIONS	25
9.03	AREA AND DIMENSIONAL STANDARDS	26
9.04	REQUIREMENTS FOR ACCESSORY STRUCTURES	26
CHAPTER 10 - <u>“R-1” ONE- AND TWO-FAMILY RESIDENCE DISTRICT</u>		27
10.01	PURPOSE	27
10.02	USE REGULATIONS	27
10.03	AREA AND DIMENSIONAL STANDARDS	28
10.04	REQUIREMENTS FOR ACCESSORY STRUCTURES	29
CHAPTER 11 - <u>“R-2” GENERAL RESIDENCE DISTRICT</u>		30
11.01	PURPOSE	30
11.02	USE REGULATIONS	30
11.03	AREA AND DIMENSIONAL STANDARDS	31
	11.031 <u>Courts of Multiple-Family Dwellings</u>	31
11.04	REQUIREMENTS FOR ACCESSORY STRUCTURES	32
CHAPTER 12 - <u>“O-I-A” OFFICE-INSTITUTIONAL-APARTMENT DISTRICT</u>		33
12.01	PURPOSE	33
12.02	USE REGULATIONS	33
12.03	AREA AND DIMENSIONAL STANDARDS	35
	12.031 <u>Minium Lot Area and Dimensions</u>	35
	12.032 <u>Maximum Coverage of Lot by Buildings</u>	35
	12.033 <u>Minium Front-Yard Depth</u>	35
	12.034 <u>Minium Side and Rear Yards</u>	35
	12.035 <u>Maximum Building Height</u>	35
CHAPTER 13 - <u>“B-1” NEIGHBORHOOD BUSINESS DISTRICT</u>		36
13.01	PURPOSE	36
13.02	USE REGULATIONS	36
13.03	AREA AND DIMENSIONAL STANDARDS	37
	13.031 <u>Minimum Front-Yard Depth</u>	37
	13.032 <u>Minimum Side and Rear Yards</u>	38
	13.033 <u>Maximum Height Limits</u>	38
CHAPTER 14 - <u>“B-2” COMMUNITY BUSINESS DISTRICT</u>		39
14.01	PURPOSE	39
14.02	USE REGULATIONS	39
14.03	AREA AND DIMENSIONAL STANDARDS	42
	14.031 <u>Minimum Front-Yard Depth</u>	42
	14.032 <u>Minimum Side and Rear Yards</u>	42
	14.033 <u>Maximum Height Limits</u>	43
CHAPTER 15 - <u>INDUSTRIAL DISTRICTS</u>		44
15.01	PURPOSE	44
15.02	USE REGULATION	44
15.03	AREA AND DIMENSIONAL STANDARDS	48
	15.031 <u>Minimum Front Yard Depth</u>	48
	15.032 <u>Minimum Side and Rear Yards</u>	48

15.033	<u>Minimum Height Limits</u>	48
CHAPTER 16 - PLANNED DEVELOPMENT PROJECTS		
16.01	<u>PURPOSE AND GENERAL PROCEDURES</u>	49
16.011	<u>Purpose</u>	49
16.012	<u>General Procedure and Requirements</u>	49
16.013	<u>Basic Requirements</u>	49
16.014	<u>Application Procedures for all Planned Projects</u>	49
	16.0141 <u>Zoning Application Procedure</u>	49
	16.0142 <u>Subdivision Procedure</u>	50
16.02	<u>FIXED DWELLING DEVELOPMENT</u>	50
16.021	<u>Purpose</u>	50
16.022	<u>Definition of Fixed Dwelling Development</u>	51
16.023	<u>Procedure and Requirements</u>	51
	16.0231 <u>Application</u>	51
	16.0232 <u>Review by the Zoning Commission</u>	52
16.024	<u>Uses Permitted</u>	52
16.025	<u>Development Standards</u>	52
	16.0251 <u>Maximum Average Density of Development</u>	52
	16.0252 <u>Application of Density Requirements</u>	52
	16.0253 <u>Minium Privately Occupied Lot Area</u>	52
	16.0254 <u>Assignment of Open Spaces to Required Uses</u>	53
	16.0255 <u>Minium Open Space Dimensions and Allocation</u>	53
	16.0256 <u>Maximum Area Covered by Buildings</u>	55
	16.0257 <u>Maximum Height of Buildings</u>	56
	16.0258 <u>Vehicular Access and Public Streets</u>	56
	16.0259 <u>Off-Street Parking</u>	56
	16.0260 <u>Drainage</u>	56
16.03	<u>MOBILE HOME OR MANUFACTURED HOME</u>	56
16.031	<u>Individual Mobile Home or Manufactured Home</u>	56
16.032	<u>Procedures and Requirements</u>	57
	16.0321 <u>Application</u>	57
16.033	<u>Uses Permitted</u>	58
16.034	<u>Location Requirements</u>	58
16.035	<u>Development Standards</u>	58
	16.0351 <u>General Standards, Facilities and Services</u>	58
	16.0352 <u>Mobile Home Site Standards</u>	59
16.04	<u>PLANNED COMMERCIAL CENTERS</u>	60
16.041	<u>Purpose and Types</u>	60
16.042	<u>Definition of Planned Commercial Center</u>	60
16.043	<u>Procedures and Requirements</u>	60
	16.0431 <u>Application</u>	60
	16.0432 <u>Review by the Zoning Commission</u>	61
16.044	<u>Location Requirements</u>	61
16.045	<u>Uses Permitted</u>	62
16.046	<u>Development Standards</u>	62
	16.0461 <u>Schedule of Area Dimension Standards</u>	62
	16.0462 <u>Application of Development Standards</u>	63
	16.0463 <u>Off-Street Parking Space</u>	63
	16.0464 <u>Loading space</u>	64
	16.0465 <u>Access Drives and Illumination of Parking Areas</u>	64
16.05	<u>PLANNED INDUSTRIAL PARKS</u>	64
16.051	<u>Purpose</u>	64
16.052	<u>Definition of Planned Industrial Park</u>	65

16.053	<u>Procedures and Requirements</u>	65
	16.0531 <u>Application</u>	65
	16.0532 <u>Review by the Zoning Commission</u>	66
16.054	<u>Location Requirements</u>	66
16.055	<u>Uses Permitted</u>	66
16.056	<u>Development Standards</u>	66
	16.0561 <u>The following development standards shall apply in any Planned Industrial Park:</u>	66
	16.0562 <u>Enclosures, Screen and Landscaping</u>	67
	16.0563 <u>Off-Street Parking Spaces</u>	67
	16.0564 <u>Loading Space</u>	67
	16.0565 <u>Access drives and Illumination of Parking Areas</u>	67
 CHAPTER 17 - OFF-STREET PARKING AND LOADING STANDARDS		68
17.01	<u>PURPOSE</u>	68
17.02	<u>OFF-STREET PARKING SPACE REQUIRED</u>	68
	17.021 <u>Application of Requirements</u>	68
	17.022 <u>Schedule of Parking Spaces Required</u>	68
	17.023 <u>Application of Schedule</u>	70
	17.024 <u>Development Standards for Off-Street Parking Space</u>	70
17.03	<u>OFF-STREET LOADING SPACE REQUIRED</u>	71
	17.031 <u>Requirements</u>	71
	17.032 <u>Schedule of Loading Spaces Required</u>	71
	17.033 <u>Application of Schedule</u>	72
	17.034 <u>Development Standards for Off-Street Loading Space</u>	72
 CHAPTER 18 - SIGN REGULATIONS		73
18.01	<u>GENERAL PROVISIONS</u>	73
	18.011 <u>Traffic Hazards</u>	73
	18.012 <u>Exempted Signs</u>	73
	18.013 <u>Prohibited Signs</u>	73
	18.014 <u>Non-conformance</u>	74
	18.015 <u>Sign Responsibility, Maintenance and Removal</u>	74
	18.016 <u>Permits and Fees</u>	75
	18.017 <u>Location of Signs</u>	75
	18.018 <u>Signs Near Residential Districts</u>	76
	18.019 <u>Illumination</u>	76
18.02	<u>ACCESSORY SIGNS</u>	76
	18.021 <u>Accessory Signs in Open Space, Residential and Office-Institutional-Apartments Districts</u>	76
	18.022 <u>Accessory Signs in Commercial and Industrial Districts</u>	78
	18.023 <u>Maximum Height of Accessory Signs</u>	80
18.03	<u>ADVERTISING SIGNS</u>	80
	18.031 <u>General Provisions</u>	80
	18.032 <u>Standards for Advertising Signs</u>	81
18.04	<u>MOUNTED MOBILE SIGNS</u>	81
 CHAPTER 19 - SPECIAL USE REGULATIONS		82
19.01	<u>EXCEPTIONS TO APPLICATION OF AREA DIMENSION STANDARDS</u>	82
	19.011 <u>Planned Development Projects</u>	82
	19.012 <u>Exceptions to Lot Width and Area Requirements</u>	82
	19.013 <u>Front-Yard Exceptions and Modifications</u>	82
	19.014 <u>Side-Yard Exceptions, Application and Adjustments</u>	83
	19.015 <u>Rear-Yard Exceptions of Shallow Lots</u>	83

19.016	<u>Uses and Projections Permitted in Yards</u>	83
19.017	<u>Height Limit Exceptions</u>	84
19.02	HOME OCCUPATIONS	84
19.03	AUTOMOBILE SALES, SERVICE AND REPAIR, DRIVE-IN ESTABLISHMENTS, COMMERCIAL PARKING LOTS: PARKING AREA SERVING COMMERCIAL AND INDUSTRIAL USES	85
19.031	<u>For all uses listed hereunder in Section 19.032 to 19.035, the following requirements shall apply:</u>	85
19.032	<u>Automobile Service Station</u>	85
19.033	<u>Automobile Repair Garages and Automobile Sales Establishments</u>	86
19.034	<u>Commercial Parking Lots; Parking Areas Servicing Commercial Or Industrial Uses</u>	87
19.035	<u>Drive-In and Drive-Through Establishments</u>	87
19.04	PRIVATE SWIMMING POOLS	87
19.05	TOPSOIL REMOVAL	87
19.06	EXCAVATION OF FILL FOR HIGHWAY CONSTRUCTION	88
19.07	MINERAL EXTRACTION, STORAGE AND PROCESSING	88
19.071	<u>Purpose</u>	88
19.072	<u>Establishment of Boundaries or Limits</u>	88
19.073	<u>Standards for Development, Operation and Rehabilitation</u>	88
19.0731	<u>Processing Plants</u>	88
19.0732	<u>Dimension Requirements</u>	89
19.0733	<u>Disposal of Building and Structures</u>	89
19.0734	<u>Application</u>	89
19.0735	<u>Rehabilitation of Site</u>	89
19.08	PETROLEUM DRILLING AND PRODUCTION	90
19.081	<u>Purpose</u>	90
19.082	<u>An application for a Drilling Permit has been filed with the Zoning Inspector, Including:</u>	90
19.083	<u>Fee</u>	91
19.084	<u>Surety Bond</u>	91
19.085	<u>Standards</u>	91
19.086	<u>Permit</u>	92
19.087	<u>Renovation</u>	92
19.088	<u>Closing or Production Plans</u>	92
19.09	PUBLIC UTILITIES	92
19.10	SITE PLAN	93
A.	<u>Site Plan Purpose and Procedure</u>	93
B.	<u>Preparation Of The Site Plan - Guidelines And Requirements</u>	93
C.	<u>Site Plan Maintenance</u>	95
19.11	WIND TURBINES	95
1.	<u>Wind turbines shall be a <i>permitted use</i> in all districts under the following conditions</u>	95
B.	<u>Setbacks: the following shall apply in regards to setbacks</u>	96
C.	<u>Maintenance</u>	96
D.	<u>Decibel Levels</u>	96
F.	<u>Wiring and Electrical Apparatuses</u>	96
2.	<u>Permits</u>	96
3.	<u>Exemptions</u>	97
19.12	DANGEROUS, EXOTIC AND WILD ANIMALS	97
19.13	DIRT BIKE / ATV TRACK REGULATIONS	98
19.14	STORAGE OF JUNK MOTOR VEHICLE REQUIREMENTS	98
19.15	YARD SALES	98

CHAPTER 20 - ZONING COMMISSION	99
20.01 ORGANIZATION, STAFF SERVICES AND GENERAL PROCEDURES	99
20.011 <u>Organization</u>	99
20.012 <u>Staff Services</u>	99
20.013 <u>General Procedures</u>	99
20.02 POWERS AND DUTIES	99
CHAPTER 21 - BOARD OF ZONING APPEALS	101
21.01 ESTABLISHMENT, STAFF SERVICE AND GENERAL PROCEDURES	101
21.011 <u>Establishment</u>	101
21.012 <u>Staff Services</u>	101
21.013 <u>General Procedures</u>	101
21.02 APPLICATION AND APPEALS	101
21.021 <u>Filing Application</u>	102
21.022 <u>Filing Appeals</u>	102
21.023 <u>Hearings; Date and Notices</u>	102
21.024 <u>Adjournment of Hearing</u>	102
21.025 <u>Decisions of the Board</u>	103
21.026 <u>Stay of Proceedings</u>	103
21.03 POWERS OF THE BOARD	103
22.031 <u>Interpretation of the Zoning Resolution</u>	103
21.032 <u>Original Jurisdiction Application for Exceptions and Conditional Uses</u>	103
21.033 <u>Appeals for Variance</u>	104
21.034 <u>General Powers</u>	105
21.04 EXPIRATION OF PERMITS FOR EXCEPTIONS CONDITIONAL USES AND VARIANCES	105
CHAPTER 22 - ADMINISTRATION	106
22.01 DUTIES OF THE ZONING INSPECTOR	106
22.011 <u>Office of the Zoning Inspector</u>	106
22.012 <u>Application; Zoning Permits</u>	106
22.013 <u>Occupancy or Use Permits</u>	107
22.0131 <u>Occupancy Permits; Where Zoning Permit Issued</u>	107
22.0132 <u>Occupancy Permits; Where no Zoning Permit Required</u>	107
22.0133 <u>Temporary Occupancy Permits</u>	107
22.014 <u>Action on Application; Time Limit</u>	107
22.015 <u>Zoning Permits; Time Limit</u>	107
22.02 FEES	107
22.03 AMENDMENTS	108

CHAPTER 1

JURISDICTION AND PURPOSE

1.01 AREA OF JURISDICTION

The provisions of this Resolution shall apply to the unincorporated territory of Marion Township. If, at any future time, any territory of the incorporated city in the township becomes a part of the unincorporated area of the township by proper legal procedure, such territory shall automatically retain the zoning classification set forth for said area in the City Zoning Code until otherwise classified by proper amendment procedure.

1.02 PURPOSE

In addition to and in support of the general purpose of rural zoning set forth in Section 519.02, Revised Code of Ohio, this Resolution is adopted for the following purpose:

1. To promote the public health, safety, morals, comfort and general welfare of the citizens Marion Township;
2. To promote orderly and beneficial development in Marion Township in furtherance of the Comprehensive Plan for Marion County;
3. To conserve the values of property throughout Marion Township, and to protect the character and stability of agricultural, residential, commercial, industrial and public areas;
4. To provide adequate light, air, privacy and convenience of access to property;
5. To lessen or avoid congestion on the streets and highways of Marion Township;
6. To provide a pattern and density for the use of land which will make possible the convenient and economical provision of public utilities;
7. To provide for the achievement of purpose stated elsewhere herein with relation to the various aspects of growth and development in Marion Township.

CHAPTER 2

DEFINITIONS

2.01 DEFINITIONS

For the purposes of the Resolution, certain terms are herewith defined. When not inconsistent with the context, words in the tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word “structure” includes buildings, the word “occupied” includes designed or intended to be occupied; the word “used” includes designed or intended to be used; and the “shall” is mandatory and not merely directive. Other words and terms shall have meanings as defined hereunder.

1. Accessory Buildings or Structure. A subordinate building or structure on the same lot with principal building, or a portion of the principal building occupied or devoted exclusively to an accessory use, provided that any such building or structure is erected at the same time or after the construction of the principal building.
2. Accessory Use. A use subordinate to the principal use of a building or premises, and customarily incidental thereto.
3. Agriculture. See the Ohio Revised Code Section 519.01 for the current definition of agriculture. (See section 6.04 for information regarding the exemption of agriculture from the requirements of this Resolution).
4. Animal Raising, Specialized. The use of and buildings for the commercial raising, care and sale of fur-bearing animals such as foxes, mink, rabbits, dogs, and domestic pets; also the stabling or care of horses and other animals and birds as an enterprise other than an accessory to agricultural use, as herein defined.
5. Alley. A public right-of-way not more than thirty (30) feet in width, providing only a secondary means of vehicular access to abutting property.
6. Apartment. A dwelling unit located in an apartment building.
7. Apartment, “0”-Bedroom”. An apartment or dwelling unit consisting of not more than one (1) habitable room, together with kitchenette and sanitary facilities; synonymous with “efficiency apartment”.
8. Apartment Building. Any building housing three (3) or more apartments or dwelling units, provided said units are the principal use of the building.
9. Apartment Hotel
 - A. A building or portion thereof containing three (3) or more dwelling units or individual guest rooms or suites or guest rooms not for the use of transients, or

- B. An apartment building in which all or most of the dwelling units are provided with maid service.
10. Automobile or Trailer Sales Area. An open area used for display, sale or rental of new or used motor vehicles or trailers in operable condition, and where only incidental repair work is done.
 11. Basement. A story the floor of which is more than one half (1/2) of its story height below the average level of the adjoining ground. Any story which is not a basement story shall be counted as a story for purposes of height, yard, or other open measurement.
 12. Board. The Marion Township Board of Zoning Appeals.
 13. Boarding House. A building or part thereof other than a hotel or restaurant, where meals are served, for compensation, for three (3) or more persons, not transients (See also Lodging House).
 14. Building. Any structure having a roof supported by columns or wall used for shelter or enclosure of persons, animals or property.
 15. Building, Height of. The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or the deck line of a mansard roof or the mean height level between eaves and ridge for gable, hip or gambrel roof.
 16. Building, Length of. For the purpose of computing required yard dimension or distance between buildings, the length of a building shall be the total length of the exterior wall or walls which are most nearly parallel to the lot line or other building to which the dimension or distance is measured.
 17. Building Wall. For the purpose of computing required yard dimension or distance between buildings, the building wall includes such wall or parts thereof which is most nearly parallel with the lot line or other building wall to which the dimension or distance is measured.
 18. Commission, Zoning. The Marion Township Zoning Commission.
 19. Comprehensive Plan. The Comprehensive Plan for Marion County or parts thereof, as and when adopted or amended by the Marion County Regional Planning Commission.
 20. Conditional Use; Special Exception. A principal use which is subject to conditional approval by the Board of Appeals. A conditional use (or special exception) may be granted by the Board only under one of the following conditions:
 - A. Where there is a specific provision in this Resolution for such use within the District involved, or
 - B. In case the use in question is not listed as either permitted or prohibited in the District involved and the Board is

specifically authorized to determine whether an unlisted use is similar to others listed as permitted. Such favorable determination may not be made in the case of a use which is first listed as permitted or as prohibited in a less restricted District.

21. Court. An open, uncovered and unoccupied space, other than a yard or open space between two separate buildings, which is surrounded wholly or in part by the exterior walls of a building.
22. Court, Inner. A court surrounded on all sides by the exterior walls of a building.
23. Court, Outer. A court having at least one (1) side open to a street, yard or other permanent open space.
24. Density, Residential. A measurement of the intensity of residential use, measured in terms of the number of dwelling units per net acre of land occupied, excluding streets, alleys and all land not used directly for residential purposes.
25. District, Zoning. A portion of the land within the unincorporated territory of Marion Township within which certain uniform regulations and requirements of various combinations thereof apply under the provisions of this Resolution.
26. Drive-in Establishment. Any commercial establishment such as a carwash, bank or restaurant, which relies for its principal source of customers or clients on provision for the driving of motor vehicles, with a parking space, window, stall or device at which the sale or service is provided by the establishment or self-service.
27. Drive-through Establishment. A drive-in establishment in which the vehicles are kept in line waiting for service.
28. Dwelling. A building or portion thereof designed or used as the home of one or more persons or families, but not including a tenet, cabin, hotel, motel, trailer or mobile home. This definition shall include a modular dwelling, as defined herein.
29. Dwelling, Fixed. A dwelling permanently fixed to the ground, which shall not include mobile homes.
30. Dwelling Mobile. A mobile home; a vehicle so constructed as to permit its repeated conveyance upon public streets or highways, and so designed and constructed as to permit its occupancy as a permanent residence for one (1) or more persons. This definition shall not include a travel or vacation vehicle, either self-propelled or non-self propelled, as separately defined herein.
31. Dwelling Modular. A fixed dwelling comprising one or more preassembled modules or units, brought to the building site by temporary

means of transport and assembled and permanently anchored to the ground. A mobile home, as defined herein, shall not be deemed to be a modular unit or a modular dwelling.

32. Dwelling, Multi-Family. A building or portion thereof designed for or used for residence purposes by three or more families, including an apartment building or town house.
33. Dwelling, Single-Family. A building designed for and used exclusively for residence purposes by one family or housekeeping unit.
34. Dwelling, Seasonal. A summer cottage, winter lodge or similar lodging occupied less than six (6) months during a year.
35. Dwelling, Town House. A building consisting of a series of three (3) or more attached or semi-detached dwelling units, each with a ground floor and a separate entrance, whether maintained in a single ownership, separate ownership, or condominium. In order to conform with this Resolution, a town house shall comply with the following:
 - A. Have a maximum of eight (8) dwelling units in a single building;
 - B. Have a minimum of sixteen (16) feet of width in each dwelling unit;
 - C. Have privately occupied lot area in accordance with Section 16.02 which shall apply to all town houses.
36. Dwelling, Two Family. A building designed for and used exclusively by two families or housekeeping units.
37. Dwelling Unit. One or more rooms designed for, intended for, or used as a residence by one family with facilities for cooking therein.
38. Family. A person living alone or two or more persons living together as a single- housekeeping unit, in a dwelling unit.
39. Filling Station. See “Service Station”.
40. Floor Area. The measurement of floor area for purposes required by 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 more than ninety (90) inches of headroom, which are accessible by a fixed stairway, elevator or escalator, and which may be made usable for the intended occupancy. For residential uses, the floor area of uninhabitable basements, cellars, garages, accessory building, attics, breeze ways and unenclosed porches shall be excluded.
41. Floor-Area Ratio. The ratio of total floor area on all floors of a building to the total lot area.

42. Garage, Private. A detached accessory building or a portion of a principal building used only for the storage of self-propelled vehicles and incidental residential storage.
43. Garage, Public. A building or portion thereof, designed or used for equipping, servicing, repairing, hiring, renting, selling or storing self-propelled vehicles.
44. Home Occupation. An occupation which is carried on in the home in a Residential or O-I-A district, provided it is incidental to the residential use, and meets the requirements of Section 19.02 of this Resolution.
45. Hospital. An institution providing health services primarily for inpatient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the facility. The term specifically shall not include tuberculosis, mental or penal hospitals, rest homes, or nursing homes.
46. Hotel, Motel. A building of buildings containing guest rooms to be occupied primarily by transients who are lodged with or without meal service.
47. Junk Yard. A place where discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of house wrecking and structural steel materials and equipment. For the purposes of this Resolution two (2) or more unlicensed autos on a lot shall constitute a junk yard and be subject to the provisions and regulations of a junk yard.
48. Land Use Plan. The Land Use Plan for Marion County, as adopted and amended by the Marion County Regional Planning Commission.
49. Lodging House. A building or part thereof, other than a hotel or motel, where both meals and lodging are provided, for compensation, for three or more persons, not transient, where no cooking or dining facilities are provided in individual rooms. (see also "Boarding House" and "Rooming Houses").
50. Lot. A parcel of land occupied or intended to be occupied by a principal building or group such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with the open space as required by this Resolution and having frontage on a public street.
51. Lot Area. The computed lot area within the lot lines.
52. Lot, Corner. A lot abutting upon two (2) or more streets at their intersection or upon two(2) parts of the same street which form an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lines is the corner.
53. Lot, Interior. A lot other than a corner lot.

54. Lot Depth. The mean horizontal distance between the front and rear lot lines, measured at right angles to the street line.
55. 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.
56. Lot lines. The property or street right-of-way lines bounding a lot.
57. Lot Line, Front. The lot line separating the lot from the right-of-way line of the principal street on which the lot abuts.
58. Lot Line, Rear. The lot line opposite and most distant from the front lot line.
59. 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, is called a side street lot line. A side lot line separating a lot from another lot is called an interior lot line.
60. Lot of Record. A lot which is a part of a record 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.
61. Motel. See "Hotel."
62. Mobile Home. See "Dwelling, Mobile."
63. Modular Home. See "Dwelling, Modular."
64. Net Acreage. The area of land, in acres, within the lines of a lot. (See also definition for Density, Residential).
65. Non-conforming Structure. A building or structure, lawfully existing at the time of the effective date of this Resolution, that does not conform to the provisions of this code as to lot area, yard or building height requirements for the zoning district in which it is located.
66. Non-conforming Use. The use of a building or structure or of a tract of land, lawfully existing at the time of the effective date of this Resolution that does not conform to the use regulations for the zoning district in which it is located.
67. Opaqueness. The degree to which a wall, fence, structure or landscape planting is solid or impenetrable to light or vision in a generally uniform pattern over its surface.
68. Open Space. This term, as used in this Resolution, is intended to refer to front, side or rear yards adjoining buildings, or to other land space not occupied by buildings, required or provided to afford light, ventilation, visibility and other requirements for a healthful environment.
69. Parking Area or Lot. An open area, other than a street or other public way,

used for the parking of motor vehicles.

70. Parking Garage. A structure designed and used primarily for the storage or parking of passenger automobiles, including such accessory servicing of such automobiles as may be permitted by this Resolution.
71. Permit, Occupancy. A document issued by the Zoning Inspector which certifies that the completed building, structure or use proposed are consistent with the requirements of this Resolution and for the use applied for.
72. Permit, Use. See “Permit Occupancy.”
73. Permit, Zoning. Any permit which authorizes the construction or alteration of buildings or structures in accordance with the Zoning Resolution.
74. Planned Development Projects:
 - A. Fixed Development. See definition, Section 16.022
 - B. Mobile Home Park. A parcel of land in single ownership, developed and operated for occupancy by mobile homes as permanent residences, in accordance with the requirements set forth in Section 16.03 of the Resolution.
 - C. Planned Commercial Center. See definition, Section 16.042.
 - D. Planned Industrial Park. See definition, Section 16.052.
75. Principal Building. A building or structure in which is conducted the principal use of the lot on which it is situated.
76. Principal Use. The primary or chief purpose for which a lot or structure is used.
77. Public Uses. All lands, other than streets and highway, 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 government, such as parks, schools and administrative, recreation, culture, and service buildings.
78. Public Utility Facilities. Land, buildings, equipment, materials, tools and machinery necessary for the erection, construction, alteration, maintenance and repair of public utility system as defined in Section 519.21 of the Ohio Revised Code and which are exempted from zoning regulations.

However, ORC Section 519.211 permits townships the authority to regulate telecommunications towers in areas zoned for residential use (519.211 Subsection B - See Township Zoning Requirements in Section 19.09) and “public utilities engaged in the business of transporting persons or property, or both, or providing or furnishing such transportation service over any public street, road, or highway in the state” (519.211 Subsection (C) - See Township Zoning Requirements in Section 15.02 (2) (A) (3)).

79. 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, ski slopes, swimming pools and other similar non-commercial recreation areas or facilities.
80. 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, with the sale of goods and services limited to food, beverages, boating, fishing and camping supplies, boating, fishing and camping supplies, boat docking and launching, tent and recreational vehicle parking.
81. Recreational Facilities, General Commercial. Recreation areas and facilities open to the public, established and operated for profit, including commercial golf courses, ski lodges and slopes, swimming pools, ice skating rinks, riding stables, race tracks, amusement parks, carnivals and similar commercial enterprises.
82. Residence. See “Dwelling.”
83. Road. See “Street.”
84. Rooming House. A building or part thereof other than a hotel or motel, where lodging is provided for compensation for three (3) or more persons, not transients, where no cooking or dining facilities or services are provided. (See also “Lodging House”).
85. School. A building used for the purpose of elementary or secondary education which meets the requirements of the compulsory education laws of the State of Ohio, and not providing residential accommodations for students.
86. 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 or other similar activity.
87. Service Station. Buildings or premises, or portions thereof, arranged or designed to be used for the retail sale of oil, gasoline, or other products for the propulsion or lubrication of motor vehicles, including facilities for changing and repairing of tires or batteries, polishing, greasing, washing, or minor servicing or such motor vehicles, but excluding high speed automotive washing, steam cleaning, body repairing, major motor, transmission or chassis repairing and body bumping and painting.
88. Shopping Center. A group of buildings and accessory open spaces devoted to permitted commercial uses which:

- A. Is under one ownership with separate establishments rented or leased;
 - B. Has common parking facilities for all establishments occupying the center; and
 - C. Has no lot lines drawn between establishments.
89. Sign. Any writing, numerals, pictorial representation, illustration, decoration, emblem, symbol, trademark, flag, banner, pennant, streamers, or any other figures or object of similar character which:
- A. Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building, column, or other structure, or any portable device, and
 - B. Is used to announce, direct attention to, or advertise, and
 - C. Is visible from any street, alley, park, or other public area.
90. Sign, Area of. The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed excluding the necessary supports or uprights on which such sign is placed. For a sign having more than one (1) display surface, all surfaces shall be included in computing the total of the exposed exterior display surface area. For a sphere or other curved display surface, the area shall be that of the largest plane passing through at right angles to the principal line of vision.
91. Sign, Accessory. A sign which relates solely to the building or premises on which it is located in any manner indicated by the definitions hereunder for functional types of accessory sign.
92. Signs, Accessory, Defined by Function.
- A. Bulletin Board. A sign of permanent construction, but with movable letters words or numerals indicating the name of a religious institution, school, library, auditorium, theater, stadium, athletic field or other similar use and the announcements of services or activities to be held therein.
 - B. Directional Sign. A sign containing only words, numbers, arrows or pictorial matter directing pedestrians or motorists in the proper and convenient use of the premises on which the sign is located.
 - C. Identification Sign. A sign which displays only the name, address and/or use of the premises and/or the goods sold or produced or the services offered therein.
 - D. Temporary Sign. A banner, pennant, streamer, poster, display or illustration which is affixed to or painted upon or represented directly

or indirectly upon a building, structure or piece of land or a portable device, and which directs attention to an object, product, place, activity, person, institution, organization or business and is constructed of metal, cloth, canvas, plastic sheet, cardboard or other like materials and which is intended to be displayed for a limited period of time.

- E. Temporary Sign, Real Estate. A temporary sign pertaining to the sale or lease of the lot or tract of land on which the sign is located or to the sale or lease of one or more structures or a portion thereof located on such lot or tract of land.
- F. Temporary Sign, Construction. A temporary sign indicating the names of architects, engineers, contractors and similar persons or firms involved in the design or construction of a structure or project.
- G. Warning Sign. Any sign indicating a situation which is dangerous or potentially dangerous.

93. Signs, Accessory, Defined by Structural Type:

- A. Awning, Canopy or Marquee Sign. A sign that is mounted on, painted on, or attached to awning, canopy, or marquee.
- B. Free Standing Sign. A sign, not attached to any building, which is suspended or supported by one or more upright columns or structures attached to the ground.
- C. Projecting Sign. A sign, not a wall sign, suspended from or supported by a building or similar structure and projecting therefrom.
- D. Roof Sign. A sign, erected on or over the roof of any building or similar structure.
- E. Wall Sign. A sign which is erected against or painted upon the wall of any building, with the exposed face thereof in a plane parallel with the plane of said wall.

94. Sign, Advertising. A sign which directs attention to a use, commodity or service not related to the premises on which it is located, including a billboard.

95. Sign Face. A single surface of a sign, upon, against, or through which the message of the sign is exhibited.

96. Sign, Flashing. Any illuminated sign on which the artificial light or any part thereof has conspicuous or intermittent variation in intensity or color.

97. Sign, Height. The vertical distance from the upper most point used in measuring the area of the sign to the ground immediately below such point or to the level of the upper surface of the nearest curb of a street or alley (other than a structurally elevated roadway) whichever measure permits the greatest elevation of the sign.

98. Sign, Illuminated. Any sign which is illuminated by an artificial source of light.
- 98A. Sign, Mounted Mobile
 A sign which includes a permanently or temporarily attached trailer for the purpose of transporting it to a given location. Signs that are removed from their trailers, but not permanently attached to a building, structure, post, or land are still defined as "Mounted Mobile Signs" for the purpose of this code. Signs may be illuminated or non-illuminated and typically are designed for the placement of individual letters on the sign face to produce messages.
99. Sign, Moving. Any sign or part thereof which rotates, revolves or otherwise is in motion.
100. Sign Structure. The supports, uprights, bracing or framework for signs.
101. Slaughter House. A building used for the slaughtering of animals and the scalding, dressing, butchering, and storage of animal carcasses, but not including the rendering, smoking, curing, or other processing of meat, fat, bones, offal, blood or other by-products.
102. Story. That portion of a building between the upper surface of any floor and the upper surface of the floor above, or any portion of a building between the topmost floor and the roof having a usable floor area equal to at least fifty (50) percent of the usable floor area of the floor immediately below it.
103. Story, First. The lowest story or ground story of a building which is not defined as a basement.
104. Street. A public right-of-way thirty (30) feet or more in width which existed prior to the time of the effective date of this Resolution. The term "street" shall include avenue, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.
105. Street, Principal. The street adjoining the front lot line.
106. Street, Side. The street located along the side street lot line of a corner lot; the street adjoining a corner lot which is approximately at right angles to the principal street.
107. Structure. Any constructed or erected material or combination of materials, the use of which requires location on the ground, including but not limited to, buildings, stadia, radio towers, sheds, storage bins, swimming pools, walls and fences.
108. Structural Alteration. Any change in the structural members of a building, such as walls, floors, columns, beams or girders.
109. Subdivision Regulations. The Subdivision Regulations for Marion County and the City of Marion, adopted by the Marion County Regional Planning Commission July 27, 1966 and as they may be amended from time to time.
110. Tourist Home. A building or part thereof, other than a hotel, motel, boarding

house, lodging house, or rooming house, where lodging is provided for transients by a resident family in their home for compensation.

111. Town House. See “Dwelling, Town House.”
112. Travel or Vacation Vehicle. A vehicle, either self propelled or non self-propelled, so constructed as to permit its continued conveyance upon public streets and highways, and so designed and constructed as to provide sleeping and/or eating accommodations for persons while traveling or vacationing. Any portable vehicle providing such accommodation having a usable length if forty-five (45) feet or less shall be included within this definition, and shall not be defined as a mobile home.
113. Yards, Required. The open space required between lot lines and buildings or structures, which space shall be open, unoccupied and unobstructed except as provided for in this Resolution.
114. Yard, Front. The required open space, extending for the full width of the lot, between the front lot line and any building, measured horizontally at right angles to the front lot line.
115. Yard, Rear. The required open space, extending for the full width of the lot, between the rear lot line and any principal building, measured horizontally at right angles to the rear lot line.
116. Yard, Side. The open space extending from the front yard to the rear yard, between the nearest side lot line and a building.
117. Zoning District, Zoning Use District; Use District. These terms are synonymous with each other. See District, Zoning.
118. Public water; public water facilities; public water supply; public water services; water. These terms used in the purpose clauses, area dimensional standards, general standards, facilities and services or elsewhere in this zoning resolution in reference to residential use of water, are synonymous and shall be construed to mean water supplied by a public utility company, public service water company or a governmental unit or agency for the use of the general public.
119. Public sewer services; sewer services, public sewer facilities; sewer facilities; public sanitary sewer facility; sanitary sewer facility; sewer. These terms where used in the purpose clauses, area dimensional standards or elsewhere in this zoning resolution are synonymous and shall construed so as to include both storm water and sanitary drainage for residential, commercial and/or industrial use as constructed by or under the supervision, direction, control or permission of a governmental unit or agency for the use of the general public.

WIND TURBINE DEFINITIONS

DEFINITIONS: For purposes of the regulation of residential, commercial, and industrial use of wind turbine generators.

Accessory Structures: Structures such as sheds, storage sheds, pool houses, unattached garages, and barns.

Anemometer: An instrument that measures the force and direction of the wind.

Clear Fall Zone: An area surrounding the wind turbine unit into which the turbine and -or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located at, the purpose being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not fall onto dwellings, any inhabited buildings, and will not intrude onto a neighboring property.

Cowling: A streamlined removable metal that covers the turbine's nacelle.

Decibel: A unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the decibel scale runs from zero for the least perceptible sound to 130 for sound that causes pain.

Nacelle: A separate streamlined metal enclosure that covers the essential mechanical components of the turbine.

Primary Structure: For each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.

Professional Engineer: A qualified individual who is licensed as a Professional Engineer in the State of Ohio.

Wind Power Turbine Owner: The person or persons who owns the Wind Turbine structure.

Wind Power Turbine Tower: The support structure to which the turbine and rotor are attached.
Wind Power Turbine Tower Height. The distance from the rotor blade at its highest point to the top surface of the Wind Power Generating Facility (WPGF) foundation.

CHAPTER 3

LEGAL PROVISIONS

3.01 MINIMUM REQUIREMENTS AND CONFLICT

In the interpretation of the provisions of this Resolution, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, prosperity and general welfare. When a provision of this Resolution differs or conflicts with the provisions of any other ordinances, statutes, law or regulations, the most restrictive requirements shall apply.

3.02 CONFORMANCE REQUIRED

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

3.03 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.

3.04 PENDING APPLICATION

Nothing contained herein shall require any change in the plans, construction, size or designated use of any development, building, structure, or part thereof, for which a required building permit has been, or based upon a pending application duly filed lawfully could have been granted before the effective date of this Resolution provided that construction is begun no later than six months (6) months after the effective date of this Resolution and is carried on to completion in a reasonable manner and without unnecessary delay.

3.05 VIOLATIONS, PENALTIES

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any of the provisions of this Resolution or any amendment thereto. Any violation of the provision of this Resolution shall be a misdemeanor and, upon conviction, shall subject the owner or any person who has assisted in the commission of such violation, or who uses or maintains any building or premises in which such violation exists, to a fine of not more than one hundred dollars (\$100.00). Each day that a violation is permitted to exist may constitute a separate offense.

CHAPTER 4

NONCONFORMING USES AND STRUCTURES

4.01 INTENT

It is the intent of this Resolution to recognize that the eventual elimination of existing uses and structures which are not in conformity with the provisions of this Resolution is as much a subject of health, safety and welfare as is the prevention of the establishment of new uses which would violate these provisions. However, it is the further intent that any elimination of non-conforming uses or structures shall effected in such a manner as to avoid unreasonable invasion of established private property rights.

4.02 NON-CONFORMING OF USE

A non-conforming use, as defined in Chapter 2 may be continued, subject to exceptions and conditions set forth hereunder.

4.021 Change of Use

No non-conforming use may be changed to another non-conforming use except by approval of the Board of Zoning Appeals in accordance with Section 21.032 of this Resolution. Such change of use shall only be changed to a use of the same class or more restrictive class as the previous non-conforming use.

No such change of use may involve a structural alteration, or any change which in the judgement of the Board, would be more detrimental to the surrounding neighborhood than the existing non-conformity.

4.022 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.

4.03 STRUCTURAL NON-CONFORMANCE

A non-conforming structure, as defined in Chapter 2, may be continued, subject to the following conditions and requirements:

4.031 Structural Alteration, Extension or Repair

A non-conforming structure may be altered, extended or repaired without prior approval of the Board of Zoning Appeals provided that such alteration, extension or repair does not increase the degree of the non-conformity. For example:

- A. If a yard is non-conforming as to its dimension, such dimension shall not be further decreased, nor shall the length or heights of the exterior wall adjoining such non-conforming yard be increased.
- B. If the building height is non-conforming, it shall not be increased.

4.032 Expansion of Use

No non-conforming structure may be changed to provide for an expansion of its use except by approval of the Board of Zoning Appeals, even though such expansion is in accordance with the use requirements of this Resolution. Examples of such expansion include increasing the number of dwelling units or the floor space of a commercial or industrial establishment. In approving an appeal for expansion of use in a non-conforming structure, the Board shall find that such extension will not have a detrimental effect on neighboring property.

4.04 REPAIRING DAMAGED BUILDINGS

A non-conforming building or a building occupied by a non-conforming use which is damaged or destroyed by fire, flood, winds, act of God, or other cause beyond the control of the owner may be repaired or reconstructed and the non-conforming use, if any, may be continued, provided the estimated cost of repair or reconstruction does not exceed sixty (60) percent of the appraised replacement cost of the entire building, exclusive of foundations, prior to its damage or destruction, as determined by the Zoning Inspector and that such repair or reconstruction is commenced within a period of one year diligently prosecuted to completion.

CHAPTER 5

ZONING DISTRICTS AND ZONING DISTRICT MAP

5.01 ZONING DISTRICTS

5.011 Zoning District Classification

The Township is hereby divided into districts under five general categories. All parts of the township shall be designated on the Zoning District Map as being located in one of the Zoning Districts names hereunder:

OPEN SPACE DISTRICTS

“FP” Flood Plain District
“A-1” Agriculture District

RESIDENCE DISTRICTS

“R-S” Rural-Suburban Residence District
“R-1” One- and Two-Family Dwelling Residence Districts
 “R-1A” Low Density One- and Two-Family Residence
 District
 “R-1B” Medium Density One- and Two-Family Residence
 District
“R-2” General (Multi-Family) Residence District

OFFICE-INSTITUTIONAL-APARTMENT DISTRICTS

“O-I-A” Office-Institutional-Apartment District

BUSINESS DISTRICTS

“B-1” Neighborhood Business District
“B-2” Community Business District

INDUSTRIAL DISTRICTS

“I-1” Industrial District
“I-2” Industrial District
“I-3” Industrial District

5.012 Degree of Restrictiveness

Whenever, in this Resolution, the order of Districts as to degree of restrictiveness is referred to, the order shall be as listed hereinbefore with the FP District being the most restricted, and the I-3 District being least restricted.

5.02 ADOPTION OF ZONING DISTRICT MAP AS PART OF RESOLUTION

The boundaries of Zoning Districts as set forth hereinbefore, are hereby established as shown

on the map entitled “Official Zoning District Map of Marion Township, Marion County, Ohio”, as dated and certified by said Marion Township Trustees and the Clerk. Said Zoning District Map and all notations, references and other matters thereon are hereby made a part of this Resolution. Said Zoning District Map shall be and remain on file in the office of the Marion Township Trustees, and a copy thereof shall be and remain on file in the office of the Zoning Inspector.

5.03 DETERMINATION OF DISTRICT BOUNDARIES

Except where referenced and noted on the 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 Resolution or the extension of such lines provided, however, that where a boundary line is shown as adjoining a railroad right-of-way, it shall unless otherwise fixed be constructed to coincide with the nearest boundary line of the railroad right-of-way; provided further that, if the boundary line cannot be shown accurately by any of the aforesaid methods, it shall be shown by written dimensions, indicating clearly the distance of said boundary line from, the nearest parallel street center line, government survey line or other permanent and legally established line. 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 22.

5.04 VACATION OF STREETS, ALLEYS OR OTHER PUBLIC WAYS

Whenever any street, alley or other public way is vacated by official action as provided by law, the Zoning Districts adjoining the sides of such public way shall be automatically extended, depending on the side or sides to which the land reverts, to include the right-of-way thus vacated which henceforth shall be subject to all regulations of the extended District or Districts, except that utility right-of-way or easements shall not be affected by such action.

CHAPTER 6

GENERAL ZONING DISTRICT PROVISIONS

6.01 STREET 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 2, which lot shall have frontage on a street.

6.02 REQUIRED LOT AREA OR OTHER OPEN SPACE CANNOT BE REDUCED

No lot, yard, parking area or other open space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required by this Resolution. No part of a yard, parking area or other space provided for any building in compliance with this Resolution shall be included as a part of a yard, parking area or other space required for another building except as specifically provided for in Chapter 17 for Planned Development Projects.

6.03 GENERAL ZONING DISTRICT REGULATIONS

Regulations governing the use of land and buildings are hereby established in the several zoning districts as set forth in the following Chapters, with each zoning district being identified by name and alpha-numeric symbol. Only uses designated as permitted shall be allowed and any use not so designated shall be prohibited except in specific cases where the Board of Appeals is authorized to rule on non-designated uses which it deems to be similar to those which are designated as permitted. In making such ruling, the Board may not permit in any district a use which is first listed as permitted or prohibited in a less restricted district.

6.04 AGRICULTURE

Nothing contained in this Resolution shall prohibit the use of any land for agriculture purposes, as defined in Chapter 2, or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no Zoning Permit shall be required for such use, building or structure.

However, Section 519.02 of the Ohio Revised Code, permits townships to regulate agriculture in platted subdivisions or areas consisting of 15 or more contiguous lots (all in a row or along both sides of a dedicated public road).

Lots One Acre or Less in Size in Subdivisions or Areas Consisting of 15 or more Contiguous Lots:

1. No person shall keep, harbor, or maintain any horses, mules, cattle, sheep, goats, swine, chicken, geese, pigeons, or other fowl or animals (except those normally kept as pets i.e. dogs (four or less), cats (four or less), rabbits, guinea pigs, mice, hamsters, certain birds, etc).
2. 4H and FFA projects shall be limited to a maximum of four animals for no longer than a nine month time period. No 4H or FFA project will be permitted which causes offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public. All animals or fowl shall be contained within a structure or

fenced area, a minimum of 100' from the inhabited dwelling of another person.

Lots Greater Than One Acre in Size but Less Than Five Acres in Size in Subdivisions:

1. Prior to the development of 35% of the lots in the subdivision (development includes at least one building, structure, or improvement that is subject to real property taxation or that is subject to tax on manufactured or mobile homes), dairying and animal and poultry husbandry shall be permitted provided such animals or fowl are contained within a structure or fenced area a minimum of 100' from the inhabited dwelling of another person.
2. After 35% of the lots are developed, dairying and animal and poultry husbandry shall be considered a nonconforming use of the land and buildings or structures.
 - A. 4H and FFA projects shall be limited to a maximum of four animals for no longer than a nine month time period. No 4H or FFA project will be permitted which causes offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public. All animals or fowl shall be contained within a structure or fenced area, a minimum of 100' from the inhabited dwelling of another person.

Revised: 2014

CHAPTER 7

“FP” FLOOD PLAIN DISTRICT

7.01 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 damage to property.

7.02 FLOOD PLAIN DISTRICT OVERLAY

The flood plain District shall be an over-lapping District with regulations in addition to any other underlying zoning District established within this Resolution.

7.03 USE REGULATIONS

All uses which are allowed in the underlying zoning district shall be allowed within the Flood Plain District with the exception of the storage of potentially hazardous materials. Such materials are those which, if subject to flooding, may become flammable, explosive, or otherwise injurious to human, animal, or plant life.

7.04 DEVELOPMENT STANDARDS

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

7.05 ESTABLISHED OF FLOOD PLAIN ZONE BOUNDARY

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

7.06 DISCLAIMER OF RESPONSIBILITY

The degree of flood protection required in this Resolution is considered reasonable for regulatory purposes. This resolution does not imply that areas outside the Flood Plain District or land uses permitted within the District will be free from flooding. Larger floods may occur as a result of man-made or natural causes. This code shall not create liability on the part of Township for any flood damages that result from reliance on this Resolution.

CHAPTER 8

“A-1” AGRICULTURAL DISTRICT

8.01 PURPOSE

Land which is level or gently rolling, is well drained or capable of being drained, possesses productive soil characteristics and is best preserved for and used for agricultural purposes. All types of urban uses should be discouraged.

8.02 USE REGULATIONS

1. PRINCIPAL PERMITTED USES

- Agriculture
- Public uses
- Recreation facilities, private
- Semi-public uses
- Single-family dwellings

2. CONDITIONAL PERMITTED USES (Subject to approval by Board of Zoning Appeals)

- Airports
- Advertising signs (see Section 18.03)
- Specialized animal raising and care
- Veterinary clinic or hospital
- Sand and gravel extraction (see Section 19.07)
- Recreation facilities, limited commercial
- Tourist camps, motels, inns and other dining places
- Mineral extraction (see Section 19.07)
- Petroleum drilling and extraction (see Section 19.08)
- Topsoil removal (see Section 19.05)
- Seasonal dwellings
- Cemeteries
- Penal and correctional institutions
- Sanitary land fills

3. ACCESSORY PERMITTED USES AND BUILDINGS

- Private garages
- Swimming pools, gardens houses, tool houses, playhouses
- Living quarters of persons employed on the premises
- Boarders and roomers (limited to 2)
- Home occupations (see Section 19.02)
- Required off-street parking space
- Stables (not part of a farm)
- Roadside stands on farms
- Other accessory uses as defined in Chapter 2
- Signs, Accessory (see Section 18.02)
- Temporary buildings

8.03 AREA AND DIMENSIONAL STANDARDS

All structures shall comply with the dimensional and area requirements as set forth in the following schedule:

	MINIMUM LOT SIZE		MINIMUM YARD DIMENSIONS			MAXIMUM BUILDING HEIGHT		MAXIMUM COVERAGE OF LOT
	AREA (ACRES)	FRONTAGE (FEET)	FRONT (FEET)	SIDE (FEET)	REAR (FEET)	FEET	STORIES	PERCENT
Dwellings	1	150	50	20	50	30	2 ½	-
Schools	5	200	50	25	50	30	2 ½	10
All other uses	2	200	50	25	50	30	2 ½	20

8.04 DWELLINGS ON FARMS

No more than five (5) permanent dwelling units, including mobile homes as provided for in Section 16.031, may be located on a farm, to be occupied only by families or persons engaged in the operation of the same farm. Ownership of the sites on which such dwellings are located shall not be transferred as separate parcels except in accordance with the Subdivision Regulations and the standards set forth in this Resolution.

CHAPTER 9

“R-S” RURAL-SUBURBAN RESIDENCE DISTRICT

9.01 PURPOSE

Areas where a very low density of single-family residential development is expected to occur (1) because of rolling topography unsuited to higher density development and / or (2) because the provision of public water and sewer services is unlikely within the foreseeable future.

9.02 USE REGULATIONS

1. PRINCIPAL PERMITTED USES

- Agriculture
- Single-family dwellings
- Public uses
- Semi-public uses

2. CONDITIONAL PERMITTED USES (Subject to approval by Board of Zoning Appeals)

- Nursery schools and day nurseries
- Sanitariums, convalescent homes and rest homes
- Cemeteries adjacent to or an extension of existing cemeteries
- Recreation facilities, private

3. PLANNED DEVELOPMENT PROJECTS (Subject to approval by Zoning Commission)

- Fixed dwelling developments

4. ACCESSORY PERMITTED USES AND BUILDINGS

- Private garages
- Swimming pools, garden houses, tool houses, playhouses
- Boarders and roomers
- Home occupations (See Section 19.02)
- Living quarters for persons employed on the premises
- Accessory signs (see Section 18.02)
- Other accessory uses as defined in Chapter 2

9.03 AREA AND DIMENSIONAL STANDARDS

All structures shall comply with the dimension and area requirements as set forth in the following schedule:

	MINIMUM LOT SIZE		LOT AREA PER DWELLING UNIT	MINIMUM YARD DIMENSION			MAXIMUM BUILDING HEIGHT		MAXIMUM COVERAGE OF LOT
	AREA (ACRES)	FRONTAGE (FEET)	SQ. FT.	FRONT (FEET)	SIDE (FEET)	REAR (FEET)	FEET	STORIES	PERCENT
Dwellings without sewer & water	1	150	43,560	50	20	50	30	2 ½	-
Dwellings with sewer & water	0.7	150	30,000	50	20	50	30	2 ½	-
Schools	5	200	-	50	25	50	30	2 ½	10
Hospitals	2	200	-	50	25	50	30	2 ½	20
All other uses	1	150	-	50	20	50	30	2 ½	20

9.04 REQUIREMENTS FOR ACCESSORY STRUCTURES

An accessory building may be erected detached from the principal building or may be erected as an integral part of the principal building, or it may be connected by a breeze way or similar structure. No accessory building shall be erected in any required yard other than a rear yard, except as hereinafter provided. Any accessory building not in a rear yard whether detached from or connected with the principal building shall be so placed as to meet all yard requirements for a principal building. If located in a rear yard, both detached and connected accessory structures shall be subject to the requirements set forth in the following paragraphs:

- A. The height of such accessory building shall not exceed fifteen (15) feet and the distance of such buildings from other separate buildings on the same lot shall be at least six (6) feet, except that a breeze way, at least six (6) feet in length, may connect an accessory building with a principal building.
- B. The height of all accessory fences, wall or hedges shall comply with the requirements of Section 19.016 (C) for such fences.
- C. No accessory building in a rear yard shall be less than three (3) feet from an interior side lot line or a rear lot line except where such line abuts an alley in which case the accessory building shall be ten (10) feet from said lot line.
- D. Coverage of a rear yard by accessory buildings shall not exceed twenty-five (25) percent.

CHAPTER 10

“R-1” ONE- AND TWO-FAMILY RESIDENCE DISTRICT

10.01 PURPOSE

Areas where one- and two-family residential development is desirable at densities made possible by the presence or imminent provision of public water and sewer facilities. The varying density requirements for the R-1 Districts given hereunder are based on prevailing lot sizes existing in each area so designated. The only between the R-1A and R-1B Districts is in the minimum lot sizes as set forth in Section 10.03

“R-1A” Low Density One- and Two-Family Residence District

“R-1B” Medium Density One- and Two-Family Residence District

10.02 USE REGULATIONS

1. PRINCIPAL PERMITTED USES

- Agriculture
- Single-family dwellings
- Two-family dwellings
- Public uses
- Semi-public uses

2. CONDITIONAL PERMITTED USES (Subject to approval by Board of Zoning Appeals)

- Nursery schools and day nurseries
- Sanitariums, convalescent homes and rest homes
- Cemeteries adjacent to or an extension of existing cemeteries
- Recreation facilities, private

3. PLANNED DEVELOPMENT PROJECTS (Subject to approval by Zoning Commission)

- Fixed dwelling developments
- Mobile home parks (R-1B only)

4. ACCESSORY PERMITTED USES AND BUILDINGS

- Private garages
- Swimming pools, garden houses, tool houses, playhouses
- Boarders and roomers
- Home occupations (See Section 19.02)
- Living quarters for persons employed on the premises
- Accessory signs (see Section 18.02)
- Other accessory uses as defined in Chapter 2

10.03 AREA AND DIMENSIONAL STANDARDS

All structures shall comply with the dimension and area requirements as set forth in the following schedule:

	MINIMUM LOT SIZE		LOT AREA PER DWELLING UNIT	MINIMUM YARD DIMENSION			MAXIMUM BUILDING HEIGHT		MAXIMUM COVERAGE OF LOT
	AREA (SQ. FT.)	FRONTAGE (FEET)	SQ. FEET	FRONT (FEET)	SIDE (FEET)	REAR (FEET)	FEET	STORIES	PERCENT
R-1A DISTRICT:									
Single Family Dwelling:									
Without sewer & water	25000	100	25,000	40	8 / 20*	50	30	2 ½	-
With public sewer & without public water	20000	100	20,000	40	8 / 20*	50	30	2 ½	-
With sewer & water	12,000	80	12,000	35	7 / 15*	40	30	2 ½	-
Two-Family Dwellings:									
Without sewer & water	37,500	150	18,750	40	8 / 20*	50	30	2 ½	-
With sewer & water	18,000	120	9,000	35	7 / 15*	40	30	2 ½	-
R-1B DISTRICT:									
Single-Family Dwelling:									
Without sewer & water	25,000	100	25,000	40	8 / 20*	50	30	2 ½	-
With sewer & water	9000	75	9,000	30	6 / 15*	35	30	2 ½	-
Two Family Dwellings:									
Without sewer & water	37500	150	18,750	40	8 / 20*	50	30	2 ½	-
With sewer & water	13,000	110	6,750	30	6 / 15*	35	30	2 ½	-
Both Districts:									
Schools	5 acres	200	-	50	25	50	30	2 ½	10
Hospitals	2 acres	200	-	50	25	50	30	2 ½	20
All other Uses	Sufficient to comply with yard & parking requirements			40	20	40	30	2 ½	20

*Least Width Side Yard / Sum of both side yards.

10.04 REQUIREMENTS FOR ACCESSORY STRUCTURES

An accessory building may be erected detached from the principal building or may be erected as an integral part of the principal building, or it may be connected by a breeze way or similar structure. No accessory building shall be erected in any required yard other than a rear yard, except as hereinafter provided. Any accessory building not in a rear yard whether detached from or connected with the principal building shall be so placed as to meet all yard requirements for a principal building. If located in a rear yard, both detached and connected accessory structures shall be subject to the requirements set forth in the following paragraphs:

- A. The height of such accessory building shall not exceed fifteen (15) feet and the distance of such buildings from other separate buildings on the same lot shall be at least six (6) feet, except that a breeze way, at least six (6) feet in length, may connect an accessory building with a principal building.
- B. The height of all accessory fences, wall or hedges comply with the requirements of Section 19.016 (C) for such fences.
- C. No accessory building in a rear yard shall be less than three (3) feet from an interior side lot line or a rear lot line except where such lot line abuts an alley in which case the accessory building shall be ten (10) feet from said lot line.
- D. Coverage of a rear yard by accessory buildings shall not exceed twenty-five (25) percent.

CHAPTER 11

"R-2" GENERAL RESIDENCE DISTRICT

11.01 PURPOSE

Areas where it is desirable to encourage a variety of single-family, two-family and multi-family dwellings, because of locations near large shopping centers, places of employment, education institutions or expressway access points. Such zoning districts shall not be designated except at locations where public water supply and sanitary sewer facilities can be provided to high density residential developments at the time of their construction.

11.02 USE REGULATIONS

1. PRINCIPAL PERMITTED USES

- Agriculture
- Single-family dwellings
- Two-family dwellings
- Town houses
- Multi-family dwellings
- Public uses
- Semi-public uses

2. CONDITIONAL PERMITTED USES (Subject to approval by Board of Zoning Appeals)

- Nursery schools and day nurseries
- Sanitariums, convalescent homes and rest homes
- Rooming, boarding or lodging houses
- Private clubs, lodges fraternity and sorority houses
- Cemeteries adjacent to or an extension of existing cemeteries
- Recreation facilities, private

3. PLANNED DEVELOPMENT PROJECTS (Subject to approval by Zoning Commission)

- Fixed dwelling developments
- Mobile home parks
- Neighborhood shopping centers

4. ACCESSORY PERMITTED USES AND BUILDINGS

- Private garages
- Swimming pools, garden houses, tool houses, playhouses
- Boarder and roomers
- Home occupations (see Section 19.02)
- Living quarters for persons employed on the premises
- Accessory signs (see Section 18.02)
- Other accessory uses as defined in Chapter 2

11.03 AREA AND DIMENSIONAL STANDARDS

All structures shall comply with the dimensional and area requirements as set forth in the following schedule:

	MINIMUM LOT SIZE		LOT AREA PER DWELLING UNIT		MINIMUM YARD DIMENSION			MAXIMUM BUILDING HEIGHT		MAXIMUM COVERAGE OF LOT
	AREA (FEET)	FRONTAGE (FEET)	NO. BEDROOMS.	SQ. FT.	FRONT (FEET)	SIDE (FEET)	REAR (FEET)	FEET	STORIES	PERCENT
Dwellings: (Sewer and water required for all)										
Single-Family	9000	75	any	9000	30	6 / 15*	35	30	2 ½	-
Two-Family	12000	80	any	6000	30	8 / 20*	35	30	2 ½	-
Multi-Family	As needed to comply with lot area and yard requirements		0	2000	30	15**	40	40	3333	-
			1	2500	30	15**	40	40	-	
			2	3000	30	15**	40	40	-	
			3+	3500	30	15**	40	40	-	
Schools	5 acres	200	-	-	50	25	50	30	2 ½	10
Hospital	2 acres	200	-	-	50	25	50	30	2 ½	20
All other Uses	Sufficient to comply with yard & parking requirements		-	-	35	20	40	30	2 ½	20

*Least Width Side Yard / Sum of both side yards.

** Minimum side yard shall be 1/5 of sum of height + length of building walls most nearly parallel with side lot line but in no case less than 15 feet.

11.031 Courts of Multiple-Family Dwellings

Where a court is provided in a residential building, the dimensional of such shall be as follows:

- A. Least Width: Ten (10) percent greater for an outer court and twenty (20) percent greater for an inner court than the sum of required side-yard widths as set forth hereinbefore.
- B. Maximum Length: Two (2) times the width.

11.04 REQUIREMENTS FOR ACCESSORY STRUCTURES

An accessory building may be erected detached from the principal building or may be erected as an integral part of the principal building, or it may be connected by a breeze way or similar structure. No accessory building shall be erected in any required yard other than a rear yard, except as hereinafter provided. Any accessory building not in a rear yard whether detached from or connected with the principal building shall be so placed as to meet all yard requirements for a principal building. If located in a rear yard, both detached and connected accessory structures shall be subject to the requirements set forth in the following paragraphs:

- A. The height of such accessory building shall not exceed fifteen (15) feet and the distance of such buildings from other separate buildings on the same lot shall be at least (6) feet, except that a breeze way, at least (6) feet in length, may connect an accessory building with a principal building.
- B. The height of all accessory fences, wall or hedges shall comply with the requirements of Section 19.016 (C) for such fences.
- C. No accessory building in a rear yard shall be less than three (3) feet from an interior side lot line or a rear lot line except where such lot line abuts an alley in which case the accessory building shall be ten (10) feet from said lot line.
- D. Coverage of a rear yard by accessory buildings shall not exceed twenty-five (25) percent.

CHAPTER 12

“O-I-A” OFFICE-INSTITUTIONAL-APARTMENT DISTRICT

12.01 PURPOSE

To provide areas where office, institutional and apartment uses may be developed in a manner to complement one another and to afford a maximum of protection from traffic and incompatible uses.

12.02 USE REGULATIONS

1. PRINCIPAL PERMITTED USES

- A. Dwellings ancillary to permitted office and institutional uses.
- B. Townhouse and other multi-family dwellings.
- C. Administration offices primarily engaged in general administration, supervision, purchasing, accounting and other management functions.
- D. Business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers, including but not limited to the following:
 - Banking
 - Credit agencies other than banks
 - Security and commodity brokers, dealers, exchanges and services
 - Insurance carriers
 - Insurance agents, brokers and service
 - Real Estate
 - Holding and other investment companies
- E. Professional offices engaged in providing tangible and intangible services to the general public, involving both persons and their possessions, including but not limited to the following:
 - Offices of physicians and surgeons
 - Office of dentists and dental surgeons
 - Offices of osteopathic physicians
 - Offices of chiropractors
 - Medical and dental laboratories
 - Health and allied services
 - Legal services
 - Engineering and architectural services
 - Accounting, auditing and bookkeeping services
 - Services, (professional) not elsewhere classified
- F. Institution providing social, cultural, education and health services to member agencies, organizations and individuals or to the general

public, including but not limited to the following:

- Hospitals
- Elementary and secondary schools
- Colleges, universities, professional schools, junior colleges and normal schools
- Libraries
- Museums and art galleries
- Religious organizations

G. Organizational and associations, organized on profit making or non-profit-making basis, for the promotion of membership interests, including but not limited to the following:

- Business associations
- Professional membership organizations
- Labor union and similar labor organizations
- Civic, social and fraternal associations
- Political organizations
- Charitable organizations
- Non-profit membership organizations, not elsewhere classified

2. **CONDITIONAL PERMITTED USES** (Subject to approval by Board of Zoning Appeals)

A. Educational and Research establishment engaged in providing tangible and intangible services to members of the general public, including but not limited to the following:

- Research, development and testing laboratories
- Vocational schools
- School and educational services, not elsewhere classified
- Non-profit educational and scientific research agencies

B. Commercial establishments and institutions furnishing lodging or meals intended primarily to serve the persons employed in or visiting the office and institutional uses located within the district, limited to the following:

- Restaurants
- Hotels, tourists courts and motels
- Organizational hotels and lodging houses on a membership basis

3. **PLANNED DEVELOPMENT PROJECTS** (Subject to approval by Zoning Commission)

- Fixed dwelling developments
- Planned office institutional centers

4. ACCESSORY PERMITTED USES

Signs, as regulated by Section 18.02
Off-street parking as required by Chapter 17
Any use customarily incidental to the principal permitted use

12.03 AREA AND DIMENSIONAL STANDARDS

In the Office-Institutional-Apartment District, all structures shall comply with the area and dimensional requirements set forth hereunder:

12.031 Minium Lot Area and Dimensions

No minium lot area or dimensions are required. However, such lot size and dimensions shall be adequate to comply with the maximum yard requirements of these development standards.

12.032 Maximum Coverage of Lot by Buildings

Principal and accessory buildings shall not occupy more than twenty-five (25) percent of the area of a lot.

12.033 Minium Front-Yard Depth

The minium depth of the front yard shall be equal to the height of the building, but in no case shall be less than thirty-five (35) feet.

12.034 Minium Side and Rear Yards

Based on the dimensions of building wall parallel or most nearly parallel with the side or rear lot line, the width of side yard and depth of rear yard shall be determined in accordance with the following formula:

$$\frac{\text{Height of wall} + \text{Length of wall}}{4} = \text{Width or depth of yard}$$

Provided, however that no side-yard width or rear-yard depth shall be less than fifteen (15) feet, AND THAT NO SIDE-YARD WIDTH OR REAR-YARD DEPTH SHALL BE REQUIRED TO BE MORE THAN 40 FEET.

12.035 Maximum Building Height

No limitation provided that the front-, side- and rear-yard requirements are complied with; provided further that, for any part of a building located within two-hundred(200) feet of any lot in any residential district, that part of the building height shall be limited to forty(40) feet.

CHAPTER 13

"B-1" NEIGHBORHOOD BUSINESS DISTRICT

13.01 PURPOSE

It is the intended that each of the Business Districts named and described in the following Chapters shall be distinctive from the others, as indicated by the definition in Chapter 2. Because of their distinctions of purpose and of characteristics as to uses permitted, size, location and development standards, they are not interchangeable at specific locations on the Zoning District Map. The purposes and characteristics of these Business Districts are as set forth in the following Chapters.

The neighborhood Business District is intended to provide for the development of small shopping centers, including a variety of small retail establishments offering convenience goods and services to immediately surrounding residential areas. Uses in these center must be compatible with surrounding residential uses and not be large generators of traffic. Such centers should be located at or near the intersections of thoroughfares.

13.02 USE REGULATIONS

1. PRINCIPAL PERMITTED USES

- A. Non-residential uses of the types permitted in residential districts as follows:

Public and parochial schools, not including colleges and universities
Churches and offices of civic, religious and charitable organizations
Private clubs, lodges, fraternity and sorority houses

- B. Retail sales, personal service and office establishments of the types listed hereunder, but not including drive-in facilities, provided each such establishment occupies a total floor area on 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:

Grocery store, food market, dairy store, delicatessen, party store
Open air produce markets
Bakery, with the production of bakery goods limited to goods sold on the premises
Drug stores, including fountain
Hardware store limited primarily to retail sales
Flower shop, for the sale of plants, flower and accessory materials not produced on the premises
Barber and beauty shops
Dry cleaning and laundry pick-up services
Self service laundry and dry cleaning

Garden supply centers, with or without nursery stock
Shoe shine and shoe repair shop, hat cleaning and blocking
Tailor or dressmaking shop
News stand
Offices in which goods or merchandise are not produced,
displayed, stored, exchanged or sold, of the following
types:

Medical and dental offices and clinics
Legal, engineering, architectural, accounting, and
similar professional offices
Accounting, bookkeeping and auditing service
Real Estate and insurance offices

C. Gasoline service station limited to 22,500 square feet of lot area and
subject to compliance with the requirements of Section 19.03.

D. Funeral home or mortuary

2. **CONDITIONAL PERMITTED USES** (Subject to approval by Board of Zoning
Appeals)

Any other retail business or personal service determined by the Board of
Appeals to be of the same general character as those permitted in B or C
above, and demonstrated as necessary to serve the normal day-to-day needs of
the population in the adjoining neighborhoods, but not including any uses first
listed as permitted in the B-2 District.

3. **PLANNED DEVELOPMENT PROJECTS** (Subject to Approval by Zoning
Commission)

Neighborhood shopping centers (See Section 16.04)
Rural service center (See Section 16.04)

4. **ACCESSORY PERMITTED USES**

Signs, as regulated by Section 18.02
Off-street parking, as required by Chapter 17
Any use customarily incidental to the principal permitted use

13.03 **AREA AND DIMENSIONAL STANDARDS**

If the project involves a street extension, more than one business, or a new building in a
shopping center, evidence of approval from the County Regional Planning Commission shall
be required.

All structures shall comply with the dimensional requirements set forth hereunder:

13.031 Minimum Front-Yard Depth

Minimum front-yard depth shall be the height of the building, but not less than thirty
(30) feet.

13.032 Minimum Side and Rear Yards

The schedule of side- and rear-yard dimensions shall be as follows:

A. Yards adjoining a lot line in a business or industrial district:

No side yard or rear yard is required, but a use serviced from the side or rear shall have access thereto for loading and unloading in accordance with Section 17.03.

B. Yards adjoining a lot line of a residential or O-I-A District shall be as follows:

Based on the dimension of building wall parallel or most nearly parallel with the side or rear lot line, the width of side yard and depth of rear yard shall be determined in accordance with the following formula:

$$\frac{\text{Height of wall} + \text{Length of wall}}{4} = \text{Width or depth of yard}$$

Provided, however, that no side-yard width shall be less than fifteen (15) feet and no rear-yard depth shall be less than 20 feet, AND THAT NO SIDE-YARD WIDTH OR REAR-YARD DEPTH SHALL BE REQUIRED TO BE MORE THAN 40 FEET.

13.033 Maximum Height Limits

The maximum height of structures shall be 30 feet or 2 stories.

CHAPTER 14

"B-2" COMMUNITY BUSINESS DISTRICT

14.01 PURPOSE

Intended to provide for the development of comparatively large well integrated and planned shopping centers providing a wide variety of goods and services for a large segment of the county, to serve this serve this purpose, such centers shall be located in or adjoining large urban residential areas and near the intersection of major thoroughfares.

14.02 USE REGULATIONS

1. PRINCIPAL PERMITTED USES

- A. Any principal use permitted in the B-1 Neighborhood Shopping District without limitations as to total floor area or lot area or drive-in facilities.
- B. Lodging, including hotels, motels and apartment hotels.
- C. Any retail business whose principal activity is the sale of new or used merchandise or antiques. Such retail business may include a workshop for servicing or repair of goods sold on the premises which shall not occupy more than fifty (50) percent of the total usable floor area of the establishment.
- D. Service establishment in which the retail sale of goods may or may not be involved, of the following types:
 - Photography studios
 - Watch, clock or jewelry repair
 - Catering services
 - Secretarial, stenographic and typing services
 - Physical culture establishments
 - Taxi stands
 - Household appliance repair
- E. Commercially operated vocational schools, not including the use of equipment or machinery first listed as permitted in the I-1 District.
- F. Restaurants, tea rooms, cafes and other establishments serving food, beverages or both, including drive-in facilities complying with the requirements of Section 19.03.
- G. Radio and television studios, bowling alleys, roller rinks, ice skating rinks, swimming pools, assembly halls, enclosed theaters, concert halls, dance halls, or similar places of assembly or entertainment.
- H. Banks and other lending and financial establishments including drive-in facilities complying with the requirements of Section 19.03

- I. Workshops types of services, limited to the following:
 - Interior decorating
 - Re-upholstering and furniture refinishing
 - Laundry and dry cleaning
 - Medical and dental laboratories not connected with practice of medicine or dentistry
 - Electrical repair, not including the repair of industrial or road building machines or similar large machines
 - Duplicating, addressing, blue printing, photocopying, electrostatic reproduction, film processing, mailing and mail listing services
 - Locksmith and gunsmith
- J. Drive-in establishments which relate to the sale of goods or services permitted in this District, including drive-in theaters. Such establishments shall comply with the requirements of Section 19.03.
- K. Rental of autos, trucks, trailers, and home gardening and repair tools.
- L. Food locker plant, including the cutting and packaging of meat, fowl, fish, or game, sale at retail, delivery of individual home orders, renting of individual lockers of home-customer storage, but excluding the slaughtering or eviscerating thereof.
- M. Repair services related to goods or merchandise permitted to be sold in this District.
- N. Office of professional, business or industrial firms, not including the manufacture or storage of goods on the premises.
- O. Recreation facilities, general commercial
- P. Passenger bus terminals
- Q. Off street parking as principal use
- R. Advertising signs, as controlled by Section 18.03.
- S. Storage and warehousing in enclosed buildings, however, that such buildings shall be limited to one story in height which one story shall not exceed twelve (12) feet in height from floor to ceiling and provided that the use of any building or buildings in this use district for the purposes herein set forth shall be conditioned upon and subject to the approval of the Board of Zoning Appeals before such use shall commence. Such buildings and outside storage (limited to recreation vehicles and water craft) are subject to approval by the Board of Zoning Appeals.

When reviewing a request to allow outside storage of recreation vehicles and water craft at mini-warehouse locations the Board shall consider the surrounding land uses and how they will be impacted by

outside storage of recreational vehicles or water craft. The Board shall also specify the exact location (width and depth) of outside storage of recreational vehicles or water craft on each mini-warehouse site and may consider screening. The Board may set a time limit for the permit for outside storage which is subject to renewal and may set terms and conditions the Board feels are appropriate.

2. **CONDITIONAL PERMITTED USES (Subject to approval by Board of Zoning Appeals)**

- A. Any other retail business or commercial service establishment determined by the Board of Appeals to be of the same general character as those permitted in B through R above, but not including any uses first listed as permitted in the I-1 District.
- B. Adult-only entertainment establishments (see definition below) if all of the following applies (Effective 8/97)

1. **DEFINITIONS**

Adult-only Entertainment Establishments:

Section 1: For purposes of the Resolution, “adult entertainment business” means a business or enterprise which present material or performances whose tendency is the selling, showing, exhibition, or presenting entertainment involving nudity or semi nudity.

Section 2: For purpose of this Resolution, “nudity” means the appearance of a human bare buttock, anus, male genitals, female genitals, or areola of the female breast.

Section 3: For purposes of this Resolution, “semi-nude” or “semi-nudity” means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

2. **CONDITIONS**

The site is a minimum of 1,500 linear feet from any residential or Office-Institutional-Apartment District.

The site is a minimum of 1,500 linear feet from any house, school, church, park, or public cemetery.

The site is a minimum of 1,500 linear feet from the right-of-way of U.S. Route 23. The township intends that this area be made available for development by family-type business.

C. Any principal use permitted in the O-I-A Office-Institutional-Apartment District, not already listed as a Principal Permitted Use in Section 14.02 (1) of the B-2 Community Business District above.

3. PLANNED DEVELOPMENT PROJECTS (Subject to approval by Zoning Commission)

Highway service centers (See Section 16.04)
Community shopping centers (See section 16.04)

4. ACCESSORY PERMITTED USES

Signs, as regulated by Section 18.02.
Off-street parking as required by Chapter 17.
Any use customarily incidental to the principal permitted use.

14.03 AREA AND DIMENSIONAL STANDARDS

If the project involves a street extension, utility extension, more than one business, or a new building in a shopping center, evidence of approval from the County Regional Planning Commission shall be required.

All those structures shall comply with the dimensional requirements set forth hereunder:

14.031 Minimum Front-Yard Depth

Minimum front-yard depth shall be the height of the building, but not less than thirty (30) feet.

14.032 Minimum Side and Rear Yards

The schedule of side- and rear-yard dimensions shall be as follows:

A. Yards adjoining a lot line in a business or industrial district:

No side yard or rear yard is required, but a use serviced from the side or rear shall have access thereto for loading and unloading in accordance with Section 17.03.

B. Yards adjoining a lot line of a residential or O-I-A District shall be as follows:

Based on the dimension of building wall parallel or most nearly parallel with the side- or rear-lot line, the width of side yard and depth of rear yard shall be determined in accordance with the following formula:

$$\frac{\text{Height of wall} + \text{Length of wall}}{4} = \text{Width or depth or yard}$$

Provided, however, that no side-yard width shall be less than 25 feet and no rear-yard depth shall be less than 25 feet, AND THAT NO

SIDE-YARD WIDTH OR REAR- YARD DEPTH SHALL BE
REQUIRED TO BE MORE THAN 40 FEET.

14.033 Maximum Height Limits

The maximum height of structures shall be 40 feet or 3 stories.

CHAPTER 15

INDUSTRIAL DISTRICTS

15.01 PURPOSE

To further a general policy of fostering a diversity of urban activity and a stable tax base, it is intended that provision be made for varied types of industrial uses at appropriate locations where they will be compatible with other uses, in adjoining districts. It is further intended that this Chapter will include provisions to reduce to a practical minimum the objectionable effects of industrial uses on each other and on uses in adjoining non-industrial districts. The I-1 District shall provide for uses which operate primarily within an enclosed structure and have a minimum of adverse effect on adjacent land due to noise, dust, odor, smoke, glare, or other hazard. The I-2 District shall provide for uses which have a greater adverse effect on adjacent land due to the nuisances mentioned above and for which it is necessary to have some separation from non-industrial districts and uses. The I-3 District shall provide for major and extensive industrial uses, which require large sites, have characteristics objectionable to other non-industrial uses and need greater separation from these non-industrial land and uses.

15.02 USE REGULATION

1. Principal Permitted Uses, I-1 District

A. The following shall be permitted anywhere in the I-1 District.

1. Agriculture

2. Commercial Establishments associated with or intended to serve the industrial establishments or their employees as follows:

Restaurants

Offices and facilities relating to emergency medical, drug, and health services and the practice of industrial medicine.

Gasoline service stations

Engineering, architectural, account, legal aid, similar professional services.

Duplicating, addressing, blueprinting, photocopying, mailing and stenographic services.

Private employment agencies

Vocational and technical schools, public or private.

3. The manufactures of finishes products from previously prepared materials, such as:

Canvas

Fur

Plastic

Cloth

Glass

Shell

Cork

Leather

Textiles

Felt

Paper

Tobacco

Fibers

Wire

Precious or semi-precious metal or stones

4. The manufactures of the following finished products from previously prepared materials:

Cosmetics, toiletries, and perfumes

Household, personal, or other small articles, such as jewelry, silverware, plastic ware, musical instruments and parts, toys rubber stamps, sporting and athletic goods, pens, pencils, and other office and artists' supplies, miscellaneous notions, signs and advertising displays.

Office equipment and supplies and computing and accounting machines.

Precision instruments, including professional scientific and regulating devices, photographic and optical goods.

Wood products, including furniture, cabinet work, and similar products.

5. The manufacture of metal products, using methods and materials as specified hereunder:

The casting of light weight non-ferrous metals.

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

6. Non-manufacturing activities as follows:

Auction houses

Flea markets

2. Principal Permitted Uses, I-2 District

- A. The following shall be permitted anywhere in the I-2 District.

1. All uses allowed as principal in the I-1 District.

2. The manufacture of metal products, using methods and materials as specified hereunder:

Welding, machinery, and other metal working processes, but excluding punch presses having over twenty (20) ton rated capacity, drop hammers and other noise producing machine operated tools.

3. Non-manufacturing activities as follows:

Operational equipment of communication networks such as electrical receiving and transforming stations, radio, microwave or TV transmission, or receiving towers.

Transportation terminals and equipment, such as railway freight houses, truck terminals and transit vehicle storage areas; maintenance and service facilities for the foregoing, but excluding railroad maintenance facilities

and marshaling yards.

Warehousing, refrigerated and general storage

Bulk storage of flammable liquids, not to exceed 25,000 gallons.

Building materials sales and storage, not including sawmills, planing mills, or the mixing of cement, bituminous or asphaltic concrete.

Crematories

Research testing laboratories, not including the use of machines or equipment which are prohibited on this I-1 District.

Laundries and dry cleaning establishments.

Postal facilities, including the handling of large quantities of mail by rail or truck.

Workshops for the repair of industrial machines and equipment, the use of which is permitted in this District.

Advertising signs, as controlled by Section 18.03.

Hay, grain, feed and fertilizer, storage and sale.

Fuel and ice dealers.

Animal hospitals and fur animal farms.

Off-street parking as a principal use.

3. Principal Permitted Uses, 1-3 District

A. The following shall be permitted anywhere in the I-3 District

1. All uses allowed as principal uses in the I-1 District and the I-2 District.

2. Blending, packaging and storage of previously manufactured products, as follows:

Chemical products including household, cleaning and industrial compounds and insecticides.

Feed, grain, flour, sugar and other food products.

Pharmaceutical preparations and drugs.

3. The manufacture of the following finished products from previously prepared materials:

Electrical appliances, instruments, components and accessories.

4. The manufacture of metal products using methods and materials as specified hereunder:

Welding, machining and other metal working process, including pinch presses having over twenty (20) tons rated capacity, drop hammers and other noise producing machine operated tools.

The fabrication of structural steel, heavy machinery, and

transportation equipment.

The shaping of sheet metal in the manufacture of air conditioning, refrigeration and heating equipment and office furniture

5. The manufacture, preparation, processing, blending, refining, and storage of bio-fuels, ethanol, or other similar fuels from biodegradable products, and their residual bi-products.

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

1. Airports
2. Topsoil removal (see Section 19.05).
3. The following uses with restrictions and requirements as indicated hereunder:

Junk yards, scrap and waste storage and wholesaling, provided that such uses shall not be permitted unless they are enclosed on all sides by an opaque wall or fence no less than ten (10) feet high; provided also that no stored scrap or waste material shall be visible from any street or road or from any residential or Office-Institutional-Apartment District.

Stone quarries and sand and gravel pits, subject to the provisions of Section 19.07.

4. The following uses which shall not be located within six hundred (600) feet of any residential or Office-Institutional-Apartment District.

Slaughter houses or stock yards.
Incineration, reduction or storage of garbage, offal or rancid fats.
Manufacture of explosives, ammunition, fireworks or matches.
Refining or processing of crude petroleum.

5. Any other commercial or industrial use not listed, but determined by the Board of Appeals to be of the same general character as those listed is principal permitted uses in A and B hereinbefore, but not including any use which is prohibited.
6. Motor Home Sales / Service
7. Recreational Boat Sales / Service
8. Automotive Body Shop
9. Mini-Warehouse
10. Manufactured Home Sales

5. PLANNED DEVELOPMENT PROJECTS (Subject to Approval By Zoning Commission)

Industrial Parks (See Section 16.05).

6. ACCESSORY PERMITTED USES FOR I-1, I-2, AND I-3

Signs, as regulated by Chapter 18.02.

Off street parking and loading, as required by Chapter 17.

Any use customarily, incidental to the principal permitted use, including dwellings used as quarters for watchmen or caretakers.

15.03 AREA AND DIMENSIONAL STANDARDS

All structures shall comply with the dimensional requirements set forth hereunder:

15.031 Minimum Front Yard Depth

Minimum front yard depth shall be the height of the building, but not less than thirty (30) feet.

15.032 Minimum Side and Rear Yards

The schedule of side and rear yard dimension shall be as follows:

A. Yards adjoining a lot line in a business or industrial district:

No side yard or rear yard is required, but a use serviced from the side or rear shall have access thereto for loading and unloading in accordance with Section 17.03.

B. Yards adjoining a lot line of a residential or O-I-A District shall be as follows:

Based on the dimension of building wall parallel on most nearly parallel with the side or rear lot line, the width of side yard and depth of rear yard shall be determined in accordance with the following formula:

$$\frac{\text{Height of wall} + \text{Length of wall}}{3} = \text{Width or depth of yard}$$

Provided, however, that no side-yard width or rear-yard depth shall be less than 25 feet, AND THAT NO SIDE-YARD WIDTH OR REAR-YARD DEPTH SHALL BE REQUIRED TO BE MORE THAN 50 FEET.

15.033 Minimum Height Limits

None, provided that the front, side- and rear-yard requirements are complied with.

CHAPTER 16

PLANNED DEVELOPMENT PROJECTS

16.01 PURPOSE AND GENERAL PROCEDURES

16.011 Purpose

The purpose of this Chapter is to provide the opportunity for latitude in the building of pre-planned development which, by virtue of good design and balanced, well organized development, provided for orderly community growth or regrowth without strict adherence to all the development standards set forth elsewhere in this Resolution for each zoning district

16.012 General Procedure and Requirements

Subject to the procedures and limitations set forth in Section 16.013 and 16.014 hereunder, planned development projects may be approved in use districts as set forth in this Chapter.

In case of a proposal involving an exceptionally large area, in which the general plan contemplates the development of a complete community comprising a balanced arrangement of residential, commercial, industrial and public uses, one application may include several projects, as provided for in this Chapter. For such application, all of the procedures set forth in this Chapter may proceed simultaneously, and approval may be in a single action. Provided, however, that where uses are proposed which are not permitted in the district involved, the required procedure for amendment to the Zoning Map must be followed.

16.013 Basic Requirements

In order to obtain approval, a proposed planned development shall comply with the following general requirements:

1. Shall be in conformity with the Comprehensive Plan or portion thereof as it may apply;
2. Shall be consistent in all respects with the purposes and intent of this Zoning Resolution;
3. Will advance the general welfare of the Township, and
4. Will provide, through desirable arrangement and design, benefits which justify the deviations from development standards which otherwise would apply.

16.014 Application Procedures for all Planned Projects

16.0141 Zoning Application Procedure

- A. All applications for planned development projects shall be submitted

to the Zoning Commission, which shall investigate and ascertain that the plans for any such project comply with the conditions set forth in this Chapter. The Commission shall specify in its By-Laws the plans and other information which shall accompany each application.

A report of its findings and recommendations shall be prepared and acted upon by the Commission. Such report shall constitute a recommendation to the Township Trustees, for action as set forth hereunder.

- B. In its review of and action on any application for a planned development project, the Township Trustees shall follow the procedure set forth in the Ohio Statutes for an amendment to the Zoning Map, including posting of notices, request for report from the Regional Planning Commission, and hearings and action by the Township Trustees. However, approval of a planned development project shall not, of itself, constitute an amendment of the Zoning District in which the tract is located. If the approved development is not installed in accordance with plans and requirements of this Chapter within four (4) years after date of approval such approval shall become null and void.

16.0142 Subdivision Procedure

If the proposed planned development project is determined to be a subdivision under the provision of Chapter 711, Revised Code of Ohio, the proposal shall be submitted and reviewed as a subdivision, in the manner set forth in the Subdivision Regulations. In such case, any approval of the planned development under the provisions of this Zoning Resolution shall be tentative, and shall be revoked if a final subdivision plan is not submitted and recorded within one (1) year after such tentative zoning approval.

16.02 FIXED DWELLING DEVELOPMENT

16.021 Purpose

Within the scope of the general purposes of Planned Development Projects as set forth in Section 16.01 the purpose of this Section is as follows:

1. To provide latitude to the housing industry to use new conceptual and technological methods in the design and construction of fixed dwellings in a manner to comprise desirable and stable residential neighborhoods.
2. To provide for a variety in fixed dwelling types, their arrangement and design, based on a unified development plan conceived and carried out for an entire tract of land, all within the intent of this Resolution relating to population density and dwelling types within each residential or O-I-A District.

16.022 Definition of Fixed Dwelling Development

A fixed Dwelling Development is defined as a group of two (2) or more dwelling structures, together with other permitted uses, on a parcel of land less than five (5) acres in a area in single ownership, with not less than three hundred (300) feet of frontage on a public street, which frontage shall serve as the principal means of access to the property.

In complying with the foregoing definition, single ownership shall be construed to include the following:

- A. A person, partnership or corporation.
- B. An association of property owners, legally bound to one another to carry out the provisions of this Chapter for development and operation of a Fixed Dwelling Development, likewise legally bound to execute the agreements as provided for in Section 16.0231 hereinafter.
- C. The owner's association of a condominium project, established under the provisions of Ohio revised Code 5311, which has the power to execute the agreements as provided for in Section 16.0231 hereinafter.

16.023 Procedure and Requirements

16.0231 Application

Following procedures specified in Section 16.01 for all Planned Development Projects, the owners of a tract of land in any residential or O-I-A District meeting the minimum requirements of this Section may submit to the Zoning Commission a plan for the development and use of such tract for residential purposes. Such plan shall be accompanied by a written agreement, in a form acceptable to the Township legal counsel, on behalf of the owner, his successor and assigns as follows:

- A. That the proposed development, as shown on the plans and as set forth in specifications, will be completed in every detail within such time period as may be agreed upon by the Zoning Commission, and
- B. That all land and improvements intended for the common use of all residents, including drives, walks, parking areas, recreation facilities and equipment and all landscaped or other common open space will be maintained in perpetuity, including such servicing as may be required for the use of such land improvements, and
- C. That no future changes in the development shall be made which would encroach upon the land used to comply with the requirements of this Chapter as to density, open space, yards, courts, vehicular access, automobile parking, building coverage or other outdoor requirements, and

- D. That all spaces for private drive, utility lines and similar purposes shall be open at all times for access by publically employed personnel and equipment for police and fire protection, for inspection of utility systems and for any other public purpose.

16.0232 Review by the Zoning Commission

In addition to the general requirements set forth in Section 16.0231 hereinbefore, the Commission shall base its action on a finding that the plans for a purpose residential project comply with the following sections:

- 16.022 Definition of Fixed Dwelling Development
- 16.024 Uses Permitted
- 16.025 Development Standards
- 16.0142 Subdivision Procedure

16.024 Uses Permitted

The uses permitted in a Fixed Dwelling Development shall be those listed in the chapter for the residence or O-I-A District in which the project is located.

16.025 Development Standards

All fixed Dwelling Developments shall conform to the development standards set forth hereunder.

16.0251 Maximum Average Density of Development

The maximum average density of development within the boundaries of the lot shall be those listed under “Lot Area per Dwelling Unit” in the section for the district in which the lot is located.

16.0252 Application of Density Requirements

- A. In a Fixed Dwelling Development, all land proposed in the project for residential use, including outdoor use of space, off-street parking, interior private drives and other circulation ways, may be counted as part of the lot area in complying with the density requirements.
- B. A Fixed Dwelling Development shall be considered as one parcel regardless of the extent to which the parcel is subdivided by interior street and drives.

16.0253 Minium Privately Occupied Lot Area

For any single-family or two-family dwelling or any dwelling unit in a town house building there shall be privately occupied lot area, including space occupied by such dwelling or dwelling unit and adjoining open space assigned exclusively to such dwelling unit of not less than sixty (60) percent of the applicable lot area per dwelling unit as set forth under “Lot Area per Dwelling Unit” in the section for the district in which the development is located.

16.0254 Assignment of Open Spaces to Required Uses

For all open spaces required herein, assignments shall be as follows:

A. Privately occupied open space.

Where privately occupied lot area is required by Section 16.0253 hereinbefore, any privately occupied lot area not occupied by the dwelling unit, shall be considered as required private open space. Such open space shall be located adjoining such dwelling unit.

B. Open space for the Common Use of all Residents.

All open space not assigned to private occupancy as set forth in Part A above shall be assigned to the common use of all residents of the development, with such use assured in perpetuity as provided for in Section 16.0231 hereinbefore. Assignment and development of such open spaces shall be as follows:

- (1) Access driveways as required to comply with Section 16.0258 hereunder.
- (2) Off-street parking space as required for dwellings in Section 16.0259 hereunder.
- (3) Landscaped area, comprising not less than ten (10) percent of all common open space required by this Chapter, may include the following:
 - (A) Pedestrian access walkways.
 - (B) Children's play area.
 - (C) General landscaped areas, flower gardens and areas for passive recreation
 - (D) Swimming pools, including accompanying accessory structures, and areas of organized sports.
 - (E) Any other areas suitable for the common enjoyment of the residents.

16.0255 Minium Open Space Dimensions and Allocation

A. Minium Dimensions:

The minium dimensions of open spaces in a Fixed Dwelling Development shall be as set forth in the following table:

Type of Standard	District	
	R-S, R-1A, R-1B	R-2, O-I-A
FRONT YARD DEPTH For entire tract	40 feet	35 feet
WIDTH OF SPACES ADJOINING DWELLINGS <u>Major Open Spaces Opposite One Longer Wall</u> Length of wall plus height of building in feet, divided by Provided that no open space shall be less in this dimension than:	1.5 30 feet	3* 40 feet
<u>Secondary Open Spaces Opposite all other walls</u> Length of wall plus height of building in feet, divided by Provided that no secondary open space shall be less in this dimension than:	3 15 feet	6* 15 feet
DISTANCE OF BUILDING FROM INTERIOR LOT LINES OF DEVELOPMENT	Same as required immediately above for secondary open spaces adjoining a building, depending on arrangement of other open spaces adjoining such building in accordance with Paragraph B-(1) hereunder.	
COURTS	Least width: Ten (10) percent greater for an outer court and twenty (20) percent greater for an inner-court than required width for major open space opposite a building of the same height and length in a dwelling development as set forth in the table immediately above. Maximum length: Two (2) times the width.	

*For 2 family dwellings in R-2 District, the Divisor shall be as follows:

Major open space- 1.5
Secondary open space- 3

B. Application of Open Space Requirements.

In the application of the open space requirements set forth in Part A
hereinbefore, the following provisions shall apply:

(1) Spaces Adjoining Dwellings

- (A) General. Around every principal building there shall be a minimum required open space, unobstructed by any other building, which shall be provided in the amount and the manner specified.
- (B) Overlapping of Open Spaces. The open space allocated to any principal building may overlap the open space allocated to any other principal building except in the space required between any principal building and any property lines of the development.
- (C) Arrangement of Open Spaces. Opposite one longer wall of each principal building there shall be a wider major open space, as set forth in the preceding table. Opposite the other walls of the building the secondary open spaces may be smaller, as set forth in the preceding table. In the case of a square building, any one of the equal walls may be considered as the one (1) longer side.

(2) Adjustments for Irregular Open Spaces

Where an open space is irregular because the building walls and /or lot lines are not parallel or because of broken alignment of a building wall or lot line, the dimensions of the open space shall be such that its total area is equal to the open space area which would result if the required width were applied to a building of equal height and length having an unbroken wall parallel with an unbroken opposite wall or parallel with an unbroken lot line, as the case may be; provided that such open space shall at no point be narrower than one-half (1/2) of the required least width.

16.0256 Maximum Area Covered by Buildings

The total area which may be covered by buildings in a Fixed Dwelling Development shall be governed as follows:

Residential Districts and Dwelling Types	Maximum Coverage by Buildings
Single-Family Dwellings in R-S, R-1 and R-2 Districts	20 percent
Two-Family and Multi-Family Dwellings in R-2 and O-I-A Districts	30 percent

16.0257 Maximum Height of Buildings

The maximum height of buildings in any Fixed Dwelling Development shall be the same as required for each residential or O-I-A District.

16.0258 Vehicular Access and Public Streets

- A. Every residential structure in a Fixed Dwelling Development shall be within two hundred (200) feet of a hard surfaced access drive no less than twenty(20) feet wide or a parking lot connected with such a drive. In addition, every dwelling or ground floor dwelling unit shall be directly accessible to service and emergency vehicles.
- B. Where the Marion County Plan for Major Highways and Thoroughfares shows a major traffic artery traversing or adjoining the proposed Fixed Dwelling Development, or where a public street is deemed necessary under the Subdivision Regulations to serve general traffic needs, such public street shall be dedicated and improved in accordance with the standards set forth in the Subdivision Regulations. In all other respects, private drives may be used to provide vehicular access to dwelling sites. Where private drives are used, the space they occupy may be counted as a part of the net area in complying with density limits, but may not be counted as a part of the required recreation space.
- C. Private drives shall be paved to a width of no less than twenty-four (24) feet, no part of which shall be used for the parking of vehicles.

16.0259 Off-Street Parking

Off-street parking space shall be provided in accordance with the requirements of Chapter 17, except that such parking may be provided in group garages or parking lots within one-hundred-fifty (150) feet of the dwelling units to be served. Curbs, identified parking bays or courts may be permitted within a street right-of-way, but not within the required roadway or sidewalk space. Such parking shall be permitted only along streets internal to the project, and not along a dedicated street or major thoroughfare serving other uses. Such off-street parking space shall be counted as part of the net area in calculating density, but shall not be counted as part of the required recreation space.

16.0260 Drainage

The entire tract shall be provided with storm water drainage as provided for in the Subdivision Regulations.

16.03 MOBILE HOME OR MANUFACTURED HOME

16.031 Individual Mobile Home or Manufactured Home

No mobile home or manufactured home, as defined on the Ohio revised code Section 4501.01 (O) shall be permitted to be located or occupied as a dwelling in Marion Township except under the following two provisions:

1. It is to be located or occupied in a mobile home park as provided for hereunder in this Chapter.
2. It is placed on an individual lot in the A-1 or R-1B District, and both lot and mobile home or manufactured home meet all the requirements for single-family dwellings in the zoning district within which it is located and the following additional requirements:
 - A. The unit must be certified to have HUD Housing & Urban Development) National Construction Standards.
 - B. The applicant shall show plans to the Zoning Inspector for a full permanent concrete or masonry foundation around the entire perimeter of the unit. This shall be a foundation that provides adequate support of the home's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the home to the undisturbed ground below the frost line.
 - C. The unit must be secured and attached to the foundation to meet or exceed manufacture's instructions.
 - D. The exterior walls of the unit shall not have a high gloss finish
 - E. The roof must be constructed of either shingles or other materials used on other dwelling units in the neighborhood, and be sloped to have at least a two and one half (2 1/2) inch vertical rise for every twelve (12) inches of horizontal run.
 - F. The roof overhang must not be less than eight (8) inches measured from the vertical side of the unit.
 - G. Hitches, axles and wheels must be removed.
 - H. The unit must be at least twenty-three (23) feet wide at its narrowest point, and have a total of not less than 900 square feet of floor area.
 - I. The unit must be oriented on the lot so that its length or long axis is parallel with the street, unless the unit's width is no less than fifty (50%) percent of its length.
 - J. The applicant upon installation must surrender title to the unit and have the unit classified and axed as real property by the county auditor.

16.032 Procedures and Requirements

16.0321 Application

The owner's of tract of land ten (10) acres or more in area, located in any R-1B or R-2 District may submit a plan for the development and use of such tract as a Mobile Home Park under the provisions of this Section.

16.033 Uses Permitted

Notwithstanding the uses otherwise permitted in the residential districts in which the tract is located, the uses permitted in a Mobile Home Park shall be limited to the following:

Principal Uses

Mobile Homes, limited to single-family residential occupancy, not including transient or vacationing families or persons and not including the storage, display or sale of mobile homes on the premises.

Public parks and specialized recreation centers.

Accessory Uses

Home occupations as limited by Section 19.02.

A permanent dwelling for one (1) family, office, and maintenance facilities for the operator of the Mobile Home Park

Facilities for recreation, children's nursery, kindergarten, laundry, postal boxes or other similar services for the occupant.

Off-street parking lots or garages

Off-street parking area for recreation vehicles such as boats and travel trailers

16.034 Location Requirements

In addition to the requirements set forth in Section 16.033 hereinbefore, each Mobile Home Park shall comply with the following requirements as to location:

- A. Shall be free of objectionable environment, such as poor drainage, air pollution, noise or unsightliness, in the same manner as other residential areas.
- B. Shall be so located as to assure a maximum of compatibility with other types of residential development in the vicinity.

16.035 Development Standards

All Mobile Home Parks shall comply with the requirements of The Ohio Environmental Protection Agency and the Ohio Department of Health and shall be approved by said Departments before zoning approval is given under the provisions of this Section. In addition to requirements of the Ohio Environmental Protection Agency and the Ohio Department of Health, the location and arrangement of land, structure and mobile homes within a Mobile Home Park shall be in accordance with the following standards.

16.0351 General Standards, Facilities and Services

- A. Minimum Size of Park: Ten (10) acres

B. General Dimensions: Discussion relating to the Mobile Home Park tract as a whole shall be as follows:

1. Minimum tract width at the abutting public street: 300 feet
2. Minimum tract front yard depth: 50 feet
3. Distance between each mobile home site and interior property lines of the tract: 50 feet.

C. Private Drives and Public Streets

1. Where the Marion County Plan for Major Highways and Thoroughfares shows a major traffic artery traversing or adjoining the proposed Mobile Homes Park, or where a public street is deemed necessary under the Subdivision Regulations to serve general traffic needs, such public streets shall be dedicated and improved in accordance with the standards set forth in the Subdivision Regulations. In all other respects, private drives may be used to provide vehicular access to mobile home sites. Where private drives are used, the space they occupy may be counted as a part of the net area in complying with density limits, but may not be counted as a part of the required recreation space.

D. Screening and Landscaping

The entire Mobile Home Park shall be constructed or planted and maintained with landscape plants or other materials including the following:

1. An effective opaque screen of plants or wall six (6) to fifteen (15) feet high obscuring view of the park from adjoining properties.
2. Lawn, covering all areas not specifically requiring other surfacing.
3. Trees, intended to provide reasonable separation of mobile home sites.
4. Shrubs or other materials to provide reasonable separation of mobile home sites.

16.0352 Mobile Home Site Standards

The site for each individual mobile home in the Park shall comply with the following requirements:

Minimum Floor Area:

Any mobile home used as a dwelling on the premises shall have a

minimum floor area of five hundred seventy five (575) square feet.

16.04 PLANNED COMMERCIAL CENTERS

16.041 Purpose and Types

Within the scope of the general purposes of Planned Development Projects, as set forth in Section 16.01, these types of commercial centers are provided for in recognition of the modern demand for highly specialized office and shopping centers, of different types, each type designed and operated to serve a specific segment of the needs for the community and the motoring public. Because each such center is developed according to an approved plan, assurance can be given that it will be of maximum service and minimum detriment to the adjoining residential neighborhoods. The types of planned centers provided for in this Section are as follows:

Planned Neighborhood Shopping Centers
Planned Rural Service Center
Planned Highway Service Centers
Planned Community Shopping Centers
Planned Office-Institutional Centers

The purposes of such centers are identical with the purposes of comparable districts, as given in Chapters 12, 13, and 14. The distinction is that the Planned Centers may be established only through advance planning and set review procedures set forth in this Section.

16.042 Definition of Planned Commercial Center

Within the scope of the purpose given in Section 16.041 above, a Planned Commercial Center is defined as a commercial center in a single ownership, comprising one (1) or more buildings designed for and occupied by two (2) or more retail or other permitted establishments, together with adjoining off-street parking areas, drives, service yards and landscaped area, all designed in advance of construction, with the center as a whole meeting the area and dimensional standards set forth in Section 16.046 hereunder.

16.043 Procedures and Requirements

16.0431 Application

Following the procedures specified in Section 16.01 for all Planned Development Projects, the owner of a tract of land meeting the locational and area requirements set forth in this Section may submit to the Zoning Commission a plan for the development of such tract as a planned commercial center. Such plan shall be accompanied by the following documents or information:

- A. A market study report or other evidence of the economic need for the center, as may be required by the Commission.
- B. A written agreement in a form acceptable to the Township legal counsel, on behalf of the owner, his successors and assigns, as follows:

1. That the proposed development, as shown on the plans and as set forth in the specifications, will be completed in every detail within such time period as may be agreed upon by the Commission, and
 2. That all land and improvements intended for the common use of all occupants and customers, including drives, walks, parking areas and all landscaped or other open space will be maintained in perpetuity, including such servicing as may be required for the use of such land and improvements, and
 3. That no further changes in the development shall be made which would encroach upon land used to comply with the requirements of this Section as to vehicular access and off-street parking or loading or open space.
- C. Evidence that the proponents of the commercial center are financially able to carry out the proposed project; that they intend to start construction within one (1) year after approval of the project, and intend to complete it within a reasonable length of time, as may be determined by the Commission.
- D. If approval of the plan will require a change in the Zoning District, the plan shall also be accompanied by an application for such change. The procedure for such change shall be as set forth in Section 22.03.

16.0432 Review by the Zoning Commission

In addition to the general requirements set forth in Section 16.0431 hereinbefore, the Commission shall base its action on a finding that the plans for a proposed commercial center comply with the following sections:

- 16.042 Definition of Planned Commercial Center
- 16.044 Locations Requirements
- 16.045 Uses Permitted
- 16.046 Development Standards

16.044 Location Requirements

No application for a planned commercial center may be accepted or approved unless it is located:

- (1) In the corresponding zoning district, or
- (2) At a location within a clearly identified corresponding area designated on the Marion County Land Use Plan, as listed in the following table:

TYPE OF PLANNED COMMERCIAL CENTER	LOCATIONAL REQUIREMENT	
	Existing Zoning District	Designation On Land Useplan
Neighborhood Shopping	B-1, R-2	Neighborhood Commercial
Rural Service	B-1	Rural Service Commercial
Highway Service	B-2	Highway Service Commercial
Community Shopping	B-2	Community Commercial
Office-institutional	O-I-A	Office Institutional

In the case of a site which is not in the appropriate zoning district, as listed hereinbefore, but is properly designated on the Land Use Plan, the zoning map amendment procedure must be initiated and followed.

16.045 Uses Permitted

The uses permitted in each type of Planned Commercial Center shall be the same as those permitted in its corresponding Zoning District, as follows:

Type of Planned Commercial Center	Zoning District
Neighborhood Shopping	B-1
Rural Service	B-1
Highway Service	B-2
Community Shopping	B-2
Office-Institutional	O-I-A

16.046 Development Standards

16.0461 Schedule of Area Dimension Standards

The following development standards shall apply in any Planned Commercial Center:

Type of Standard	Type of Commercial Center				
	Neighborhood	Rural Service	Highway Service	Community	Office-Institutional
Limits of Gross Area of Development (in acres)	1 to 5	1 to 10	3 - 10	10 or more	3 or more
Minimum Lot Width (in feet)	100	200	300	500	300
Minimum Front-Yard Depth - height of building but not less than:	30	30	30	40	40
Minimum Distance to Interior Lot Lines of the center (in feet):					
- Related to building wall	Sum of height and length of adjoining wall of structure divided by four, but not less than:				
- Minimum, any building	20	20	20	30	30
Maximum Coverage of Lot by Buildings (percent)	25	25	25	25	25
Maximum Height of Building (in feet)	30	30	30	40	None, provided yard requirements are complied with

16.0462 Application of Development Standards

In the application of Development Standards set forth in the table 16.0461 hereinbefore, the following requirements shall be observed.

A. Enclosures and Screens

A use allowed in the center shall entirely enclose its operations within a structure. Open storage, sales, service and loading areas shall be screened by walls, fences, or other enclosures at least six (6) feet but not more than eight (8) feet in height. These walls, fences, or enclosures shall have an opaqueness of seventy-five (75%) percent or more, so as to effectively conceal sales, service, storage and loading operations from adjoining streets and from residential district.

B. The location and arrangement of structures, parking access drives, outdoor lighting, signs, and other uses and developments within the Integrated Commercial Center, in addition to achieving these Development Standards, shall be accomplished in accordance with an approved Development Plan established to assure compatibility with the existing and future land use development in the vicinity. The Development Plan should include walks, fences, landscaping, and other devices which will meet the purpose and intent of the Planned Center.

16.0463 Off-Street Parking Space

Notwithstanding the requirements of Chapter 17 for off-street parking space, there shall be provided in any Planned Commercial Center off-street parking spaces in a ratio to square feet of rented floor space, not including basement

storage, as follows:

Type of Center	Number of Parking Spaces	Square Feet of Office or Rental Floor Space
Neighborhood	1	250
Rural Service	1	150
Highway Service	1	150
Community	1	150
Office-Institutional	1	200

Parking areas shall be located closer than twenty-five (25) feet to any adjoining lot in any residential district and shall be set back at least thirty (30) feet from the street line. Development standards shall be those set forth on Section 17.024

16.0464 Loading space

Not with standing the requirements of Chapter 17 for loading space, there shall be provided for any Planned Commercial Center, except Office-Institutional, one off-street loading or unloading space for each ten thousand (10,000) square feet or fraction thereof of aggregate floor space of all buildings in the center. At least one third (1/3) of the spaces required shall be sufficient in area and vertical clearance to accommodate trucks of the trailer tractor type.

16.0465 Access Drives and Illumination of Parking Areas

Access drives and illumination of parking areas shall conform to the requirements of Chapter 17.

16.05 PLANNED INDUSTRIAL PARKS

16.051 Purpose

With the scope of the general purposes of Planned Development Projects, as set forth on Section 16.01, the purpose of this Section is to recognize and provide for the modern practice of industrial establishments to select sites within unified industrial areas having all necessary services and facilities comprehensively provided in accordance with a predetermination development plan.

The Planned Industrial Park is intended to provide industrial sites having adequate development and expansion space, parking, services, utilities and other facilities. The relationship among individual establishments within the park is to be harmonious, with each one having adequate space for its operations and all sharing certain services and facilities which can best be provided in common.

Because of preplanning and its resulting desirable features, adequate separation of the

industrial operation from adjoining land uses can be provided, and the industrial park becomes a visual asset to the community. For this reason, the Planned Industrial Park is allowed greater development latitude than development otherwise permitted in the Industrial District.

16.052 Definition of Planned Industrial Park

Within the scope of purposes and characteristics given in Section 16.051 above, a Planned Industrial Park is defined as a tract of land developed with two or more industrial sites, with each site occupied by a separate industrial establishment, but with all sites served by a well planned system of streets and utilities. A Planned Industrial Park is further defined by the following requirements:

1. The entire project shall be owned, sponsored and developed by a single owner as a subdivision, to be reviewed and approved as provided for in Section 16.053 hereunder.
2. Land, exclusive of public streets and ways, to be devoted to private uses may be held in single ownership or may be leased or sold to separate owners for the purposes of industrial use, as permitted by Section 16.055 hereunder, under suitable covenants and restrictions for maintaining the intended character of the development.

16.053 Procedures and Requirements

16.0531 Application

Following the procedures set forth in Section 16.01 for all Planned Development Projects, the owner of a tract of land complying with the locational and area requirements set forth in this Section may submit to the Zoning Commission a plan for the development of such tract as a Planned Industrial Park. Such plan shall be accompanied by the following documents or information:

- A. A written agreement in a form acceptable to the Township legal counsel on behalf of the owner, his successors and assigns as follows:
 1. That the proposed development, as shown on the plans and as set forth in specifications, will be completed in every detail within such time period as may be agreed upon by the Commission, and
 2. That all land and improvements intended for the common use of all occupants, employees and customers, including common drives, walks, parking areas, and landscaped space will be maintained in perpetuity, including such servicing as may be required for the use of such land and improvements, and
 3. That no further changes in the development shall be made which would encroach upon land used to comply

with the requirements of this Chapter as to vehicular access area, off-street parking or loading or open space.

- B. Evidence that the applicant has sufficient control over the land to construct required land improvements, including streets, water, sanitary sewers, waste disposal, surface drainage and other facilities required for subdivision development. Evidence of control includes property rights and the engineering feasibility data which may be required.
- C. If approval of the plan will require a change in the zoning district, the plan shall also be accompanied by an application for such change. The procedure for such change shall be as set forth in Section 22.03.

16.0532 Review by the Zoning Commission

In addition to the zoning requirements set forth in Section 16.0531 hereinbefore, the Commission shall base its action on a finding that the plans for a proposed industrial park comply with the following sections:

- 16.052 Definition of Planned Industrial Park
- 16.054 Location Requirements
- 16.055 Uses Permitted
- 16.056 Development Standards

16.054 Location Requirements

No application for a planned Industrial Park may be accepted or approved unless it is located:

- (1) In the Industrial Districts, or
- (2) At a location within or clearly identified with the corresponding industrial area designated on the Marion County Land Use Plan. In such case, a procedure for change of zoning will be required, as set forth in 16.0531(C) hereinbefore.

16.055 Uses Permitted

The uses permitted in a Planned Industrial Park shall be as listed and as regulated in Chapter 15 for Industrial Districts.

16.056 Development Standards

16.0561 The following development standards shall apply in any Planned Industrial Park:

- A. Minimum Gross Area of Development: Twenty (20) acres.
- B. Minimum Yard Dimensions

1. Setback from street: Height of building, but less than 40 feet.
 2. Distance to interior lot lines: Sum of height and length of adjoining wall structure, divided by 3 but not less than 40 feet.
- C. Maximum Coverage of Lot by Building: 25 percent.
- D. Maximum Height of Buildings: None, provided all yard requirements are complied with.

16.0562 Enclosures, Screen and Landscaping

A use allowed in an industrial park shall have its primary operation enclosed within a structure. Open storage and service area and loading docks shall be screened by walls, fences or other enclosures at least six (6) but not more than twelve (12) feet in height. Such walls or fences shall have an opaqueness of seventy-five (75) percent or more, so as to effectively conceal production storage, services and loading operations from adjoining streets or properties.

16.0563 Off-Street Parking Spaces

Notwithstanding the requirements of Chapter 17 for off-street parking space, there shall be provided one off-street parking space for each employee on the maximum working shift. Parking areas shall not be located closer than twenty-five (25) feet to any adjoining lot line in any Residential, O-I-A or Business District and shall be set back at least forty (40) feet from the street line. Development standards shall be as set forth in Section 17.024.

16.0564 Loading Space

The requirements of Chapter 17 for loading space shall be complied with.

16.0565 Access drives and Illumination of Parking Areas

Access drives and illumination of parking areas shall be in conformance with the requirements of Chapter 17.

CHAPTER 17

OFF-STREET PARKING AND LOADING STANDARDS

17.01 PURPOSE

The purpose of this Chapter is to provide, through special regulations, for adequate off-street parking and loading facilities, as necessary for efficient and convenient community activity and for prevention of traffic congestion.

17.02 OFF-STREET PARKING SPACE REQUIRED

17.021 Application of Requirements

In all districts, in connection with any use there shall be provided, at the time any building or structure is erected or enlarged or increased in capacity, off-street parking spaces in accordance with the schedule set forth in Section 17.022 hereunder. It shall be the intent that the following required parking spaces be used in connection with the building for which they are required. When units of measurement determining the number of required parking spaces result in requirement of fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one half (1/2) shall require one (1) parking space.

17.022 Schedule of Parking Spaces Required

Type of Use	Number of Parking Spaces
A. USES NOT LIST	Requirements for most nearly similar use specifically listed, as determined by the Board of Appeals
B. RESIDENTIAL	
Dwellings	2 spaces for each dwelling unit
Rooming houses	1 for each sleeping room or 1 for each paying occupant
C. PUBLIC AND INSTITUTIONAL	
Administrative Offices of Government	1 for each 200 sq. ft. of floor area
Schools, elementary and junior high	1 for each 10 classroom seats
Schools, high school and university	1 for each 5 classroom seats or 1 for each 5 seats in auditorium, stadium or gymnasium, whichever is greater
Places of worship	1 for each 5 seats in sanctuary
Hospitals	1 1/2 for each bed
Libraries, museums, art galleries	1 for each 400 sq. ft. of floor area

Table Continued

Type of Use	Number of Parking Spaces
<p>D. AMUSEMENTS AND ASSEMBLY</p> <p>Sports arenas and stadiums, auditoriums, theaters and places of assembly with fixed seats.</p> <p>Dance halls, lodge halls, exhibition halls, skating rinks, swimming pools and places of assembly without fixed seats.</p> <p>Bowling alleys</p>	<p>1 for each 5 seats</p> <p>1 for each 100 sq. ft. of floor area used for the purpose listed.</p> <p>5 for each alleys</p>
<p>E. SERVICES</p> <p>Funeral homes, mortuaries</p> <p>Medical and dental offices and clinics</p> <p>Sanitariums, convalescent homes, homes for the aged and children</p> <p>Barber shops and beauty parlors</p> <p>Hotels, motels and tourist homes</p> <p>Laundry, and dry cleaning pickup</p> <p>Banks</p> <p>Business and professional offices</p> <p>Restaurants of following types:</p> <p style="padding-left: 40px;">Indoor service only</p> <p style="padding-left: 40px;">Including curb service</p> <p style="padding-left: 40px;">Providing primarily carry-out service</p> <p>Bars, taverns and night clubs</p>	<p>1 for each 75 sq. ft. of floor area devoted to parlors</p> <p>1 for each 100 sq. ft. of floor area</p> <p>1 for each 4 beds</p> <p>3 per operator</p> <p>1 for each living or sleeping units</p> <p>1 for each 100 sq. ft. of floor area</p> <p>1 for each 100 sq. ft. of floor area</p> <p>1 for each 200 sq. ft. floor area</p> <p>1 for each 100 sq. ft. of floor area</p> <p>1 for each 100 sq. ft. of floor area in addition to curb service stalls provided</p> <p>1 for each 30 sq. ft. of floor area</p> <p>1 for each 100 sq. ft. of floor area</p>
<p>F. RETAIL SALES</p> <p>Furniture and household appliance stores and repair shops</p> <p>Retail stores and shops not elsewhere specified, including general merchandise</p>	<p>First 1800 sq. ft. of floor area: 3 spaces. Any additional floor space: 1 space for each 400 sq. ft.</p> <p>First 1500 sq. ft. of floor area: 3 spaces. Any additional floor space: 1 space for each 150 sq. ft.</p>
<p>G. GENERAL COMMERCIAL AND INDUSTRIAL</p> <p>Automobile or machinery sales and service garage</p> <p>Commercial service laboratories machine shops and similar establishments</p> <p>Manufacturing plants</p> <p>Wholesale establishments and warehouses</p>	<p>1 for each 800 sq. ft. of floor area</p> <p>1 for each 600 sq. ft. of floor area or 1 for each 2 employees on maximum shift, whichever is greater</p> <p>1 for each 1200 sq. ft. of floor area or 1 for each 2 employees on maximum shift, whichever is greater</p> <p>1 for each 3000 sq. ft. of floor area or 1 for each 2 employees on maximum shift whichever is greater</p>

17.023 Application of Schedule

A. Floor Area Defined

For purposes of applying the requirements of divisions C through G of Section 17.022, "Floor Area" shall mean the gross floor area used or intended to be used by tenants, or for services to the public or customers, patrons, clients, or patients including areas occupied by fixtures and equipment used for display or sales of merchandise. It shall not include areas used principally for non-public purposes, such as storage, incidental repair, processing or packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores or buildings, for toilet or rest rooms, for utilities or for dressing rooms, fitting or alteration rooms and hallways.

B. Expansion of or change in Existing Use

A building existing lawfully at the time this Zoning Resolution became effective, but which does not conform with the off-street parking requirements in Section 17.022 may be occupied by the existing use without such facilities being made available. However, any parking spaces that may be provided shall be in accord with the development standards set forth in Section 17.024 hereof, and, if the existing building is altered so that there is an increase in the number of dwelling units, seating capacity or floor area, or if the use is changed to a use requiring more off-street parking spaces, then off-street parking facilities shall be provided at least equal to the number of spaces required for the entire building or use in accord with the schedule as set forth in 17.022 hereof and in accord with the development standards of Section 17.024.

17.024 Development Standards for Off-Street Parking Space

A. Required off-street parking facilities shall be located on the same lot as the structure or use served, except that a parking facility providing the sum of parking spaces required for several uses may be provided contiguous to and in common with the several structures and uses served.

B. Parking areas may be located in any required yard except as follows:

1. In the required front yard in a residence district.
2. In a required front yard in any non-residence district adjoining a residence district with limitations, as defined in the non-residence district.

C. A parking space for one (1) vehicle shall provide for a rectangular area having dimensions of not less than ten (10) feet by twenty (20) feet.

D. Access

There shall be adequate provision for ingress to and egress from parking spaces. Where a parking areas does not abut on a public street or alley, there shall be provided an access drive not less than eight (8) feet in width in the

case of a dwelling and not less than 18 feet in width in all other cases, providing satisfactory access to the parking areas required herein. Except where provided in connection with a use permitted in a residence district, such access drive shall not be located in any residence district.

E. Screening and Landscaping

Off-street parking areas for more than five(5) vehicles shall be effectively screened on each side which adjoins or faces premises situated in any residence district, by a solid fence, wall, or hedge, which shall be not less than five (5) feet or more than eight (8) feet in height and shall be maintained in good condition without any advertising thereon.

F. For every parking area having more than five (5) spaces, a plan shall be submitted to the Zoning Inspector, showing that such parking will comply with the foregoing requirements and will be well drained and shall have a dust-free surface.

G. For every parking area having more than fifty (50) spaces, a plan designed by a certified engineer shall be submitted to the Zoning Inspector. The plan shall show drainage system for the lot.

H. Parking Areas Adjacent to State Highways

Any parking area adjacent to a state highway must have a minimum setback of 10 feet from the right-of-way line.

17.03 OFF-STREET LOADING SPACE REQUIRED

17.031 Requirements

In any district there shall be provided and maintained off-street loading space in connection with every building or part thereof hereafter erected which is to be occupied by any commercial or industrial use. For any such use, off-street loading space shall be provided as specified in Section 17.032 hereunder.

17.032 Schedule of Loading Spaces Required

Size of Building in Gross Square Feet	Number of Loading Spaces
Less than 5,000	None
5,000 to 19,999	One
20,000 to 39,999	Two
40,000 to 64,000	Three
65,000 to 100,000	Four
Each additional 100,000 sq. ft. or fraction thereof	One additional space

17.033 Application of Schedule

A. Joint Loading Space

Owners or occupants of several establishments or buildings not separated by a street may jointly provide the required off-street loading space, provided:

1. That no loading dock shall be more than two hundred (200) feet distance from the service door of the building it is intended to serve, and
2. That the gross area of all the establishments or building to be served by such joint loading facility shall be used to determine the required number of loading spaces.

B. Expansion of Existing Use

A building existing lawfully at the time this Zoning Resolution became effective, but which does not comply with the off-street loading requirements set forth in Section 17.032 may be occupied by the existing use without such facilities being made available. However, any loading space which may be provided shall be in accord with the development standards set forth in Section 17.034. If the existing building is expanded so that there is an increase in the square feet of floor area so used, then off-street loading space shall be provided at least equal to the required number of spaces for the entire building or use in accordance with the schedule set forth in Section 17.032 and such spaces shall conform with the development standards in Section 17.034.

17.034 Development Standards for Off-Street Loading Space

- A. Each loading space shall not be less than ten (10) feet in width, fifty (50) feet in length and fourteen (14) feet in vertical clearance, provided that, if it is shown that the building or establishment in question is not and will not be served by trucking vehicles more than thirty-five (35) feet in length, the Board of Appeals may grant an exception reducing the required length of loading space to a length no less than the maximum length of such servicing vehicles, but in no case to be less than twenty-five (25) feet.
- B. Subject to limitations set forth in Section 19.01, loading spaces may occupy all or any part of any required yard.
- C. No loading space shall be located closer than twenty-five (25) feet to any lot in any residence district unless wholly within a completely enclosed building or unless separated from such residence district lot by a wall, solid fence or hedge not less than six(6) feet in height.
- D. Access to Loading Areas

Every loading area shall have vehicular access to and from public street or alley.

CHAPTER 18

SIGN REGULATIONS

18.01 GENERAL PROVISIONS

Signs of all types as defined in Chapter 2 shall comply with the regulations set forth on this Chapter. In addition to the standards and requirements set forth in succeeding sections, the following provisions shall apply to signs of all types.

18.011 Traffic Hazards

No sign shall be erected 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 interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device, or which makes use of the words “stop”, “look”, “danger”, or other word, phrase or symbol in such manner as to interfere with or mislead or confuse motorists or pedestrians. Light sources for illuminated signs shall not be of such brightness as to constitute a hazard to pedestrian or vehicular traffic. No rotating beam, beacon, or flashing illumination resembling an official traffic control or emergency light shall be used in connection with any sign display, nor shall any illuminated device designed to attract attention of users of the street be permitted unless it is an integral and functional part of the sign herein defined.

18.012 Exempted Signs

The following are not subject to the provisions of this Chapter:

- A. 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.
- B. Flags, emblems and insignia of any governmental agency
- C. Commemorative plaques placed by recognized historical agencies
- D. Signs within a stadium, open air-theater, shopping center, arena or other use which signs can be viewed only by persons within such stadium, open air theater, shopping center, arena or other use.

18.013 Prohibited Signs

No signs shall be attached or otherwise applied to trees, bus shelters, utility poles, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting structure, or otherwise placed in the public right-of-way except as specifically permitted by this Section, provided that a bus shelter, trash receptacle or newspaper vending machine may have an identification sign.

18.014 Non-conformance

A. General Provisions

Any sign erected prior to the enactment of this Resolution and not conforming with the provisions of this Section shall be deemed to be non-conforming. Nothing herein shall prohibit the posting or maintaining in safe conditions of any such non-conforming sign.

B. Advertising Sign

Any advertising sign which is non-conforming as a principal use in the district in which it is located shall be subject to the provisions for such principal uses in Chapter 4.

C. Accessory Signs for Non-Conforming Uses

Any use which is non-conforming in the district in which it is located shall be permitted one (1) square foot of accessory sign area for each two-hundred-fifty (250) square feet of lot area. In all other respects except area, such accessory sign or signs shall conform with the schedule or standards set forth in Section 18.02 for the district in which it is located.

D. Accessory signs not in conformance with Section 18.02

Any non-conforming accessory sign which is altered, relocated, removed or damaged to more than one-half (1/2) of its replacement value shall not be reinstalled, repaired or replaced unless it is made to comply with the provisions of this Section.

18.015 Sign Responsibility, Maintenance and Removal

A. Owner's Responsibility

1. The owner of any sign and the owner of the premises on which it is located shall be responsible for keeping it in repair and in proper state of preservation.
2. The owner of any sign and the owner of the premises on which it is located shall be responsible for the removal of such sign if and when THE USE OF THE BUILDING OR BUSINESS ASSOCIATED WITH THE SIGN CEASES OPERATION. Such removal shall include the complete blocking out of painted walls signs. THE DISASSEMBLY OF ROOF SIGNS AND FREE STANDING SIGNS, AND THE COMPLETE REMOVAL OF POSTS, SUPPORTS, ETC. Such removal shall be carried out within a period of time as follows:

Permanent Signs:	30 days
Temporary Signs:	14 days
Post and Supports: (Except for posts and supports 20 feet or more in height which have six (6) months)	30 days

B. Enforcement

In the case of non-compliance with the provisions of A-1 and A-2 hereinbefore, the Zoning Inspector shall notify, in writing, the owner of the abandoned or non-functional sign in question or the owner of the premises on which such sign is located. If such order is not complied with within thirty (30) days after the date of such order, THE ZONING INSPECTOR SHALL FINE THE VIOLATOR \$100.00 FOR EACH OFFENSE. EACH DAY'S CONTINUATION OF A VIOLATION MAY BE DEEMED A SEPARATE OFFENSE (CHAPTER 519, OHIO REVISED CODE).

18.016 Permits and Fees

Permits shall be required for the installation of all signs and fees shall be required in accordance with Chapter 22.

18.017 Location of Signs

- A. No part of any sign shall project beyond the property or street right-of-way line.
- B. No sign shall be located in a required front yard except certain accessory identification signs as follows:
 - 1. Bulletin boards and warning and directional signs, which shall be located no less than twelve (12) feet from the street right-of-way line if in required front yard.
 - 2. Identification signs which are an integral part of a permitted gateway structure at the entrance to a subdivision, group housing development or industrial park.
 - 3. Free standing identification signs in shopping centers and service stations, complying with other requirements thereof.
 - 4. Temporary real estate or construction signs, no less than six (6) feet from the street right-of-way line.
- C. Additional location requirements for accessory and advertising signs shall be as set forth hereunder in Section 18.02 and 18.03 respectively.

18.018 Signs Near Residential Districts

Any sign located in a “B” or “I” District within one hundred (100) feet of any “R” District shall comply with the following requirements:

- A. Shall not be located in such manner as to be viewed primarily from “R” zoned property or from any part of a street or alley which is within an “R” District.
- B. Shall not include pennants, banners, streamers, or similar type devices, temporary or permanent.
- C. Shall not include spinning devices or strings of spinning devices, projecting spikes, wands or similar devices.
- D. Shall include no flashing device which produces objectionable changes in light intensity or color noticeable from within the adjoining “R” District.

18.019 Illumination

The following requirements for sign illumination shall apply both to accessory and advertising signs, unless otherwise indicated.

- A. Where illumination is permitted in any district, the source of light shall be shaded or concealed so as not to be a source of safety or health hazard. Illuminated signs shall conform with the limitations of 18.018 (D) above relating to traffic hazards.
- B. Where illuminated signs are permitted in Residential Districts, the source of light shall be wholly enclosed within the sign structure, behind any face of the sign, which face shall be of translucent material which totally obscures the light source. No flooded lighted signs shall be permitted in any Residential District.
- C. No moving or flashing signs shall be permitted in any “R” or “O-I-A” District.

18.02 ACCESSORY SIGNS

Accessory signs, as defined in Chapter 2, shall be subject to the standards and requirements of this Chapter. The types of signs, classified as to function, structure and other characteristics, shall be as defined in Chapter 2.

18.021 Accessory Signs in Open Space, Residential and Office-Institutional-Apartments Districts

A. Identification Signs

- 1. A home occupation or a professional office in a home, where permitted, may have one unlighted wall sign, not more than two (2) square feet in area.

2. A development of town houses, multi-family dwellings or an apartment hotel, where permitted, may have on illuminated sign for each frontage on a public street of any permitted structural type except a roof sign. The total area of all such signs shall be one (1) square foot per face for each dwelling unit, provided that no single sign shall exceed thirty-two (32) square feet on one face.
3. Any public or semi-public building, park or other open areas may have one (1) illuminated sign for each frontage on a public street, of any permitted structural type except a roof sign. The total area of any one sign shall not exceed twenty (20) square feet per face.
4. Institutions and office buildings permitted in the “O-I-A” District may have any number of illuminated signs, of any permitted structural type except a roof sign, totaling no more than two (2) square feet of sign area on all faces for each linear foot of frontage on all public streets, provided the total area of any sign shall not exceed ten (10) square feet.
5. Any other permitted non-residential use may have one (1) illuminated sign of any structural type except a roof sign, totaling no more than sixteen (16) square feet per face.

B. Bulletin Boards

Any permitted use as listed in the definition therefore in Chapter 2 may have one (1) bulletin board on each frontage on a public street, which shall not exceed sixteen (16) square feet in area, on one face. Such bulletin board shall be located in conformance with Section 18.017(B) (1), and may be of the wall, projecting or free-standing type.

C. Temporary Signs

1. One unlighted real estate sign as defined in Chapter 2 may be located facing each frontage street, with total sign area limited as follows:
 - A. For a single lot or building - 6 sq. ft. per face
 - B. For a new subdivision or group housing development - 4 sq. ft. per lot or dwelling unit with a maximum size of 100 sq. ft.
2. One unlighted construction sign as defined in Chapter 2, of any structural type, may be located on a construction site, not exceeding a total of thirty-two (32) square feet in area on all faces.

D. Directional Signs

Directional signs, as defined in Chapter 2, shall be permitted, of a number, size, and location as needed, provided no such sign shall exceed two (2) square feet in area per face.

E. Mounted Mobile Signs

Religious institution, school, library, auditorium, theater, athletic field or other similar use are permitted to have a Mounted Mobile Sign subject to the requirements of Section 18.04.

18.022 Accessory Signs in Commercial and Industrial Districts

A. Identification Signs

1. Service Stations

A. Two (2) free standing illuminated signs shall be permitted, with surface area limits, as follows:

1. If located ten (10) feet or more from any street line - fifty (50) square feet per face.
2. If located less than ten (10) feet from any street line - thirty (30) square feet per face.

B. One (1) wall illuminated sign for each street frontage, with no more than thirty (30) square feet of area.

C. Any number of illuminated pump signs, with each such sign limited to two (2) square feet in area.

2. Other Commercial Uses, where permitted

Illuminated signs if all structural types shall be permitted, with a maximum area on all signs and faces of four (4) square feet per linear foot of frontage on all streets, but not a greater total sign area facing each abutting street than listed hereunder for each commercial district.

Use or Type of Establishment	Maximum Square Feet of Sign Area, by Business District	
	B-1	B-2
Separate commercial establishment fronting on a street	200	400
Planned Shopping center		
- Signs identifying the center	400	800
- Signs identifying each establishment within the center if visible from an "R" District within 500 ft. thereof	100	200

3. Industrial Uses, where permitted

Illuminated signs of all structural types shall be permitted, with a maximum total area of six (6) square feet, all faces per linear foot of frontage on all abutting streets.

4. In commercial and industrial districts, the total number of identification signs for any one establishment other than a service station shall be limited by structural type as follows:

1. One (1) projecting, free standing, or roof sign for each frontage on a street
2. Wall, canopy or marquee signs of any number, provided the total area of signs is not exceeded.

B. Bulletin Boards

One (1) illuminated bulletin board for each frontage on a street shall be permitted, having a maximum area of twenty (20) square feet per face.

C. Temporary Signs

1. One unlighted real estate sign, as defined in Chapter 2, may be located facing each street frontage, with total sign area limited as follows:

	Square Feet Per Face
Advertising single commercial properties	12
Advertising single industrial properties	50
Advertising space in shopping centers	50
Advertising sites in industrial parks	150

2. One unlighted construction sign, as defined in Chapter 2, of any structural type, may be located on a construction site, not exceeding a total of fifty (50) square feet in area on all faces.

D. Directional Signs

Directional signs, as defined in Chapter 2, shall be permitted of a number, size, and location as needed, provided no such sign shall exceed four (4) square feet per face.

E. Mounted Mobile Signs

Mounted Mobile Signs are permitted subject to the requirements of Section 18.04.

18.023 Maximum Height of Accessory Signs

The maximum height of accessory signs and the minimum clearance beneath them, where applicable, shall be as set forth hereunder.

- A. No wall sign shall project above the top of the wall on which it is located.
- B. No projecting sign shall extend above the top of the building on which it is located.
- C. Freestanding signs

The maximum height of freestanding signs in the several zoning districts shall be as follows:

- 1. In open space and residential districts: 30 feet
- 2. In Office-Institutional-Apartment Districts: 40 feet
- 3. In Business District: B-1 District - 30 feet
B-2 District - 40 feet
- 4. In Industrial Districts: None, provided front-yard requirements as to set back are met OR within 200 feet of any residential or O-I-A District - 40 feet.

Freestanding signs located within one hundred (100) feet of the intersection of street curb lines shall have a minimum vertical clearance of twelve (12) feet beneath them.

- D. Roof Signs

Shall not exceed the maximum permitted height of buildings in the zoning district (business or industrial only) in which they are located and shall not exceed twenty-five (25) feet higher than the roof of the building to which the sign is attached at the point of mounting.

- E. Awning, Canopy or Marquee Signs

Shall not extend vertically above the limits of the awning, canopy or marquee to which attached. Such signs may extend vertically below such limits provided that there shall be a minimum vertical clearance of ten (10) feet above the grade beneath them.

18.03 ADVERTISING SIGNS

18.031 General Provisions

An advertising sign shall be deemed to be a principal use, and shall comply with the use limitations and the yard and building height requirements for principal uses in the district in which it is to be located. In addition, any such sign shall comply with the

requirements set forth in this Section

Advertising signs shall comply with all applicable requirements of Section 18.01 for all signs.

18.032 Standards for Advertising Signs

The standards for the construction or installation of advertising signs shall be as set forth hereunder, in addition to requirements for all principal structures in the district in which the sign is located

A. Number of Signs

There shall be no more than one (1) sign structure on any lot having less than two hundred (200) feet of unbroken frontage on a single street. A lot or parcel having two hundred (200) feet or more of unbroken frontage on a single street may have two (2) sign structures thereon.

B. Structural Types Permitted

Only free standing advertising signs may be permitted.

C. Area and Dimension

1. The maximum total area of all faces of any sign structure shall be two-thousand (2000) square feet.
2. The maximum height of a sign shall be the maximum building height for other principal uses in the district in which the sign is located or thirty (30) feet, whichever is the lesser height.

18.04 MOUNTED MOBILE SIGNS

Where permitted, mounted mobile signs must meet the following requirements:

1. Only one (1) mounted mobile sign shall be permitted on any one lot for a period not to exceed thirty (30) days. A maximum of three (3) additional thirty (30) day mounted mobile sign permits may be acquired within a calendar year.
2. A refundable deposit, paid by check to Marion Township will be required prior to installation of a mounted mobile sign. The amount of the deposit will be determined by the Marion Township Trustees. The deposit will be returned upon proper removal of the mounted mobile sign at the end of the designated period. Failure to remove the sign at the end of the given time will result in forfeiture of the deposit and a violation issued.
3. Mounted mobile signs must be located a minimum of fifteen (15) feet from any street right-of-way line.
4. Mounted mobile signs may not include illuminated or non-illuminated arrows.

CHAPTER 19

SPECIAL USE REGULATIONS

19.01 EXCEPTIONS TO APPLICATION OF AREA DIMENSION STANDARDS

19.011 Planned Development Projects

In the case of Planned Development Projects area and dimensional standards shall be as set forth in Chapter 16 for the type of development involved.

19.012 Exceptions to Lot Width and Area Requirements

In a district where it is permitted a single-family dwelling may be erected on a lot which is non-conforming as to lot area or width, provided however, that, where three or more abutting lots of record were held in one ownership at the effective date of this Resolution, and where one or more of such lots are non-conforming, the exception in this paragraph shall not apply.

19.013 Front-Yard Exceptions and Modifications

A. Exceptions for Existing Alignment

In a residential district, where the average of existing front-yard depths for lots located on the same side of the street within one hundred (100) feet of both sides of a lot in question is greater or less than the required front yard specified in this Chapter, such average of depths shall be the required depth for such lot, provided that no front yard shall be required to exceed fifty (50) feet in depth, and shall not be less than twenty (20) feet.

In deriving the average depth of existing front yards the following rules shall be observed.

1. A lot which is only partially within one hundred (100) feet of the lot in question shall be included in the average if any part of the principal building thereon is located within said one hundred (100) feet distance.
2. Any vacant lot within said one hundred (100) feet shall be considered as having the minimum required front-yard depth in computing the average.

B. Front Yards Required in Non-residence Districts along Residence District Boundary Lines

In any block which includes both residential and non-residential districts along the same side of the street, the front-yard requirements of the non-residential district shall be either the requirement set forth for such district or the requirement set forth for the residential district in such block, whichever is greater.

19.014 Side-Yard Exceptions, Application and Adjustments

A. Side-Yard Exceptions for Narrow Lots

In the case of a lot which is existing and of record at the time of the effective date of this Resolution in any residence district, if the owner of record does not own any adjacent property, one and one-half (1 1/2) inches may be deducted from the required least width of side yard and three (3) inches from the required sum of widths for each foot by which the lot is narrower than the required width. Such deductions shall not apply to buildings higher than two (2) stories. In no case shall any side yard be narrower than five (5) feet.

B. Side-Street Side Yard

Any corner lot in a residential district having an abutting interior lot fronting on its side street shall have a minimum required side yard on the side street equal to the required front-yard depth of the district in which it is located; provided, however, that this requirement shall not be applied to a lot which was of record at the time this Resolution became effective so as to reduce the build able width to less than twenty-five (25) feet.

C. Adjustment for Irregular Side Yards

Where the side wall of a building is not parallel with the side lot line or where the side yard has an irregular width due to broken alignment of side wall or side lot line, the side yard shall be such that its total area is equal to the side yard area which would result if the required least width were applied to a building of equal length and height having an unbroken wall parallel with an unbroken side lot line, provided that such side yard shall at no point be narrower than one half (1/2) of the required least width or five (5) feet, whichever is greater.

19.015 Rear-Yard Exceptions of Shallow Lots

For a lot which was of record at the time this Resolution became effective, which lot is in a residence district and has as depth of less than one-hundred-ten (110) feet, the depth of the rear yard need not exceed twenty-five (25) percent of the depth of the lot, but shall not be less than fifteen (15) feet in any case.

19.016 Uses and Projections Permitted in Yards

The following accessory uses and structural projections shall be permitted within any required yard, with limitations as specified:

- A. Off-street loading and parking space in required front yards in an industrial district, to within fifteen (15) feet of the street line, except where located within the same block as a residential district and fronting on the same street.
- B. Fuel pumps in required front yards in connection with a conforming service station, to within (20) feet of the street line, and complying with the requirements of Section 19.03 relating to equipment for

outdoor servicing vehicles.

- C. Required or permitted fences, walls and landscaping shall conform to the following location and maximum height limitations, except as otherwise specified elsewhere in the Code:

Yard	Location	Maximum Height in Feet
Rear	If within ten (10) feet of side or rear lot line	6
	If ten (10) feet or more from side or rear lot line	10
Side	At any location	6
Front	At any location	3 1/2

- D. Eaves, cornices, window sills and belt courses may project into any yard a distance not to exceed three (3) feet.
- E. Accessory buildings in rear yards, in accordance with the provisions of the district of the district in which it is located.
- F. Steps, terraces or uncovered porches may project into any yard, provided they are not over three and one-half (3 1/2) feet above the average finished grade at the adjacent building wall and distant at least three (3) feet from every lot line.

19.017 Height Limit Exceptions

- A. The height limits of this Resolution shall not apply to churches, schools, hospitals and such public buildings as a library, museum, auditorium, art gallery, fire station or public buildings of a cultural, recreational or administrative nature; provided that the yard requirements set forth in the district in which it is located for non-dwelling structures in residence districts shall be complied with.
- B. Church spires, belfries, cupolas, domes, monuments, fire and hose towers, chimneys, smokestacks and flag poles may exceed the height limits.
- C. Water tanks, bulkhead, grain elevators, gas holders, radio and television transmission and receiving towers and similar structures auxiliary to permitted principal uses in a district may exceed the height limits.

19.02 HOME OCCUPATIONS

In order to be permitted as an accessory use, a home occupation shall comply with the definition given in Chapter 2. In addition, it shall comply with the following requirements:

- A. There shall be no non-resident employees engaged in the home occupations.
- B. No article produced off the premises may be sold.

- C. No article produced off the premises may be stored outside.
- D. No mechanical equipment shall be installed or used which will create excessive noise, interference with radio or television transmission or reception, or will be a public nuisance.
- E. The space devoted to such home occupation may not exceed twenty-five (25) percent of the gross floor area of the principal building.
- F. No goods shall be displayed, and there shall be no external evidence of the home occupation conducted on the premises except one identification wall sign which shall be unlighted and not more than two (2) square feet in area as provided for in Section 18.021

19.03 AUTOMOBILE SALES, SERVICE AND REPAIR, DRIVE-IN ESTABLISHMENTS, COMMERCIAL PARKING LOTS: PARKING AREA SERVING COMMERCIAL AND INDUSTRIAL USES

19.031 For all uses listed hereunder in Section 19.032 to 19.035, the following requirements shall apply:

- A. No such use shall have a vehicular entrance or exit within two hundred (200) feet of a school or playground located in the same block front in a residence district.
- B. For any such use involving the open air parking, storage, display, sale or servicing of automobile vehicles or involving drive-in or drive-through establishments the area devoted to such open air use shall comply with the following:
 - 1. All lighting for night use or for security shall be so arranged that no source of light will be directly visible from any lot within two-hundred feet in a residence or O-I-A District.
 - 2. Surfacing and drainage shall be provided in the manner specified in Section 17.024 for off-street parking areas.

19.032 Automobile Service Station

Automobile Service Stations shall comply with the following requirements and limitations:

Facility or Service	In Any District, the Minimum Distance From Line of a Lot in a Residence or O-I-A District	Special Limitation in the B-1 District
Vehicular entrance or exit	25 feet	
Equipment for outdoor servicing of vehicles	25 ft. unless separated from any residence or O-I-A District lot by a solid fence, wall or hedge no less than 5 ft. or more than 8 ft. in height	Limited to dispensing of fuel and oil and other service customarily incidental thereto not including repairs specifically listed elsewhere hereunder.
<u>Repair Services</u> Tire changes and repair, brake adjustment and repair, lubrication, body washing, minor repair or adjustment	25 ft. unless within an enclosed building or separated from any residence or O-I-A District lot by a solid fence, wall or hedge no less than 5 ft. or more than 8 ft. In height.	Limited to service inside an enclosed building, except for tire changing and other minor or emergency service.
Motor or body repair, where permitted	Must be within an enclosed building	Prohibited
Outdoor storage or display of goods	25 ft. unless separated from any residence or O-I-A District lot by a solid fence, wall or hedge no less than 5 ft. or more than 8 ft. in height.	Prohibited

19.033 Automobile Repair Garages and Automobile Sales Establishments

Automobile repair garages and automobile sale establishments, either indoors or outdoors, shall comply with the following requirements and limitations:

Facility or Service	Minimum Distance from Line of a Lot in a Residence or O-I-A District
Vehicular Entrance or Exit	25 ft.
Outdoor parking or display of vehicles or other equipment	25 ft. unless separated from any residence district lot by a solid fence, wall or hedge no less than 5 ft. or more than 8 ft. in height
Servicing and Repair of Vehicles	Limited to service inside an enclosed building except for tire changing and other minor or emergency service

19.034 Commercial Parking Lots; Parking Areas Servicing Commercial Or Industrial Uses

All such parking lots having capacity for twenty-five (25) vehicles or more shall comply with the applicable requirements of Section 19.033 for automobile repair garages and sales establishments. Such requirements shall be in addition to the development standards for all parking lots set forth in Section 17.024.

19.035 Drive-In and Drive-Through Establishments

Drive-in establishments, including those identified as drive-through, shall comply with the following requirements and limitations:

Facility or Service	Minimum Distance from Adjoining Line of a Lot in a Residence or O-I-A District	Amount of Space Required
Vehicular entrance or exit	25 ft.	
Equipment or vehicle stall for dispensing service, and all access driveway space	25 ft. unless separated from any residence or O-I-A District by a solid fence, wall or hedge no less than 5 ft. or more than 8 ft. in height	
Driveway or other space on the lot for vehicles waiting for service at drive-through establishments		Adequate to accommodate 3 or more vehicles for each drivethrough window or lane

19.04 PRIVATE SWIMMING POOLS

No private swimming pool shall be allowed in any residence district except as an accessory use, and unless it complies with the following conditions and requirements:

- A. The pool is intended and used primarily for the enjoyment of the occupants of the principal use of the property on which it is located.
- B. It may not be closer than ten (10) feet to any lot line of the lot on which it is located.
- C. The pool shall be completely enclosed by a wall or fence at least six (6) feet in height.
- D. The pool, together with any structure related thereto, shall comply with the requirements for accessory structures set forth for the district in which it is located.

19.05 TOPSOIL REMOVAL

Excavating of topsoil to a depth of not more than three (3) feet shall be permitted in the "A-1"

District with Board of Appeals approval and in the "I-1" District, provided the operator submits a plan showing the area in which the soil removal is to take place and the manner in which the area is to be restored upon completion of the excavation operation. Removal of topsoil to be conducted closer than thirty(30) feet to a residential district and excavation operation within five hundred (500) feet of a residential district shall be completed within one (1) year after commencement of such operation. Upon completion of operation, all excavated areas shall be adequately restored and suitably planted in a manner as determined by the County as set forth hereinbefore, it may require bond as it deems necessary to assure proper restoration of the excavated area.

19.06 EXCAVATION OF FILL FOR HIGHWAY CONSTRUCTION

Excavation of fill for highway construction outside highway rights-of-way shall be permitted as a matter of right only in the "I-1" District. It may be permitted in the "A-1" District only after approval by the Board of Appeals. Before any excavation permit is given, the construction contractor shall present plans and information giving proof:

- A. That the source of community water supply will not be adversely affected, either by contamination or lowering of the water table, and
- B. That the excavated site will be left in a useful and hazard-free condition, and
- C. Shall comply with the standards as set up by the Ohio Department of Transportation.

19.07 MINERAL EXTRACTION, STORAGE AND PROCESSING

19.071 Purpose

Provisions pertaining to the extraction of stone, sand, gravel and other mineral resources are provided to allow the removal of these important resources in a manner appropriate to the best uses of adjacent lands and to rehabilitate the excavated area to promote the public health, safety and general welfare.

In any district of the township where mineral extraction is permitted as a conditional use, such use shall be subject to approval by the Board of Appeals.

19.072 Establishment of Boundaries or Limits

Within any Zoning District where any type of mineral extraction, storage or processing is permitted, the limits of the individual site for such operation shall be established by the Board of Appeals, taking into account the uses or potential uses of adjoining property and the applicable development standards within the individual site, as set forth hereunder.

19.073 Standards for Development, Operation and Rehabilitation

19.0731 Processing Plants

All additions to existing mineral processing plants and all new mineral processing plants shall employ recognized equipment of the industry in question to minimize objectionable elements or conditions adversely affecting

the surrounding properties. Operation of the equipment shall comply with the standards promulgated by the industry.

19.0732 Dimension Requirements

- A. Mineral extraction involving the removal of clay or overburden to a depth not exceeding six feet may be conducted to no less than 30 feet of a residential or O-I-A District, provided the operation is conducted over a temporary period not to exceed twelve (12) months and operation of equipment is limited to the extraction process. Temporary operation roads shall not be closer than 200 feet to any residential or O-I-A District.
- B. Other mineral extraction and processing shall not be conducted closer than 500 feet from any existing residence or any residential or O-I-A District nor closer than 200 feet from any structure used for human occupancy.

19.0733 Disposal of Building and Structures

Buildings and structures for which no future use is contemplated and for which no other acceptable use is practicable or feasible shall be demolished and removed.

19.0734 Application

At the time of a request for a permit for mineral extraction purposes the operator shall file with the Zoning Inspector a detailed map of at least 200 feet to the inch scale, which clearly shows areas to be mined and the location of adjacent properties, road and natural features. The operator shall submit information on the anticipated depth of excavations and on depth and probable effect on the existing water table.

The operator shall also file with the Board a detailed plan of 200 feet to the inch or larger scale for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five (5) feet.

19.0735 Rehabilitation of Site

- A. All earthen banks shall be left with a slope no greater than two feet horizontal to one foot vertical; all rock banks may be left at a one to one slope. Where minimizing of slopes to this degree is not feasible, as determined by the Board, a fence four feet high shall be erected by the extraction operator to serve as a protection to persons.
- B. The type and number per acre of trees, shrubs, ground cover or legumes to be planned shall be determined in consultation with the County Agricultural Extension Agent.
- C. The location of future roads, drives, drainage courses, or other improvements or changes contemplated shall be shown as determined

in consultation with the Marion County Regional Planning Commission.

- D. The operator of a long-term mineral extraction operation involving an area in excess of 100 acres shall be required to restore areas within 500 feet of a residential or O-I-A District within a period of one year from the date of completion of the extraction operations.
- E. The operator may be required to file with the Township Trustees a bond, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. Whether the operator shall be required to post bond shall be based on demonstrated financial responsibility and the operator's demonstrated past performance in fulfilling restoration provisions in this Resolution. In the event a bond is required, the rate per acre of property to be used for extraction purposes shall range between \$100 and \$1,000, depending upon the type and extent of restoration required, except that the maximum amount of the bond shall not exceed \$50,000. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.

19.08 PETROLEUM DRILLING AND PRODUCTION

19.081 Purpose

Provisions pertaining to the drilling for production of oil and gas are provided to allow the exploration for and removal of natural petroleum resources in a manner appropriate to promote the public health, safety and general welfare.

In any district of the Township where a well may be drilled for the exploration for or production of natural oil or gas as a conditional use, the drilling and operation of such well shall be subject to approval by the Board of Appeals, providing the following conditions have been complied with.

19.082 An application for a Drilling Permit has been filed with the Zoning Inspector, Including:

- A. The location of the proposed well on a survey signed by a Registered Surveyor.
- B. The location of all property lines bordering the proposed well site.
- C. The location and use of each structure within five hundred (500) feet of the proposed well site.
- D. The location of all underground public and private utility or drainage lines or facilities within one hundred (100) feet of the proposed well site.
- E. The location of all public easements and right-of way within five hundred (500) feet of the proposed well site.

19.083 Fee

A permit fee in the amount of one thousand dollars (\$1,000), has been paid to or deposited with the Zoning Inspector and a receipt thereof accompanies the drilling permit application.

19.084 Surety Bond

A surety bond in the amount of one hundred thousand(\$100,000) has been obtained and is submitted at the time application for permit is made, and is to be filed with the Township Trustees conditioned upon the faithful performance of each and every condition set forth in the permit and guaranteeing the repair of all damage to public property resulting from such a well or drilling of the well including damage to streets, pavements, curbs, gutters, sidewalk, water lines, sewer lines, bridges, culverts, tiles, fire plugs, street lights, street or traffic signs or signals, drainage facilities, but not necessarily limited thereto. Such bond is to held by the Township Trustees until released or reduced upon satisfaction that all such damage has been repaired or ordered paid for such repairs.

19.085 Standards

The Board shall, within thirty (30) days from the time such a drilling permit application is filed with the Zoning Inspector, either grant or deny the permit. In rendering such a decision, the Board shall consider the following standards:

- A. No well shall be drilled in a tract of less than ten (10) acres. Owners of small tracts may pool their holdings to comply with the (10) acre minimum.
- B. No well shall be located within three-hundred-thirty (330) feet of any property line or ownership boundary.
- C. No well shall be located within two hundred (200) feet of any road, street, residence or structure used for dwelling purposes, or any building with more than 5,000 cubic feet of space.
- D. No well shall be located within one thousand (1,000) feet of any school, church, hospital, or other structure used for public assembly.
- E. Other fire, health and safety standards shall be reviewed and a determination made that, as set forth in the drilling permit or as conditions to its approval, adequate precautions have been provided. Such conditions may control the hours of operation of such drilling, the mode of transportation used at the well site, the location and type of waste disposal pits or tanks, the location and type of gas compression equipment or pumps, the location and type of disposal of waste gases, the location and housing of proposed internal combustion engines, the location, height and composition of drilling rigs and towers, the location and size of electric lights, the protection of the site from the public view and any other reasonable standards related to the protection of the public health, safety, and welfare.

19.086 Permit

If such Drilling Permit is approved by the Board, the Drilling Permit shall be issued by the Zoning Inspector.

19.087 Renovation

- A. If during the drilling operation, the conditions set forth in the Drilling Permit application or the conditions set forth by the Board prior of its approval are violated, the Zoning Inspector shall report such actions to the Board which, if it concurs, may cancel the permit and order the site vacated and to the Township Trustees who may, if they concur, order the bond forfeited.
- B. All and any such drilling Permits shall be null and void twelve months from the date upon which they are issued.

19.088 Closing or Production Plans

During the twelve months subsequent to the issuance of a Drilling Permit the applicant shall file with the Zoning Inspector either:

- A. A well closing report stating the manner in which the well has been abandoned and sealed which must be accepted by the Township Trustees before bond is released and which shall demonstrate that the site has been restored to its previous conditions insofar as such is desirable and possible and the well sealed so as to be impervious through the level of the water table, or;
- B. A well production plan enlarging upon and supplementing the Drilling Permit Application in regard to the proposed location and character of pumps and pump housing, the proposed location of storage tanks, their size and type, the proposed landscaping, fencing and screening of the well site and the proposed location size and pressure of underground pipes or lines, all of which shall be subject to approval by the Board on the basis of being compatible with the vicinity and Zoning District within which the well is located prior to release of the bond.

19.09 PUBLIC UTILITIES (November 2007)

This Resolution shall not apply to public utilities and railroad. However, ORC Section 519.211 permits townships the authority to regulate telecommunications towers in areas zoned for residential use (Subsection B) and “public utilities engaged in the business of transporting persons or property, or both, or providing or furnishing such transportation service over any public street, road, or highway in the state” (519.211 Subsection (C) - See Township Zoning Requirements in Section 15.02 (2) (A) (3)).

The following regulations apply to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement or any telecommunications tower as defined in Section 519.211 of the Ohio Revised Code:

- 1. Telecommunication towers shall be a minimum of 1000 feet from any residential dwelling unit.

2. Telecommunication towers shall be a minimum of one and one-half (1½) tower heights (including base height) from any buildings, roads, alleys, utility lines, structure, or property line.

19.10 SITE PLAN

A. Site Plan Purpose and Procedure

This Site Plan Procedure is to insure that the provisions of this Chapter and other Chapters are carried out in an integrated fashion for a development. Any proposed use or combination of uses involving office, institution, commercial, industrial, or residential uses where there are 20 or more parking spaces (see Section 17.022) planned, a Site Plan is required.

Consideration must be given to protecting the health, safety, welfare, and values of surrounding residents and property. The Site Plan may be reviewed in stages or at one time. Four (4) copies shall be submitted to the Marion Township Zoning Commission by the owner or developer for each review. An interim or final review will be accomplished within thirty (30) days. At any time the Zoning Commission may also seek a recommendation from the Marion County Regional Planning Commission.

Items that pass an interim review may require additional detail for final approval. After the final review, the Zoning Commission will give a written report to the owner/developer and Zoning Inspector as to the approval or denial of the Site Plan. If not approved, the Zoning Commission will specify in the report what is needed for re-submittal and approval. If approved, the Zoning Inspector will sign all copies of the Site Plan and return a copy to the owner or developer. If the owner/developer requires more signed copies, they shall supply the additional final plan copies to the Zoning Inspector. Any changes made after the final plan approval would require a Site Plan Change Review (see Section 19.10 (C)).

B. Preparation Of The Site Plan - Guidelines And Requirements

1. The Site Plan and Surveys must be prepared by Professional Surveyors, Engineers, and / or Architects registered in the State of Ohio.
2. Scale drawn to not more than a 100':1" scale with all locations, distances, dimensions and other features legibly marked. Show scales (written and graphic) and north point.
3. Title Block:
 - a. Name of the development
 - b. Type of business(es)
 - c. Name (s) of the owner or developer
 - d. Name (s) of the architect/engineer/surveyor
 - e. Show completion date of the Site Plan
4. Give projected construction starting Date.
5. Give projected construction finish Date.

6. All distances shall be based on a survey of the outer property lines.
7. Show adjacent land parcels - with names of recorded owners.
8. Show zoning district boundaries - transgressing or adjacent to the site.
9. Show on-site and adjacent easements and rights-of-way; including name, location, dimension, and purpose.
10. Show parking area number and size of parking spaces (Section 18.51).
11. Show internal access flow.
12. Driveways - show location and width:
 1. Driveways located on Township Roads:

Maximum driveway width: 35 feet

Maximum number of driveways:

Lots having less than 150 feet of continuous road frontage: One Driveway.

Lots having 150 feet or more of continuous road frontage: Two Driveways.

Minimum Driveway Spacing:

100 feet from the intersection of two public roads. All measurements are made from the edge of the public right-of way to the edge of the private drive.

All driveways shall be located and the adjoining lots(s) graded so that vehicular traffic entering a public road from the private driveway has an unobstructed site distance of at least 300 feet.

Minimum spacing between driveways: 45 feet. All measurements are made from driveway edge to driveway edge.
 2. Driveways located on County Roads:

The Marion County Engineer's Office shall review and approve all driveways located off of County Roads. The applicant shall provide proof to the Commission that the Marion County Engineer's Office has approved the location of the proposed driveway(s).
 3. Driveways located on State Highways:

The Ohio Department of Transportation shall review and approve all driveways located off of State Highways. The applicant shall provide proof to the Commission that the Ohio Department of Transportation

has approved the location of the proposed driveway(s).

13. Buildings - show size, location, setback lines, and dimensional distance to the street.
14. Trees and Landscaping - show location and whether existing or proposed. Trees or landscaping may be required to enhance and protect the property values of the area.
15. Outside Lighting - show location and type. All light sources (i.e. light bulb(s)) shall be located in such a manner as to not be directly visible to any surrounding properties zoned for residential use. Adequacy of lighting may be reviewed.
16. Illustrate Drainage - include location of water impoundments. Wherever feasible, water impoundments shall be located in side or rear yards.
17. Drainage Systems - certificates of approval needed from a licensed engineer showing location, size, and adequacy of proposed drainage plans.
18. Buffer Zones - show location, dimensions, landscaping, and any other construction details. Buffers are necessary to protect Residential Districts when bordering different types of zoning districts.

C. Site Plan Maintenance

1. Any change from the currently approved Site Plan, regarding construction or business operations must be submitted to the Zoning Commission for review (following Section B requirements). Submit prior to making the change.
 - A. Change in construction and / or lot size - Show additions or deletions from the current drawing with a modified current or a new drawing, giving the date of change and the starting date.
 - B. Change in any business operations - Submit in writing a description of the change, including start-up and / or shut-down dates.
2. The Zoning Inspector will inspect the site periodically before, during and after construction to insure compliance with the Site Plan, Permits, and all other applicable Marion Township Zoning Regulations.

19.11 WIND TURBINES

Marion Township, recognizes the importance of clean, sustainable and renewable energy sources. To that end, Marion Township permits the use of residential wind turbines under the following regulations to ensure the safety and welfare of all township residents is met.

1. Wind turbines shall be a *permitted use* in all districts under the following conditions
 - A. The maximum height of any turbine shall be 100' ft. For purposes of this Particular zoning item, maximum height shall be considered the total height

of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower.

B. Setbacks: the following shall apply in regards to setbacks

1. Any turbine erected on a parcel of land will need to establish a "clear fall zone" from all neighboring property lines, structures, as well as any **inhabited** structures on the parcel intended for the turbine. A turbine will need to be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located at, and would not strike any structures including the primary dwelling, and any **inhabited structures**.

C. Maintenance

1. Wind turbines must be maintained in good working order. Turbines that become inoperable for more than 24 months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing turbine.

D. Decibel Levels

1. All units shall operate within a decibel range of 50 to 70 decibels. This information shall be included in the engineering report described below in Section II of this document. This information shall be obtained from the manufacturer of the turbine, and all decibel readings, if necessary, shall be taken from the nearest neighboring property.

F. Wiring and Electrical Apparatuses

1. All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground.

2. Permits

- A. A permit shall be required before construction can commence on an individual wind turbine system.
- B. As part of the permit process, the applicant shall inquire with the Marion County Planning Commission as to whether or not additional height restrictions are applicable due to the unit's location in relation to either the Marion County Airport.
- C. Applicant shall then provide the Township Zoning Inspector with the following items and or information when applying for a permit:
 1. Location of all public and private airports in relation to the location of the turbine.

2. An engineering report that shows:
 - A. The total size and height of the unit
 - B. The total size and depth on the unit's concrete mounting pad, as well as soil and bedrock data.
 - C. A list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection.
 - D. Data specifying the kilowatt size and generating capacity of the particular unit.
 - E. **The maximum decibel level of the particular unit. This information must be obtained from the manufacturer of the turbine unit.**
3. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right of ways, and neighboring properties.
4. Evidence of a "clear fall zone" with manufacturer's recommendation must be attached to the engineering report.
5. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

3. Exemptions

Any wind turbine located on public owned land or within an I-3 Industrial District is exempt from the regulations outlined in Sections I and II above. However, a wind turbine located in an I-3 Industrial District which adjoins an R-S, R-1A, R-1B, or R-2 residential district must comply with setback regulations outlined in Section I - B above. The propose of this requirement is to ensure the tower will not land in any of the residential districts mentioned above should the tower ever fall over.

19.12 DANGEROUS, EXOTIC AND WILD ANIMALS

- A. No person shall own, harbor, keep or breed any dangerous exotic animal or dangerous wild animals within 1000 feet of any residential district, single-, two- or multi-family dwelling, church, park, preschool or school. For the purpose of this Resolution, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the enclosure of the animal to the nearest (1) Residential District boundary line, or (2) property line of the premises or a single, two or multi-family dwelling, church, park, preschool or school.
- B. "Dangerous Exotic Animals" shall be defined as any animal, amphibian, reptile, mammal, bird or fowl which is carnivorous, venomous or possesses other characteristics which may constitute a danger to human life and is not indigenous to the State of Ohio.
- C. "Dangerous Wild Animals" shall be defined as any animal, amphibian, reptile,

mammal, bird or fowl which is carnivorous, venomous or possesses other characteristics which may constitute a danger to human life and generally lives in its original, natural state and habitat and is not normally domesticated.

19.13 DIRT BIKE / ATV TRACK REGULATIONS

- A. Dirt bike / All Terrain Vehicle (A.T.V.) tracks are to meet the following criteria:
1. At least five hundred (500) feet from any existing residential dwelling on any neighboring properties.
 2. Tracks must be screened from view of adjacent properties.
 3. Riders may ride only from sun up to one half (1/2) hour after sundown.
 4. No more than two (2) riders who are not residents of the property at a time.

19.14 STORAGE OF JUNK MOTOR VEHICLE REQUIREMENTS

See the current Marion Township Resolution for requirements related to the storage of junk motor vehicles.

19.15 YARD SALES

Yard Sales shall meet the following requirements:

- A. The sale of specific or miscellaneous goods or materials on a lawn, driveway, porch, garage, and basement or from any building on the premises shall be deemed a yard sale.
- B. No more than four (4) yard sales shall be permitted on the same residential property in a twelve (12) month period and at the least six (6) weeks must pass since the last yard sale.
- C. A yard sale cannot last more than three (3) consecutive days and not begin earlier than 8:00 AM weekdays: 12:00 PM noon on Sundays and last past sundown.
- D. Advertising signs for yard sales may be located on any lot providing the owner of the lot has approved the sign placement.

Sign setback must be a minimum of two (2) feet from the front lot line. Under no circumstances will a yard sale advertising sign be permitted to be located in the street right-of-way.

The maximum permitted sign square footage per sign face is four (4) square feet.

The maximum sign height is four (4) feet from the ground to the top of the sign.

Signage must be located in such a way as to not create line of sight issues for automotive traffic (or lot owner) using adjacent street(s) or roadways.

Added: 2014

CHAPTER 20

ZONING COMMISSION

20.01 ORGANIZATION, STAFF SERVICES AND GENERAL PROCEDURES

20.011 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 Marion Township. The terms of all members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Commission shall be removable for nonperformance of duty, misconduct in office, or other cause as set forth in Section 519.04 of Revised Code of Ohio. Vacancies shall be filled by the Township Trustees and shall be for the unexpired term.

20.012 Staff Services

The Township Clerk or such person as the Township Trustees shall otherwise appoint shall be Secretary of the Commission, and shall prepare and distribute notices of meeting, keep minutes of meetings and prepare resolutions and other documents relating to the work of the Commission. The Zoning Inspector or his designated representative shall attend all Commission meetings.

20.013 General Procedures

The Commission shall organize and adopt rules to govern its activities, in accordance with this Resolution. Meetings of the Commission shall be held once each month and at such additional times as the Commission may determine. The time of the regular monthly meetings shall be specified in the rules. Special meetings may be called by the Chairman, or in his absence by the Vice-Chairman. 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 be open to the public.

The Commission may call upon the Township departments for assistance in the performance of its duties, and it shall be the duty of such departments for render such assistance to the Commission as may reasonably be required.

20.02 POWERS AND DUTIES

20.021 The Zoning Commission may initiate proposed amendments to this Resolution.

20.022 The Zoning Commission shall review all proposed amendments to this Resolution and make recommendations to the Board of Township Trustees as specified in Section 22.03.

20.023 The Zoning Commission shall review all planned development projects and make recommendations to the Board of Township Trustees as provided for in Chapter 16.

20.024 The Zoning Commission shall have all other responsibilities designated to it by this Resolution and Ohio Law.

CHAPTER 21

BOARD OF ZONING APPEALS

21.01 ESTABLISHMENT, STAFF SERVICE AND GENERAL PROCEDURES

21.011 Establishment

A Board of Zoning Appeals is hereby created. Such Board shall consist of five (5) members, appointed by the Township Trustees, who shall be residents of the unincorporated territory of Marion Township. The terms of all members shall be of such length and so arranged that the term of one (1) member shall expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Board may be removed for the same causes and in the same manner as provided by Section 519.04 of the Revised Code of Ohio. Vacancies shall be filled by the Township Trustees and shall be for the unexpired term.

21.012 Staff Services

The Township Clerk or such person as the Township Trustees shall otherwise appoint shall be Secretary of the Board, and shall prepare and distribute notices of meetings, keep minutes of meetings and prepare resolutions and other documents relating to the work of the Board. The Zoning Inspector or his designated representatives shall attend all Board meetings.

21.013 General Procedures

The Board shall organize and adopt rules to govern its activities, in accordance with this Resolution. Meetings of the Board shall be held once each month and at such additional times as the Board may determine. The time of the regular monthly meeting shall be specified in the rules. 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 filed immediately in the office of the Township Trustees and shall be a public record.

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

The Board may call upon the Township departments for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

21.02 APPLICATION AND APPEALS

The Board shall act in strict accordance with the procedures specified by law and by this

Chapter. All applications and appeals made to the Board shall be in writing, and shall be filed with the Secretary at least fourteen (14) days before the meeting at which they are to be heard. Each application or appeal shall refer to the specific provisions of the Resolution involved, and shall set forth exactly the interpretation that is claimed, the use for which special exception is sought, a clear description of the land involved, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

21.021 Filing Application

An application to the Board, in cases in which it has original jurisdiction under the provisions of this Chapter may be taken by any property owner or tenant, or by a governmental officer, department, board or bureau affected. Such application, in a form approved by the Board, shall be filed with the Secretary.

21.022 Filing Appeals

An appeal to said Board from any ruling of the Zoning Inspector, or other administrative officer administering any portion of this Resolution may be taken by any property owner or tenant, or any governmental officer, department, board or bureau affected. Appeals to the Board shall be taken within twenty (20) days after a decision of the Zoning Inspector by filing a notice of appeal with the Secretary in a form approved by the Board, specifying the grounds therefor. The Zoning Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken, or in lieu thereof certified copies of said papers.

21.023 Hearings; Date and Notices

When an application or appeal has been filed in proper form and with the required data, the Secretary of the Board shall immediately place said application or appeal upon the calendar for hearing and cause notices stating the time, place and object of the hearing to be served. Such notices shall be served personally or by mail at least ten (10) days prior to the day of such hearing, upon the applicant or the appellant, and to such persons as the Board may specify in its rules and regulations, which notices if by mail, shall be sent to the last known address of the respective property owners. The Board shall also publish notice of such hearing in a newspaper of general circulation in Marion Township at least ten (10) days prior to the public hearing. Any party may appear at such hearings in person, or by agent or attorney.

Each application or appeal shall be accompanied by a check, payable to Marion Township or a cash payment of the amount as set forth in Section 22.025. The secretary shall not accept an application or appeal until such payment is received.

21.024 Adjournment of Hearing

Upon the day of hearing any application or appeal, the Board may adjourn the hearing in order to permit additional information to be secured, or to cause such further notice as it deems proper to be served upon such other property owners as it decides may logically be concerned with said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides.

21.025 Decisions of the Board

The Board shall decide all applications and appeals within thirty-five (35) days after completion of the hearing thereon, and such decision shall become effective upon adoption by the Board. The Board's action shall be by resolution, stating the reasons therefore, and setting forth findings of the Board as to compliance or non-compliance of the application or appeal with the requirements thereof in this Resolution. A certified copy of the Board's decision shall be transmitted to the applicant or appellant. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board. After the Board approves any application or appeal there shall be no further hearings upon such case. However, when the Board has denied an application or appeal a new application or appeal may be filed subject to the same procedure as an original application or appeal. If a new application or appeal is filed within one (1) year of the date of the Board's decision, the Secretary shall not schedule any hearing until the Board has received the application or appeal and decided that there is new matter, evidence of facts to be heard by the Board.

21.026 Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board, after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may, on due cause shown, be granted by the Board after notice to the Zoning Inspector, or by judicial proceedings.

21.03 POWERS OF THE BOARD

22.031 Interpretation of the Zoning Resolution

Upon appeal from a decision by the Zoning Inspector, the Board may hear and decide any question involving the interpretation of the Zoning Text o Map as follows:

21.0311 In case there is question as to the intended meaning of any provision of the zoning text, the Board may interpret its meaning as it applies to a particular property.

21.0312 Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board, after notice of public hearing to the owners of the property, shall interpret the map in such a way as to carry out the intent and purpose of this Resolution for the particular section or district in question. In case of any question as to the location of any boundary line between zoning districts, an application or interpretation of the Zoning Map may be made to the Board and a determination may be made by said Board by following the procedure established in Section 21.02.

21.032 Original Jurisdiction Application for Exceptions and Conditional Uses

The Board shall have original jurisdiction and may hear and decide, in accordance

with the provisions of this Resolution, applications, filed as hereinbefore provided, for special exceptions, conditional uses, or for decisions upon other special questions on which the board is authorized by this Resolution to pass. In considering an application for special exception or conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a special exception or conditional use, the Board shall determine whether the proposed exception or use would be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood. Upon authorizing a conditional use or exception the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Resolution for the particular conditional use or exception, as the Board shall deem necessary for the protection of adjacent properties and the public interest.

21.033 Appeals for Variance

The Board may authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the provision or requirements of this code as will not be contrary to the public interest, however, nothing herein contained shall be construed as authorizing the Board of Zoning Appeals to effect 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, fully described in the Board's decision, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this Resolution would result in practical difficulty and unnecessary hardship and deprive the applicant of the reasonable use of 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. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Board, in determining its findings, shall take into account the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.
3. That the condition or situation of the specific piece of property, or the intended use of said property, for which the variance is sought --one or the other in combination-- is not of so general or recurrent a nature as to make reasonably practicable the formulation as a part of this Resolution of a general regulation for such condition or situation.
4. That the variance as granted by the Board is the minimum variance that will accomplish the reasonable use of the subject land or building.

21.034 General Powers

In exercising its powers, the Board, in conformity with the provision of statute and this Resolution, may reverse or affirm, wholly or part or may modify the order, requirement, decision or determination appealed from and may make such order, requirements, decision or determination as in its judgement ought to be made, and to that end shall have all powers of the office from which the appeal is taken. The Board shall have and shall be limited strictly to the powers and duties prescribed by the Ohio Revised Code and by this Resolution.

21.04 EXPIRATION OF PERMITS FOR EXCEPTIONS CONDITIONAL USES AND VARIANCES

Every permit or variation of the application of the literal provisions of this Resolution allowed or granted, as provided in this Chapter shall expire and be of no force or effect after the expiration of six (6) months from the date thereof, unless

1. Within said period, the provisions of said variance or permit have been acted upon and placed in effect, or
2. Unless the Board at the time of the original grant or allowance of such variation or permit shall have granted a longer period, in which event the expiration thereof shall be on the date specified by said Board, or
3. Unless the Board grants an extension of time at a later date.

CHAPTER 22

ADMINISTRATION

22.01 DUTIES OF THE ZONING INSPECTOR

22.011 Office of the Zoning Inspector

There is hereby established the Office of Marion Township Zoning Inspector. The Zoning Inspector shall be appointed by the Township Trustees and shall receive such compensation as the Trustees shall provide. Also before entering upon the duties of his office the Zoning Inspector shall give bond as required by Section 519.161 of the Revised Code of Ohio. It shall be the duty of the Zoning Inspector to enforce the provisions of this Resolution and keep records of all applications for Zoning Permits and the action taken thereon. All departments, officials and employees of Marion Township vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Resolution and shall issue no license or permit for any use, building or purpose in conflict with the provisions of this Resolution. Any permit or license issued in conflict with the provisions of this Resolution shall be null and void.

22.012 Application; Zoning Permits

A Zoning Permit shall be required for the construction or alteration of any building or structure, including accessory buildings, fences etc. Every application for a Zoning Permit shall be accompanied by plans in duplicate drawn to scale in black line or blue-print, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact location, size and height of any building or structure to be erected or altered; the existing and intended use of each building or structure or part thereof, the number of families or housekeeping units the building is designed to accommodate if any; and when no buildings are involved, the location of the present use and proposed use to be made of the lot and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Resolution.

One (1) copy of such plans shall be returned to the owner when such plans shall have been approved by the Zoning Inspector, together with such Zoning Permit as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started. In every case where the lot is not provided and is not proposed to be provided with public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Marion County Sanitarian of the proposed method of water supply and/or disposal of sanitary wastes.

No permit for excavation or construction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this Resolution.

22.013 Occupancy or Use Permits

22.0131 Occupancy Permits; Where Zoning Permit Issued

Upon completion of the work for which a Zoning Permit has been issued in accordance with Section 22.012 the holder of the permit shall notify the Zoning Inspector of such completion. The Zoning Inspector shall grant such holder an Occupancy Permit if the work has been performed in accordance with the application Zoning Permit and such conditions, if any, as may have been required by the Zoning Inspector when the Zoning Permit was issued.

22.0132 Occupancy Permits; Where no Zoning Permit Required

Before the use of any land or building is changed, when no Zoning Permit is required by this Resolution, an application for an occupancy permit shall be filed with the Zoning Inspector. Such application shall show the location of the subject lands or buildings, the present and proposed use thereof, and such other information as may be necessary to determine if the proposed use is in conformity with the provisions of this Resolution; and, if so, the Occupancy Permit shall be granted.

22.0133 Temporary Occupancy Permits

Under such rules as may be adopted by the Board of Zoning Appeals the Zoning Inspector may issue a Temporary Occupancy Permit for a part of a building.

22.014 Action on Application; Time Limit

The Zoning Inspector shall act upon all such applications on which he is authorized to act by the provisions of this Resolution within ten (10) days after these are filed in full compliance with all the applicable requirements. He shall either issue a Zoning Permit within said ten (10) days or shall notify the applicant in writing of his refusal of such permit and the reasons therefor. Failure to notify the applicant in case of such refusal within said ten (10) days shall entitle the applicant to a Zoning Permit unless the applicant consents to an extension of time.

22.015 Zoning Permits; Time Limit

A Zoning Permit shall expire one (1) year after issuance unless the construction or alteration permitted by it has been substantially begun and its thereafter pursued to completion, or unless the land or premises have been put to the use permitted by such 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 actual application and the permit granted thereon.

22.02 FEES

For Zoning Permit and other required fees see the current Township Trustee Resolution designating such costs.

22.03 AMENDMENTS

It shall be the policy of the Marion Township Government to consider this Zoning Resolution, together with its Zoning District Maps, to be subject to amendment from time to time, in order to recognize changing conditions of land use and development, and to utilize improved practices in zoning. The Resolution will be regarded as a flexible means of encouraging good development and use of land in Marion Township.

To these ends, the Township Trustees, the Marion Township Zoning Commission, property owners or lessees of property may initiate amendments the procedure for such proposed amendments shall be set fourth in the Ohio Revised Code, Section 519.12.