

MARION TOWNSHIP ZONING RESOLUTION

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MARION TOWNSHIP ZONING RESOLUTION

Hancock County, Ohio

Article I. General Provisions

1.1 AUTHORITY
1.2 PURPOSE
1.3 VALIDITY

1.4 INTERPRETATION OF STANDARDS
1.5 CONSTRUCTION OF LANGUAGE
1.6 USES EXEMPTED

1.1 AUTHORITY

The Board of Township Trustees of Marion Township, Hancock County, Ohio, pursuant to the authority conferred by Chapter 519 of the Ohio Revised Code, hereby provide as follows:

1.2 PURPOSE

This resolution is adopted for the purpose of promoting and protecting the public health, safety, peace, comfort, convenience or general welfare of the inhabitants of Marion Township, by protecting and conserving the character and social and economic stability of the agricultural, residential, commercial, industrial, and other use areas; by securing the most appropriate use of land; preventing overcrowding of the land and undue congestion of population; providing adequate light, air and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation and other public requirements, and by other means, all in accordance with the Marion Township Land Use Plan Map. This Resolution shall be known and may be cited as the Marion Township, Hancock County, Ohio Zoning Resolution of 1962 as amended through May 13, 2011.

1.3 VALIDITY

This Resolution shall become effective from and after the date of its approval and adoption as provided by law.

1.4 INTERPRETATION OF STANDARDS

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements. Where this Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations, the provisions of this Resolution shall control.

1.5 CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the text of the Resolution:

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text of this Resolution and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; the words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. A "building" or "structure" includes any part thereof.
- F. The phrase "used for" includes "arranged for", "maintained for", "designed for", "intended for", or "occupied for".
- G. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- H. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either ...or", the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 3. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- I. Terms not herein defined shall have the meaning customarily assigned to them.

1.6 USES EXEMPTED FROM PROVISIONS OF RESOLUTION

1.6.1 AGRICULTURE

The use of land for agricultural purposes 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 shall be permitted in all districts established by this Resolution. A Compliance Certificate, but no fee therefore, shall be required for any such building or structure, except agricultural field drainage construction and agricultural fence. All such buildings or structures shall comply with all requirements of this Resolution.

1.6.2 PUBLIC UTILITIES

The location, erection, construction, change, alteration, maintenance, reconstruction, removal, use or enlargement of any building or structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility herein defined shall be permitted in all districts established by this Resolution except in platted subdivisions with lots less than five (5) acres whether residential or commercial. A Compliance Certificate, but no fee therefore, shall be required for any building or structure or for the use of land essential to the operations of a public utility or railroad and such buildings, structures, or use shall comply with all requirements of this Resolution.

1.6.3 ESSENTIAL SERVICES

Essential services serving the Township shall be permitted as authorized and regulated by law and other articles of this Resolution.

1.6.4 PROHIBITION

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Resolution.

1.6.5 NONCONFORMING LOTS, NONCONFORMING USES OF LAND NONCONFORMING STRUCTURES AND NONCONFORMING USES OF STRUCTURES AND PREMISES

1.6.5.1 Intent:

It is the intent of this Resolution to permit legal nonconforming lot structures, or uses to continue until they are removed. It is recognized that there exist within the Districts established by this Resolution and its amendments, lots, structures and uses of land and structures which were lawful before this Resolution was passed or amended, which would be prohibited, regulated, or restricted under the terms of this Resolution or future amendments.

Such uses are declared by this Resolution to be incompatible with permitted uses in the Districts involved. It is further the intent of this Resolution that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same District and shall be brought into conformity with this Resolution as soon as practicable.

1.6.5.2 Nonconforming Use of a Structure, land, or combination thereof:

Nonconforming use of a structure, land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Resolution by attachment of a building or premises or additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the District involved.

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been and is being diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided that the work (demolition and construction) shall be diligently carried on until completion of the building involved.

1.6.5.3 Nonconforming Lots:

In any District in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Resolution, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in this District; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the District in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Zoning Appeals.

1.6.5.4 Nonconforming Uses of Land:

Where at the effective date of adoption or amendment of this Resolution, lawful use of land exists that is made no longer permissible under the terms of this Resolution as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Resolution.
- C. If such nonconforming use of land ceases for any reason for a period of more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Resolution for the District in which such land is located.

1.6.5.5 Nonconforming Structures:

Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following

provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be replaced, reconstructed, enlarged or altered in a way which does not increase its nonconformity.
- B. Should such structure be destroyed by any means to an extent of more than seventy-five percent (75%) of its replacement cost, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Resolution.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the District in which it is located after it is removed.

1.6.5.6 Nonconforming Uses of Structures:

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Resolution, that would not be permitted in the District under the terms of this Resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Resolution in the District in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the District in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the District than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require conditions and safeguards in accord with the purpose and intent of this Resolution. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
- D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the District in which such structure is located, and the nonconforming use may not thereafter be resumed.
- E. When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for any reason for two (2) years, the structure, or structure and

land in combination, shall not thereafter be used except in conformance with the regulations of the District in which it is located. Structures occupied by seasonal uses shall be accepted from this provision.

F. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

1.6.5.7 Repairs and Maintenance:

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty percent (50%) of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Resolution shall not be increased.

1.6.5.8 Uses Under Exception Provisions Not Nonconforming Uses:

Any use for which a special exception is permitted as provided in this Resolution shall not be deemed a nonconforming use in such District.

1.6.5.9 Change in Tenancy:

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures or of structures and land in combination.

1.6.6 VOTING PLACE

The provisions of this Resolution shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a public election.

Article II. Definitions

For the purpose of this Resolution certain terms and words are hereby defined.

ACCESS MANAGEMENT REGULATIONS – Hancock County Access Management Regulations adopted in 2006, and any subsequent amendments, exist for the purposes of promoting traffic safety and efficiency, maintaining proper traffic capacity and traffic flow, reducing vehicular collision frequency, and improving the design and location of access connections to county and township roads.

ACCESSORY USE, OR ACCESSORY: A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same lot as the principal use to which it is related. When "accessory" is used in this text, it shall have the same meaning as accessory use.

1. Swimming pools, tennis courts or other recreational facilities for the use of the occupants of a residence, or their guests.
2. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
3. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable District regulations.
4. Storage of goods used in or produced by industrial uses or related activities, unless such a storage is excluded in the applicable District regulations.
5. Accessory off-street parking spaces, open or enclosed.
6. Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
7. Accessory off-street loading.
8. Accessory signs, subject to the sign regulations for the District in which the zoning lot is located.

ADULT ENTERTAINMENT ESTABLISHMENT / ADULT ENTERTAINMENT USES: “Adult Entertainment Establishment / Adult Entertainment Use” means any adult arcade, adult theater, adult bookstore / video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical areas for viewing by patrons, including but not limited to: massage establishments, adult novelty store, sexually oriented escort services, modeling studios, or lingerie studios, whether or not licensed pursuant to Chapters 503, 715, or 4713 of the Ohio Revised Code.

Excluded from this definition are any educational institutions where the exposure of the specified anatomical area is associated with a curriculum or program.

AGRICULTURE: The production, storage, keeping, harvesting, grading, packaging, processing, boarding, or maintenance, for sale, lease, or personal use of plants and animals useful to humans, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program. Agriculture shall not include kennels or commercial boarding of domesticated animals.

For the purpose of this Resolution an agricultural use will apply only when the applicant, owner or user, whichever is applicable to the particular situation, derives a substantial portion of his personal income from such agricultural use or operation.

ALLEY: A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATIONS: Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building or structure, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered", or "reconstructed", including the refacing or repainting of signs and/or housekeeping unit.

AMERICANS WITH DISABILITIES ACT (ADA): A 1990 federal law designed to bring disabled Americans into the economic mainstream by providing them equal access to jobs, transportation, public facilities, and services.

ANIMAL CARE FACILITIES: Structures, buildings, or enclosures used for medical treatment, care and temporary housing of animals, receiving treatment with temporary housing being limited to 48 hours. Uses include, but are not limited to, veterinary clinics and animal hospitals.

ANIMAL HUSBANDRY: The branch of agriculture concerned with the keeping, care, or raising of livestock, equine, or fur-bearing, domesticated animals. Animal husbandry does not include the commercial boarding of domesticated animals.

APARTMENT: See Dwelling Unit

APARTMENT HOTEL: A building or portion thereof designed for or containing both individual guest rooms or suites of rooms, and dwelling units.

APARTMENT HOUSE: See Dwelling Unit, Multiple.

APPLICANT: The land owner or his authorized representative, who requests a zoning permit as authorized by this Resolution.

APPLICATION: Written request for a change in zoning classification or use authorization as provided for under this Resolution.

AREA OF SPECIAL FLOOD HAZARD: The land and the flood plain within Marion Township subject to a one percent (1%) or greater chance of flooding in any given year.

ARTIFICIAL POND OR LAKE: Any excavation or construction upon land resulting in the open retention and/or storage of a body of water and/or other liquids either above or below ground level, but not including common watering troughs, cisterns, and other small related structures, or swimming pools.

AUCTION MARKET: A building, structure, or site whose primary use is for selling of goods, merchandise, and land etc. by a bidding process.

AUTOMOBILE REPAIR: The general repair, rebuilding or reconditioning of motor vehicles; engine rebuilding; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

AUTOMOBILE SERVICE STATION: Any building, structure, or land used for the disbursing, sale, or offer for sale, at retail, minor accessories, including the lubrication of automobiles and the replacement, or installation of minor parts and accessories, but not including major repair work, such as motor replacement, and body and fender repair, or both.

AUTOMOTIVE SALES AND SERVICE: The sale or rental of new or used motor vehicles; the furnishing of minor services incidental thereto.

BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 100 Year Flood.

BASEMENT: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

BILLBOARD OR POSTER PANELS: Any sign or advertising structure used to advertise goods, products, services or facilities which are located off-site from where the sign is installed and maintained.

BOARD OF TOWNSHIP TRUSTEES: The Board of Township Trustees of Marion Township, Hancock County, Ohio.

BOARD OF ZONING APPEALS: The Board of Zoning Appeals of Marion Township, Hancock County, Ohio.

BOARDING HOUSE: A building other than a motel or hotel with three (3) or more guest rooms used as permanent (more than four (4) weeks) lodging for compensation.

BOARDING OF LIVESTOCK AND DOMESTICATED ANIMALS: Stabling, housing and feeding of animals for compensation or for use in a commercial activity, exhibit or for other commercial purposes. Boarding uses or activities include, but are not limited to, kennels, riding stables, or animal exhibits which are used for commercial purposes.

BUILDING: Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. For the purpose of this Resolution, a mobile home shall be considered a building.

BUILDING, FRONT LINE OF: The set back line for a building measured from the street or road right-of-way to the nearest point of the building or any projections. The setback includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps or ramps compliant with the Americans with Disabilities Act.

BUILDING HEIGHT: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; to the average height between eaves and ridge for gable, hip and gambrel roofs; and two-thirds (2/3) of the vertical distance between eaves and the ridge for A-frame roofs. (See Figure 5, pg. 137)

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated.

CAMPER: Any vehicle so designed, constructed, reconstructed, or added to by means of accessories, in such manner as will permit the use and occupancy thereof, when stationary for human habitation as a temporary shelter, including but not limited to tent-type fold-out camping trailers, travel trailers, motor homes and truck campers.

CEMETERY/MEMORIAL GARDENS: Land used or intended to be used for the burial of the human or animal dead, including associated buildings such as chapels, mausoleums, crematories, and mortuaries if operated in connection with and within the boundaries of such cemetery.

CERTIFICATE : A written statement by the zoning inspector that required construction, inspection, tests, or notices have been performed and comply with the applicable requirements. Marion Township has five (5) of certificates which are defined below.

CERTIFICATE OF ELEVATION: The actual elevation in relation to mean sea level of the lowest floor elevation, including basement, of all new or substantially improved structures.

COMPLIANCE CERTIFICATE: Buildings, structures, and uses for agricultural purposes and essential services are permitted in all use districts. However, to erect, alter, move, change or convert or enlarge such buildings, structures, or uses a Compliance Certificate must be issued to insure that the aforementioned do not encroach upon zoning setbacks, lot lines and/or public easements..

OCCUPANCY CERTIFICATE: A document issued by the Zoning Inspector authorizing the use and/or occupation of new residential buildings where found consistent with the zoning district where it is located and as provided in this Resolution.

USE CERTIFICATE: When the use of any land, building or structure is to be changed, a permit shall be issued by the Zoning Inspector authorizing such use and /or occupation of buildings, structures or land.

ZONING CERTIFICATE: The document issued by the Zoning Inspector authorizing buildings, structures, or uses consistent with the provisions of this Resolution.

CHURCH: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

CLUB: A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is carried on as a business.

COMMISSION: The Township Zoning Commission of Marion Township, Hancock County, Ohio

COMMERCIAL ENTERTAINMENT FACILITIES: Any activity conducted for gain which is generally related to the entertainment field, such as motion picture theaters, night clubs and similar entertainment activities.

COMPLIANCE CERTIFICATE: See "CERTIFICATES"

CONDITIONAL USE: A use which is subject to conditional approval by the Board of Zoning Appeals. A conditional use may be granted by the Board only when there is a specific provision for such special exception made in this resolution. A conditional use is not considered to be a nonconforming use. Conditions for approval may include but are not limited to: traffic circulation, access, lighting, service hours of operation, noise limitations, building placements, etc.

CONSERVATION DEVELOPMENT: A design which seeks to preserve natural features and provide open space within a development.

COVENANT: A private legal restriction on the use of land, contained in the deed to the property or otherwise formally recorded.

CONVALESCENT OR NURSING HOME: A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and medical care.

COUNTY: Hancock County, Ohio.

CUL-DE-SAC: A short street having one (1) end open to traffic and being terminated by a vehicle turn-around.

DAY CARE: An establishment providing for the care, supervision, and protection of children and/or adults as defined in the O.R.C. Type A day-care allows five (5) or fewer children to be supervised in the home. Type B is 6 – 20 children, and Type C is greater than 20. Both type B and C require a license from the state of Ohio.

DENSITY: A unit of measurement representing the number of dwelling units per acre of land.

Gross Density- the number of dwelling units per acre of total land to be developed including rights-of-way.

Net Density- the number of dwelling units per acre excluding rights-of-way.

DISTRICT: A portion of Marion Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Resolution.

DOMESTICATED ANIMAL: Any member of a species of animal that has been bred to a degree resulting in genetic changes affecting the temperament, color, conformation, or other attributes of the species to an extent that makes them different from non-domesticated animals of their kind. This definition does not include wildlife or an exotic animal.

DORMITORY: A building or structure containing a series of sleeping rooms and containing many beds used for the housing of students or similar persons; generally connected with a college, school, training facilities or similar organization or institution. Some may have related cooking facilities.

DRIVE-IN COMMERCIAL USES: Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters and similar uses.

DWELLING: Any building or portion thereof which is designed for or used exclusively for residential purposes containing one (1) or more dwelling units.

DWELLING UNIT: A group of rooms located within a building and forming a single unit for occupancy with facilities intended to be used for living, sleeping, cooking and eating purposes.

DWELLING, SINGLE-FAMILY: A detached building containing one (1) dwelling unit and designed for or occupied by one (1) family.

DWELLING, TWO-FAMILY: A detached or semi-detached building containing two (2) dwelling units and designed for or occupied by two (2) families living independently of each other.

DWELLING, MULTIPLE-FAMILY: A building or portion thereof containing three (3) or more dwelling units and designed for or occupied by three (3) or more families living independently of each other.

EASEMENT: A grant by the property owner of the use of a part of the property by the public, a corporation or persons for specific purposes.

ERECTED: Built, constructed, altered, reconstructed, moved, moved upon and/or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered being erected.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication.

EXCEPTION: A use permitted only after review of an application by the Board of Zoning Appeals, Township Trustees, or a modification in the standards of this Resolution specifically permitted after review by the Board of Zoning Appeals, Zoning Commission or Township Trustees, such review being necessary because the provisions of this Resolution covering conditions precedent or subsequent are not precise enough to all applications without interpretation and such review and exception is provided for by this Resolution. An exception is not a variance.

EXOTIC ANIMAL: Any member of a species of animal, reptile, or bird, warm or cold blooded, that is not indigenous to the environment and/or is not classified or considered as wildlife, livestock, or a domesticated animal.

FAMILY: One (1) or two (2) persons or parents, with their direct lineal descendants and adopted or foster children, and any domestic employees thereof together with not more than three (3) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit where each "family" member will be expected to join the others in a common duty of operating and maintaining the home and their persons, as distinguished from persons occupying a boarding house, lodging house, or hotel herein defined.

FENCE: An artificially constructed barrier of any material or combination of materials, erected in a continuous fashion in order to enclose, screen or separate areas.

FINAL PLAT: A map or drawing of a tract or parcel of land that has been approved by the Hancock Regional Planning Commission. A plat is an instrument used for recording parcels with the County Recorder's office per the Hancock County Subdivision Rules and Regulations.

FINANCIAL INSTITUTION: A building or structure, or part thereof devoted to the institution of lending, borrowing, issuing, or safeguarding money.

FLOODWAY: The channel of a natural stream or river and portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream or river.

FLOOR AREA, RESIDENTIAL: For the purpose of computing the minimum allowable floor area in a residential dwelling unit the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the center-line of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

FLOOR AREA, USABLE (For the purposes of computing parking): That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. (See Fig. 4, Pg. 136)

FOOTCANDLE: A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

FRONTAGE: All the property on one (1) side of a street measured along the line of the street.

GARAGE: A structure or portion thereof which is used for the storage of motor vehicles.

GARAGE, PRIVATE: An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

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

GOLF COURSE: For the purpose of this Resolution a golf course shall not be deemed to include a Par-3 course, a miniature golf course or a driving range.

GRADE: The ground elevation established for the purpose of regulating the number of stories and the height of buildings or structures. The building grade shall be the level of the ground adjacent to the exterior foundation walls of the building or structure, if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

HAZARDOUS WASTE: Any waste or combination of waste in solid, liquid or semi-solid or contained gaseous form which falls within the definition of Hazardous Waste under ORC 3734.01 (j).

HEALTH CARE CLINICS: A health care facility which provides for diagnosis and treatment services on an emergency or outpatient basis with no provisions for residential care.

HIGHWAY: LIMITED ACCESS, ARTERIAL, MAJOR, SECONDARY, COUNTY AND TOWNSHIP: An officially designated federal, state, county (or) township road designated as such on the official Thoroughfare Plan of Hancock County.

HOME BUSINESS: Any occupational activity carried on exclusively by a member of an immediate family residing on the premises and conducted entirely on the premises. No commodity shall be sold on the premises nor mechanical equipment used, the external effects of which may adversely effect adjacent property. Home businesses shall be clearly incidental and secondary to the use of the

premises for dwelling purposes, and shall not change the structural character thereof.

HOME OCCUPATION: Any use conducted entirely within a dwelling and participated in solely by members of the family residing therein, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no commodity sold upon the premises except that which is produced thereon, and provided, however, in no event shall an animal hospital be construed as a home occupation. Home occupation may include the use of premises by a physician, surgeon, dentist, lawyer, clergyman or similar professional persons for consultation or emergency treatment but not for the general practice of his profession. In no instance shall the external character of the dwelling be changed to accommodate the occupation.

HOSPITAL: A building or structure in which patients or injured persons are given medical or surgical care, generally with a full-time staff and facilities for boarding patients overnight. This definition, as used in the Resolution, does not include the care or treatment of animals

HOTEL: A building in which lodging or boarding and lodging are provided and offered to the public for compensation, and which ingress and egress to and from all rooms is made through an inside lobby, hall or office.

INDUSTRIALIZED UNIT: A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured or mobile home as defined in this resolution. For the purpose of this resolution, an industrialized unit is a dwelling.

INOPERABLE VEHICLE: Inoperable vehicle means any motor vehicles which meets one of the following requirements:

- a. It does not display a valid license plate and is in either wrecked, partially wrecked, dismantled, partially dismantled, or discarded condition, or is incapable of being driven, or;
- b. It is wrecked, partially wrecked, dismantled, partially dismantled, discarded or is incapable of being driven and has remained in such condition for a continuous period of at least 14 days.

INSTITUTION: Buildings or land occupied by a nonprofit corporation or a nonprofit establishment for public use.

JUNK YARD: An area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, sorted or handled including but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard" includes automobile wrecking yards and includes any open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk.

LABORATORY: A building, structure or part thereof used for conducting scientific experiments, analysis of tissue, and blood examinations, or similar activities.

LAND USE PLAN: The long-range plan for the desirable use of land in Marion Township as adopted by the Marion Township Zoning Commission. The purpose of such Plan, being among other purposes, is to serve as a guide for zoning designations and the progressive change of the community.

LARGE-SCALE RETAIL PROJECT: Development of one or more retail establishments on a single site with common parking facilities with an aggregate floor area of 50,000 square feet or greater.

LANDFILL: A site for the disposal of solid wastes (as defined in Ohio Revised Code Section 3734.01) in a manner that minimizes environmental hazards by compacting to the smallest volume and applying cover material over all exposed waste at the end of each operating day.

LINGERIE STUDIO – Place of business for the purpose of selling lingerie products and where the customer views the apparel on live models.

LIVESTOCK: Any animal generally used for food or in the production of food or other agricultural purposes, including cattle, sheep, goats, rabbits, poultry, and swine.

LOADING SPACE: A space within the main building or on the same lot therewith, providing for the temporary standing, for loading or unloading of trucks, and having a minimum dimension of twelve (12) by forty (40) feet and a vertical clearance of at least fourteen (14) feet.

LOT: A parcel of land occupied, or intended to be occupied, by a principal building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Resolution. A lot may or may not be specifically designated as such on public records. (See Figure 1, Pg.133)

LOT AREA: The total horizontal area within the lot lines of a lot, computed exclusive of any portion of the right-of-way of any public thoroughfare.

LOT CORNER: A lot abutting upon two (2) or more streets at their intersection. See page 136 for illustration.

LOT COVERAGE: The part or percent of the lot occupied by buildings including accessory buildings.

LOT DEPTH: The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

LOT, INTERIOR: Any lot, other than a corner or through lot.

LOT LINES: The lines bounding a lot as defined herein:

1. **Front Lot Line:** In the case of an interior lot, is that line separating said lot from the street. In the case of a through lot, is that line separating said lot from either street.
2. **Rear Lot Line:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
3. **Side Lot Line:** Any lot line other than the front lot line or rear lot line.

LOT OF RECORD: Any lot which individually or as a part of a subdivision has been recorded in the Office of the Hancock County Recorder.

LOT, THROUGH: Any lot of which two (2) nonadjacent sides abut upon two (2) streets regardless of whether the streets are parallel. In the case of a row of such lots, all yards of said lots adjacent to the streets shall be considered frontage, and front yard setbacks shall be provided for each street.

LOT WIDTH: The width of a lot at the right-of-way line measured at right angles to its depth.

MANUFACTURED HOME: A building unit or assembly of closed construction fabricated in an off-site facility, that conforms with the Federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974", and that has a label or tag permanently affixed to it certifying compliance with all applicable Federal construction and safety standards.

MANUFACTURED HOME PARK: Any lot, parcel or tract of land designed exclusively for the occupancy by manufactured homes or mobile homes used for human habitation, are parked, either free of charge or for revenue purposes, which include any roadway, building, structure, vehicle or enclosure used or intended for use as part of the facilities of such Manufactured Home Park; and falling within the definition of a "Manufactured Home Park" in O.R.C. 3733.01.

MANUFACTURING, INDUSTRIAL GENERAL: Any manufacturing or industrial process including food processing which by the nature of the materials, equipment and process utilized are not objectionable by reason of odor, noise, vibration, cinders, gas fumes, dust, smoke, refuse matter, or water-carried waste.

MANUFACTURING, INDUSTRIAL RESTRICTED: Any manufacturing or industrial processing which by the nature of the materials, equipment and process utilized are to a considerable measure clean, quiet, and free of any objectionable or hazardous element. These include the industrial uses listed below and any other uses which are determined by the Zoning Commission to be of the same general character; pharmaceutical, jewelry, musical instruments, sporting goods, process and assembly of glass products, small household appliances, electronic products and parts for production of finished equipment, research and testing laboratories, printing and engraving plants.

MASSAGE THERAPY: An establishment or place primarily in the business of providing massage services operated by a duly licensed medical doctor, osteopath, chiropractor, nurse, physical therapist treating patients licensed massage therapist, or person practicing the art of massage on the face or hands in a duly licensed beauty parlor or barber shop.

MEZZANINE: An intermediate level between the floor and ceiling of any story and covering not more than 33 percent of the floor area of the room in which it is located. (may project in the form of a balcony)

MINI-WAREHOUSE: A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer's goods or wares. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises.

MOBILE HOME: A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length or, when erected on site, is three-hundred twenty (320) or more square feet, is built on a permanent chassis, is transportable in one or more sections, is not titled as real estate, and does not qualify as a manufactured home or industrialized unit as defined in O.R.C. 3781.06.

MOBILE HOME PARK: Any plot of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located.

MODULAR HOME: See Industrialized Unit.

MORTUARY: A building, or structure, or part thereof designed for the temporary reception, care, and preparation of the bodies of the dead, before burial.

MOTEL: A building in which lodging or boarding and lodging, are provided and offered to the public for compensation, and which ingress and egress to and from all rooms is made from outside the building, directly into each room, without having to go thru a lobby or office.

MOTOR VEHICLE SALES AND RENTAL: The sale or rental of new and used motor vehicles, motorcycles, recreational vehicles, trailers, or travel trailers, including accessory services.

NON-CONFORMING USES: The use of land, or a building, or a portion thereof, which did not and continues not to conform with the use regulations of the District in which it is situated at the effective date of this Resolution, or amendment thereof.

NON-CONFORMING BUILDING: A building, or portion thereof, lawfully existing at the effective date of this Resolution or amendments thereto, and that does not conform to the provisions of the Resolution in the District in which it is located.

NURSERY SCHOOL: The use of land, building, structure, or part thereof, where children of pre-school age [two (2) to five (5) years old], regularly meet for training and supervised play.

NURSING HOME: A licensed residential care facility providing nursing care on a 24 hour basis, physical and/or social rehabilitation services and room and board and meets O.R.C. 3750 (F) (1)

OCCUPANCY CERTIFICATE: See "CERTIFICATE".

OFF-STREET PARKING LOT: A facility providing parking spaces for more than three (3) vehicles along with adequate ingress/egress drives and maneuvering aisles.

OFFICE: A building, structure, or part thereof, including any rooms therein, in which the business of an industrial corporation or government bureau, or of a professional nature is carried out.

OPEN SPACE: An area that is intended to provide light and air. Open space may include, but is not limited to, meadows, wooded areas, and water bodies.

OPEN SPACE, RESTRICTED: Open space within a conservation development that is of sufficient size and shape to meet the minimum zoning requirements and that is restricted from further development according to the provisions of this zoning resolution.

ORIGINAL TRACT: Contiguous areas of acreage or parcels as reflected on the Hancock County Auditor's records under single ownership not divided by a public road or railroad.

OVERLAY DISTRICT: An additional secondary zoning classification which establishes additional regulations on the use of land, buildings or structures (example, the Flood Plain District).

PARKING SPACE: An area of definite length and width, fully accessible for the parking of permitted vehicles, said area shall be exclusive of drives, aisles or entrances giving access thereto.

PERMITTED USE: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district as distinguished from a conditional use.

PRINCIPAL USE: The main use to which the premises are devoted and the principal purpose for which the premises exist.

PERSONAL SERVICES: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, dry cleaning service, watch repairing, barber shop, beauty parlors and related activities.

PLANNED RESIDENTIAL DEVELOPMENT (PRD): The Planned Residential Development (PRD) is a voluntary procedure that provides an overlay district that is intended to encourage innovative design, conservation of significant natural features, consolidation of open space, and provide for a mixture of residential uses with an integrated design in Residential zoning districts. The PRD allows greater design flexibility so that natural features and open space may be preserved and enhanced through the site's development in a coordinated and efficient manner. (See Figure 9, Pg. 141)

PROFESSIONAL ACTIVITIES: The use of offices and related space for such professional services as are provided by doctors, dentists, lawyers, architects, engineers, realtors and others of like category.

PROSECUTOR, COUNTY: The Prosecuting Attorney of Hancock County.

PUBLIC USES: Uses which provide or maintain public services. These include, but are not limited to: public parks, schools, and administrative, cultural and service buildings, not including public land or buildings devoted solely to the storage and maintenance of equipment and material.

PUBLIC UTILITY: Any person, firm, corporation, local department, or board duly authorized to furnish, and furnishing to the public under state or local regulations: electricity, gas, telecommunication, transportation, water, and other similar services. For purposes of this Resolution and in the application of ORC § 519.211.1 to the telecommunication provisions herein, the following considerations shall be applied, but may not be considered conclusive:

- a. Municipality and state agency use of township land for utility purposes shall be considered use by a public utility;
- b. An individual person or corporation may qualify as a public utility based on three factors:
 - i. the provision of a good or service to the general public is provided in a reasonable and indiscriminate manner;
 - ii. the utility rates and methods of operation are a matter of public concern requiring a license from the PUCO, and;
 - iii. and, although a lesser factor due to deregulation, whether there is lack of competition in the local marketplace;
- c. A private utility operating pursuant to a state contract and lease in furtherance of state purposes shall be considered a public utility.

RADIO TOWER: Any structure with radio frequency transmission or reception equipment attached that is free standing or is to be connected to a building or other structure and is not owned or principally used by a public utility.

RECREATIONAL FACILITIES:

1. **Non-Commercial Recreational Facilities:** Private and semi-private recreational facilities which are not operated for commercial gain, including private country clubs, riding stables, golf courses, game preserves, hunting and trapping, and other private non-commercial recreational areas and facilities or recreational centers including private community swimming pools, marinas and yacht clubs.

2. **Commercial Recreational Facilities:** Recreational facilities established and operated for profit such as commercial golf courses, swimming pools, race tracks, amusement parks, carnivals and similar commercial enterprises.
3. **Restricted Commercial Recreational Facilities:** Boat docks and fishing piers, boat launching, maintenance, repair and fueling facilities, concessions, buildings for the sale of food, beverages and boating and fishing supplies and accessories.

RECREATIONAL VEHICLE: Any vehicular portable structure designed and constructed to be used as a temporary dwelling for travel, recreational or vacation purposes. This includes, but is not limited to, motor homes, travel trailers, tent campers, and truck campers.

RESIDENTIAL FLOOR AREA (RFA): The interior floor area of a dwelling including stairways, halls, and closets but not including basements, porches, garages, breezeways, or carports.

RESTAURANT: A building, structure, or part thereof, where refreshments, snacks, or meals are provided to the public for compensation primarily on the premises.

RETAIL BUSINESS: A business devoted exclusively to the sale of goods, generally in small quantities, to the public and ultimate consumer, as distinguished from wholesale businesses, defined herein.

SANITARY LANDFILL: A burial operation where refuse is compacted thoroughly and then covered with earth.

SETBACK: For the purpose of this Resolution, the distance required to obtain conformity with the yard open-space requirements hereof shall be measured from proposed street right-of-way widths, as reflected in the latest Hancock County Thoroughfare Plan, where such rights-of-way exceed existing platted or dedicated rights-of-way.

SEWAGE DISPOSAL SYSTEM, GROUP: A package system approved by the governmental authorities having jurisdiction which provides for the collection and disposal of sewage from a group of dwellings or buildings or a public utility sewage disposal system.

SHOPPING CENTER: See Large-scale retail project.

SIDEWALK: A leveled, paved, linear surface area separated from but usually running parallel to the traveled way and used as a pedestrian walkway.

SIGN: A name, identification, description, display, or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel, or lot and which directs attention to an object, product, place, activity, person, institution, or organization or business.

SIGN, ACCESSORY: A sign which is related to the principal use of the premises upon which it is located.

SIGN, NON-ACCESSORY: A sign which is not related to the principal use of the premises upon which it is located.

SPECIALIZED NON-CUSTOMARY ANIMAL RAISING AND CARE: The use of land and buildings for the non-agricultural care or raising of animals such as mink, horses, dogs, cats, or birds. The maintenance of animal kennels and similar activities.

STOCKYARD: A large yard with pens, or stables where cattle, sheep, pigs, or similar animals are kept ready for shipping or sale, same may include such buildings and related equipment.

STORY: That portion of a building, except a mezzanine as defined herein, included between the surface of one (1) floor and the surface of the next floor above it, or if there is no floor above, then the space between such floor and ceiling next above. A basement shall not be counted as a story.

STREET: A dedicated public right-of-way, which provides a public means of access to abutting property. It shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term, excluding an alley.

STREET LINE, RIGHT-OF-WAY LINE: A dividing line between a lot, tract or parcel of land and contiguous street.

STRUCTURE: Anything constructed or erected, or placed on the land, which includes but is not limited to buildings, walls, fences, advertising signs and billboards.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, addition or improvement of a structure, the cost of which exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started or before any damage occurred. With regard to additions, it shall be considered a substantial improvement when the first floor area of the additions is twenty-five percent (25%) or more of the first floor area of the building or structure being added to.

SWIMMING POOL: Any structure, portable or permanent, containing a body of water which is eighteen (18) inches or more in depth and exceeds 10 feet in diameter or length, which ever applies to the appropriate shape, or encompasses more than 100 square feet of water surface area, intended for recreational purposes, including a wading pool, in-ground pool, above-ground pools, swimming pools, hot tubs and spas. This does not include an ornamental reflecting pool or similar type pool, located and designed so as not to create a hazard or to be used for swimming or wading

TEMPORARY USE OF BUILDING OR LAND: A use of an existing building or land permitted by the Board of Zoning Appeals to exist during a specified period of time with the intent to discontinue such use upon the expiration of the time period. Temporary uses shall not involve the construction or alteration of any permanent building or structure.

TRAILER: A structure standing on wheels, towed or hauled by another vehicle, and used for short-term human occupancy, carrying of materials, goods, or objects, or as a temporary office.

USE: The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is, or may be, occupied.

USE CERTIFICATE: See "CERTIFICATES".

VARIANCE: To authorize, upon an appeal, a variance from the strict application of the provisions of this resolution where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Resolution or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Resolution. In granting a variance, the Board may attach hereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Resolution. In granting a variance, the Board shall state the grounds upon which it justifies the granting of a variance.

WALL, OBSCURING: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Resolution.

WAREHOUSE, MINI: See Mini-Warehouse.

WAREHOUSING: The business operation, or institution of the storing of goods, or merchandise.

WETLANDS: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Areas determined to be wetlands are subject to regulation by the U.S. Army Corps of Engineers and the Ohio Environmental Protection Agency. Three essential characteristics must be present for an area to be identified as a wetland: hydrophilic vegetation, hydric soils and wetland hydrology.

WHOLESALE BUSINESS: A business devoted exclusively to the sale of goods for resale, generally in bulk, or quantities, as distinguished from Retail Business defined herein, such business involves the sale of goods to persons, firms or corporations, which are other than the ultimate consumer.

YARD: The open space at grade between a building and adjoining lot lines, on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Resolution, and as defined herein: (Also see "Setback") (See Figure 2, Pg. 134)

1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building or any projections thereof other than permitted steps and ADA compliant access ramps. Corner lots have two (2) front yards.

2. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building or any projections thereof other than permitted steps and ADA compliant access ramps. In the case of a corner lot, the rear yard is comprised of the area opposite the intersection of the side yard lines (See Figure 3, Pg. 135)
3. **Side Yard:** An open space between a main building and the side lot line extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

ZONING CERTIFICATE: See "CERTIFICATE".

ZONING INSPECTOR: The agent, appointed by the Township Trustees, who is responsible for the administration of the Township Zoning Regulations and required inspections for zoning compliance per Ohio Revised Code Section 519.16. For the purposes of this Zoning Resolution, the term Zoning Administrator is equivalent to Zoning Inspector.

ZONING DISTRICT MAPS: The Zoning District Map or Maps of the Township together with all amendments subsequently adopted.

Article III. Establishment of Districts

- 3.1 DISTRICTS
- 3.2 OVERLAY DISTRICTS
- 3.3 ZONING DISTRICT MAP
- 3.4 DISTRICT BOUNDARIES INTERPRETED

3.5 ZONING OF VACATED AREAS

3.1 DISTRICTS

The Township is hereby divided into ten (10) Districts known as:

"A-1" Agricultural District - Area restricted to agriculture and agriculturally related uses, essential public facilities and services such as fire stations and schools, and public utilities. This may include: some commercial activities, which are an integral part of agriculture, such as roadside stands or structures, used for the sale of agricultural produce or products.

"R-1" Single-Family Residential District - Area restricted primarily to low density residential development.

"R-2" Two-Family Residential District - Area restricted primarily to medium density residential development. Conservation development is encouraged in this district.

"R-3" Multiple-Family Residential District - Area restricted primarily to high density residential development on lots which are served by public water and public sanitary sewers. Conservation development is encouraged in this district.

"B-1" Institutions and Office District - Area restricted to institutions and offices

"B-2" Local Business District - Area restricted to retail businesses serving local residents.

"B-3" General Business District - Area restricted to business and other developments, servicing greater areas than the Local Business District. Businesses in this district will typically be high generators of traffic, located along a major thoroughfare or at corners of major intersections, and on large lots to allow for ingress/egress, adequate parking and internal circulation.

"M-1" Restricted Industrial District - Area designed primarily for light industry and wholesaling.

"M-2" Industrial District - Area designed for heavy industry and including food processing.

3.2 OVERLAY DISTRICTS

"CR" Corridor Overlay District – The purpose of the Corridor Overlay District is to promote and protect public health and safety by providing for consistent and coordinated treatment of the properties bordering the subject corridor in Marion Township. The Corridor Overlay

District provides standards and requirements intended to preserve the environmental and aesthetic qualities of designated corridors and manage access to property in a manner that will maintain traffic safety and roadway capacity.

- “FD” Flood Overlay District – Restricts or prohibits certain land uses within the 100 year flood plain as defined by the Flood hazard Boundary map, issued by the Federal Emergency Management Administration for Marion Township.
- “PRD” Planned Residential District – Voluntary district that encourages innovative residential design, conservation of natural features, provides open space areas, and allows for deviation of certain requirements contained in the base zoning districts to achieve a balanced design. (See Figure 9, Pg. 136)
- “RS” Riparian Setback – Setbacks along watercourses, including rivers, streams, major and minor tributaries to serve as a buffer area.. One example would be 100’ both sides of the Blanchard River and 50’ both sides of Corbin Ditch. (See Figure 8, Pg. 143)

3.3 ZONING DISTRICT MAP

The boundaries of the District are shown upon the Map which is made a part of this Resolution, which Map is designated as the "Zoning District Map". The Zoning District Map and all notations, references and other information shown thereon are a part of this Resolution and have the same force and effect as if the Zoning District Map and all the notations, references and other information shown thereon were fully set forth or described herein, the original of which Zoning District Map is properly attested and is on file with the Board of Township Trustees.

3.4 DISTRICT BOUNDARIES INTERPRETED

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Districts Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys, shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits.
- D. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
- E. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the

centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.

- F. Boundaries indicated as parallel to or extensions of features indicated in subsections "A" through "E" above shall be so construed. Distances not specifically indicated on the official Zoning District Map shall be determined by the scale of the Map.
- G. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning District Map, or in other circumstances not covered by subsections "A" through "F" above, the Board of Zoning Appeals shall interpret the District boundaries.
- H. Insofar as some or all of the various Districts may be indicated on the Zoning Districts Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such District boundaries do extend to the center of any public right-of-way.

3.5 ZONING OF VACATED AREAS

Whenever any street, alley or other public way, within the unincorporated area of Marion Township shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same Zoning District as the property to which it attaches.

Article IV. Use Regulations

4.1	A-1 AGRICULTURAL DISTRICT	4.8	M-1 RESTRICTED INDUSTRIAL DISTRICT
4.2	R-1 SINGLE FAMILY DISTRICT	4.9	M-2 INDUSTRIAL DISTRICT
4.3	R-2 TWO-FAMILY RESIDENTIAL DISTRICT	4.10	CR CORRIDOR OVERLAY DISTRICT
4.4	R-3 MULTI-FAMILY RESIDENTIAL DISTRICT	4.11	FD FLOOD OVERLAY DISTRICT
4.5	B-1 INSTITUTIONS AND OFFICES	4.12	PRD PLANNED RESIDENTIAL DISTRICT
4.6	B-2 LOCAL BUSINESS DISTRICT	4.13	RO RIPARIAN OVERLAY DISTRICT
4.7	B-3 GENERAL BUSINESS DISTRICT		

The permitted and conditional uses for each District are shown on the accompanying tables. The interpretation of uses given in categorical terms shall be as defined in ARTICLE V. Uses not specifically listed or interpreted to be included categorically under this ARTICLE and ARTICLE V shall not be permitted except by Amendment to the Resolution.

4.1 A-1 AGRICULTURAL DISTRICT

4.1.1 INTENT

The A-1 Agricultural Districts are intended to provide for agricultural uses of those areas best suited to farming activity, and recognizing that prime farmland is a non-renewable resource, to protect and preserve such land for agricultural usage. The intent is to provide for an environment of predominantly agricultural activity, wherein residential development is clearly accessory and ancillary to a farming operation.

4.1.2 PERMITTED USES - CERTIFICATE REQUIRED

- Agriculture
- Single-family dwelling incidental to an agricultural operation, occupied by a person, or family actively engaged in the agricultural operation
- Public Uses
- Accessory Uses
- Churches
- Schools

4.1.3 CONDITIONAL USES REQUIRING BOARD OF ZONING APPEALS APPROVAL

- Single-family dwellings
- Agricultural Labor Camps
- Home Occupations
- Home Businesses
- Non-Commercial Recreational Facilities
- Specialized Non-Customary Animal Raising and Care
- Oil and Gas Wells
- Public Golf Courses
- Public Swimming Pools
- Cemetery
- Restricted Commercial Recreation Facility

4.2 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

4.2.1 INTENT

The R-1 Single-Family Residential Districts are designed to be the most restrictive of the Residential Districts. The intent is to provide an environment of predominantly low density, one-family, detached dwellings, along with other residentially related facilities, which serve the residents of the District, and are for the purpose of providing low density housing.

4.2.2 PERMITTED USE - CERTIFICATE REQUIRED

- Single-Family Dwellings
- Accessory Uses

4.2.3 CONDITIONAL USE REQUIRING BOARD OF ZONING APPEALS APPROVAL

- Public Uses
- Non-Commercial Recreational Facilities
- Home Occupations
- Churches
- Public Golf Courses

4.3 R-2 TWO-FAMILY RESIDENTIAL DISTRICT

4.3.1 INTENT:

The R-2 Two-Family Residential Districts are designed to afford a greater density of residential development than is provided in R-1 Districts, and also, to provide for two-family dwellings where such greater densities are permitted.

4.3.2 PERMITTED USE - CERTIFICATE REQUIRED

- Single-Family Dwellings
- Two-Family Dwellings
- Accessory Uses

4.3.3 CONDITIONAL USE REQUIRING BOARD OF ZONING APPEALS APPROVAL

- Public Uses
- Non-Commercial Recreational Facilities
- Nursery Schools
- Home Occupations
- Churches
- Public Golf Courses

4.4 R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

4.4.1 INTENT:

The R-3 Multiple-Family Residential Districts are a higher density residential district and are designed to provide sites for multiple-family dwelling structures and related uses which will generally serve as zones of transition between non-residential districts and lower density R-1 and R-2 Districts. The Multiple-Family Districts are further designed to serve the limited needs of apartment type units in an otherwise medium or low density single-family community.

4.4.2 PERMITTED USE - CERTIFICATE REQUIRED

- Multiple-Family Dwellings
- Accessory Uses
- Two-Family Dwellings

4.4.3 CONDITIONAL USE REQUIRING BOARD OF ZONING APPEALS APPROVAL

- Single-Family Dwellings
- Public Administration
- Non-Commercial Recreational Facility
- Nursery Schools
- Convalescent or Nursing Homes
- Home Occupations
- Churches
- Public Golf Courses

4.5 B-1 INSTITUTIONS AND OFFICES DISTRICT

4.5.1 INTENT

The B-1 Districts are designed to provide sites for offices and institutions; medical centers, and other comparable uses, as determined by the Zoning Commission.

4.5.2 PERMITTED USE - CERTIFICATE REQUIRED

- Public Uses
- Public Administration
- Offices
- Real Estate and Rental and Leasing Professional, Scientific and Technical Services
- Financial and Insurance Institutions
- Laboratories
- Convalescent or Nursing Homes
- Churches
- Nursery Schools
- Funeral Homes
- Accessory Uses

4.5.3 CONDITIONAL USE REQUIRING BOARD OF ZONING APPEALS APPROVAL

- Mortuaries – subject to availability of public sewer
- Crematoriums – subject to availability of public sewer
- Hospitals

4.6 B-2 LOCAL BUSINESS DISTRICT

4.6.1 INTENT:

The B-2 Local Business Districts are designed to cater to the needs of a consumer population, and are generally characterized by an integrated or planned cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic, and are primarily designed to provide local retail services to residents of the immediately adjacent areas.

4.6.2 PERMITTED USE - CERTIFICATE REQUIRED

- All uses permitted in B-1
- Retail Business operated entirely within an enclosed building
- Personal Services
- Professional Activities
- Libraries
- Restaurants
- Accessory Uses

4.6.3 CONDITIONAL USE REQUIRING BOARD OF ZONING APPEALS APPROVAL

- Clubs
- Beverage Drive Thrus – visibility, access, screening
- Car wash – screening, safety
- Hospitals

4.7 B-3 GENERAL BUSINESS DISTRICT

4.7.1 INTENT

The B-3 General Business Districts are designed to provide sites for more diversified business types, and are designed to provide services and retail businesses serving a greater area than a Local Business District, and generally are designed to be located along major thoroughfares, or highways.

4.7.2 PERMITTED USE - CERTIFICATE REQUIRED

- All Uses Permitted in B-1 and B-2
- Retail Trade
- Automobile Service Stations
- Automotive Sales and Services
- Motels and Hotels
- Cinemas/Theaters
- Mortuaries
- Commercial Schools
- Clubs
- Financial Institutions
- Accessory Uses

4.7.3 CONDITIONAL USE REQUIRING BOARD OF ZONING APPEALS APPROVAL

- Hospitals – Distancing, screening
- Sale of Building Materials – Screening of outdoor storage
- Drive-In Commercial Uses
- Specialized Non-Customary Animal Raising and Care
- Night Clubs /Taverns
- Car Wash

4.8 M-1 RESTRICTED INDUSTRIAL DISTRICT

4.8.1 INTENT

The M-1 Restricted Industrial Districts are designed to primarily accommodate wholesale activities, warehouses, and light industrial operations which may be conducted in areas proximate to residential and commercial areas with attempts to provide as much isolation as possible and where external physical effects are restricted to the area of this District. No offensive or hazardous conditions shall be created by an industry and other disruptive activities shall be minimized to maintain tranquility if near commercial or residential areas and districts. This would include such things as excessive traffic, dust, dirt, noxious gases, smoke, noise, fumes or vibrations. This district's permitted uses exclude heavy industrial operations and the processing of raw material for shipment in bulk form to be used elsewhere. Sales distribution and sales outlets may be permitted as an accessory use providing that goods and services are produced at the site or are an integral part of a warehousing distribution system.

4.8.2 PERMITTED USE - CERTIFICATE REQUIRED

- Restricted Manufacturing
- Wholesale Trade
- Transportation & Warehousing
- Information
- Automobile Service Stations
- Laboratories
- Manufacture of Concrete Pipe and Related Products
- Mini-Warehouse
- Accessory Uses

4.8.3 CONDITIONAL USE REQUIRING BOARD OF ZONING APPEALS APPROVAL

- Automobile Repair
- Research and Library Facilities
- Adult Entertainment Establishments / Adult Entertainment Uses (see 10.3)
- Outdoor storage of materials/equipment/machinery - subject to screening

4.9 M-2 INDUSTRIAL DISTRICT

4.9.1 INTENT

The M-2 Industrial Districts are designed primarily for manufacturing and assembling, fabricating activities, including large scale and specialized industrial operations, whose external physical effects may be felt in other districts. These Districts are structured to include heavy industrial use.

4.9.2 PERMITTED USE - CERTIFICATE REQUIRED

- General Manufacturing
- Research and Testing Facilities
- Automobile Service Stations
- Automobile Repair
- Restricted Manufacturing
- Accessory Uses
- Wholesale Business
- Warehousing
- Laboratories
- Refineries
- Food Processing

4.9.3 CONDITIONAL USE REQUIRING BOARD OF ZONING APPEALS APPROVAL

- Junk Yards –screening, buffering
- Stock Yards – screening, buffering
- Oil and Gas Wells
- Adult Entertainment Establishments / Adult Entertainment Uses

4.10 CR – CORRIDOR OVERLAY DISTRICT

4.10.1 INTENT:

The purpose of the Corridor Overlay District is to promote and protect public health and safety by providing for consistent and coordinated treatment of the properties bordering the subject corridor in Marion Township. The Corridor Overlay District provides standards and requirements intended to preserve the environmental and aesthetic qualities of designated corridors and manage access to property in a manner that will maintain traffic safety and roadway capacity in conjunction with Hancock County's Access Management Regulations.

4.10.2 OVERLAY DISTRICT BOUNDARIES

The boundaries of the District are hereby established as shown on the Zoning District Map. The District includes those parcels with frontage along the corridor right-of-way to a depth of 600 feet from the centerline of the right-of-way along both sides, extending between the township limits along identified corridors.

4.10.3 REVIEW AND APPROVAL PROCEDURES

Site plan review and approval shall be necessary for all new development and for any existing structure that is enlarged by 50% or more or when the enlargement contains 5,000 square feet or more in floor area. The site plan review shall be as specified in Article 12 and by additional provisions in this section. In addition, the Hancock County Engineer requires an access permit application for any new or modified access

4.10.4 PERMITTED and SPECIAL USES (Certificate Required)

All uses which are permitted or special uses in the underlying zoning district(s) except for the uses expressly excluded in Article 4.10.5

4.10.5 EXCLUDED USES

- Adult-oriented uses
- Auction Market
- Automobile/truck repair garage when not in conjunction with new car sales
- Auto wrecking/salvage yard/junk yard
- Boat storage
- Dwellings
- Flea Market
- Manufactured home, mobile home or industrialized dwelling unit sales
- Manufactured home park
- Truck transport terminal
- Used car sales when not in conjunction with new car sales

4.11 FLOOD OVERLAY DISTRICT

4.11.1 STATEMENT OF PURPOSE

It is the purpose of Article 4.11 to promote the public health, safety and/or general welfare and to minimize those losses described in Article 4.11.10 by provisions designed to:

- A. Restrict or prohibit uses which are dangerous to health, safety or property in time of flood or cause excessive increases in flood heights or velocities;
- B. Require that uses vulnerable to floods, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction;
- C. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.

4.11.2 COMPLIANCE

No structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this Resolution and other applicable regulations which apply to uses within the jurisdiction of this Resolution. Structures/land uses existing at time of this resolution may continue as existing non-conforming status per Article 1.6.5.

4.11.3 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Resolution is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Resolution does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Resolution shall not create liability on the part of Marion Township or any officer or employee thereof, for any flood damages that result from reliance on this resolution or any administrative decision lawfully made there-under.

4.11.4 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Resolution to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions, the provision of this Resolution shall prevail.

4.11.5 SEVERABILITY

If any section, clause, provision or portion of this Flood Plain Article 4.11 is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this

section shall not be affected thereby.

4.11.6 ESTABLISHMENT OF A REGULATORY FLOOD PLAIN DISTRICT

Section 4.11 shall apply to all lands within the jurisdiction of Marion Township shown as being located within the boundaries of the 100 year flood plain on the Flood Insurance Rate Map for the unincorporated areas of Hancock County prepared by the Federal Emergency Management Agency.

4.11.7 PERMITTED USES

4.11.7.1 The following uses having a low flood damage potential and less obstructing to flood flows, shall be permitted within the regulatory flood plain district to the extent that they are not prohibited by any other section of this resolution and provided they do not require structures, fill, or storage of materials or equipment. But no use shall adversely affect the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system.

4.11.7.2 The Zoning Inspector shall issue permits for the following permitted uses, except for agricultural uses as listed in Article 4.11.7.A below:

- A. general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, forestry, sod farming, and wild crop harvesting. No permit shall be required;
- B. industrial-commercial uses such as loading areas, parking areas, and airport landing strips;
- C. private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails, and;
- D. residential uses such as lawns, gardens, parking areas, and play areas.

4.11.8 PROHIBITED USES

The following structures and uses are hereby prohibited in an area lying within the 100 year flood plain:

4.11.8.1 Hazardous Materials

The sale, storage or processing of materials that are pollutants, buoyant, flammable poisonous, explosive, or could be injurious to human, animal, or plant life in time of flooding or that have a

high flood damage potential;

4.11.8.2. Mobile homes.

4.11.8.3 Salvage yards

4.11.9 SPECIAL EXCEPTION USES

4.11.9.1 Application Required

All uses other than those specified in Article 4.11.7 and 4.11.8 may be permitted upon application to the Township Zoning inspector for issuance of a special exception permits as provided by Article 4.11.11

4.11.9.2 Other Sections of Resolution Apply

Structure or other uses shall be permitted within an area lying within the 100 year flood plain as special exception uses to the extent they are not prohibited by any other provisions of this Resolution or any other regulation and they meet the requirements specified in Article 4.11.11 Requirements and Review Procedures for Special Exception Permits.

4.11.9.3 Excavation Work

All filling, excavated and/or removal of work associated with the elevation of any structure or addition to a structure shall be carried out under plans approved by the Hancock County Engineer;

4.11.9.4 Disposal/.Waste

There shall be no disposal of garbage, solid waste material, or demolition material including discarded blacktop on land lying within the 100 year flood plain except upon the issuance of a special exception permit for sites approved under applicable Local and State regulations.

4.11.10 SPECIFIC DETERMINATION OF FLOOD PLAIN DISTRICT BOUNDARY

All plans for the location of structures and facilities regulated under this section which lie within a distance of 100 feet from the Regulatory Flood Plain District shall be subject to approval by the Township Zoning Inspector.

4.11.10.1 Required Information

The Zoning Inspector may require the applicant to provide soil survey or topographical information if there is any reason to believe that the property involved could be included in the Flood Plain District.

4.11.10.2 On Site Survey

Whenever the Zoning Inspector needs to determine the exact extent and nature of areas susceptible to potential problems of flooding, wetness, or water pollution in such areas, the Township Zoning Inspector shall require that the applicant provide a detailed on-site survey. Such on-site survey shall be made by a registered engineer or by a soil scientist in accordance

with accepted on-site survey techniques. All such onsite studies are to be furnished by the applicant.

4.11.10.3 Applicability

On any site or portion of a site which is found, based upon detailed investigation, to contain potential hazards due to flooding, chronic wetness, or water pollution, the flood plain use regulations set forth in this resolution shall apply.

4.11.10.4 FIRM (Flood Insurance Rate map)

An initial determination as to the boundaries of the Flood Plain District shall be made by the Township Zoning Inspector by scaling distances on the Flood Insurance Rate Map. Any dispute concerning these boundaries shall be resolved by the Office of the Hancock Engineer for determination of actual boundaries.

4.11.11 PROCEDURE AND REQUIREMENTS FOR ZONING INSPECTOR APPROVAL OF SPECIAL EXCEPTION PERMIT

The Zoning Inspector shall evaluate, on a case-by-case basis, all applications for a Special Exemption Permit to determine whether the proposed use would be allowable under the terms and intent of these regulations. The Zoning Inspector shall rely on technical assistance from the Hancock County Engineer's Office, the Soil & Water Conservation Service, Hancock Regional Planning Commission, or any other agency or commission whose expertise would be valuable in such an evaluation.

The Zoning Inspector shall require the applicant to furnish detailed information as is deemed necessary to render a decision on the suitability of the particular site for the proposed use. Such information shall include a set of plans drawn to scale showing the nature, location, dimensions, and elevation of the lot; existing and proposed structures; storage of materials, and the relationship of the above to the location of the channel.

The Zoning Inspector shall review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, and county regulations.

4.11.12 EXISTING STRUCTURES WHICH DO NOT COMPLY WITH TERMS OF FLOOD PLAIN DISTRICT

A structure or the use of a structure or premises which was lawful before the adoption of these regulations, but which is not in conformity with the provisions of the regulations may be continued subject to the following conditions:

No structure which is located below a regulatory flood protection elevations shall be expanded, extended, replaced, reconstructed, substituted, enlarged, or altered within the Flood Plain District except for repairs and maintenance necessary to keep it in sound condition and customary remodeling shall be considered any improvement or alteration of

structure, the cost of which shall not exceed 75 % of the current appraised value of said structure;

If any structure created which does not comply in terms of these regulations is destroyed, to an extent of 75 % or more of its value, it may be reconstructed only if in conformity with the provisions of this resolution. Article 4.11.14

4.11.13 Applications for Certificates

Any application for a Zoning Certificate or Compliance Certificate involving lands located within a flood hazard area shall include, but not be limited to, plans drawn to scale showing the nature, location, dimensions and elevations of the area in question and the location, dimensions, and elevations of existing and proposed structures, existing and proposed fill, the storage of materials, and existing and proposed drainage. All elevations and dimensions shown on any plan or plats submitted with the application shall be certified on the plat or plan as correct by a licensed or registered surveyor or engineer. The following information shall also be presented with the application:

- A. Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures.
- B. Elevation in relation to mean sea level to which any proposed structure will be flood proofed.
- C. Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria set forth in Section 4.11.14.
- D. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

4.11.14 Requirements

In all areas of special flood hazards, the following requirements shall apply:

4.11.14.1 Subdivisions

All subdivision proposals, including mobile home subdivisions, shall be consistent with the need to minimize flood damage; shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage and danger to the public; and shall have adequate drainage provided to reduce exposure to flood damage. Base flood elevation data shall be provided for subdivision proposals, which contain at least fifty (50) lots or five (5) acres, whichever is less.

4.11.14.2 Anchoring

All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

4.11.14.3 Mechanical/Electrical Hazard Requirements

All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage and shall be constructed so as to prevent water from entering or accumulating within electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities during conditions of flooding.

4.11.14.4 Water/Sewer System Infiltration

All new and replacement water supply systems, sanitary sewage systems, and individual treatment systems shall be designed to minimize or eliminate infiltration or inflow of flood waters into the systems and discharge from the systems into flood waters and to avoid impairment to them or contamination to them or from them during flooding.

4.11.14.5 Requirements Where Base Flood Elevation Data Is Provided

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 4.11.6 or where any other base flood elevation and floodway data is available from a federal, state, or other source, the following requirements shall be met:

- A. All new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation.
- B. All new construction and substantial improvement of any business, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, shall:
 1. Be flood proofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water.
 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy in compliance with flood proofing regulations approved by the Hancock County Engineer
 3. Be certified by a registered professional engineer or architect that the standards of this Subsection are satisfied.

- C. An exemption to the elevation or dry flood proofing standards may be granted for accessory structures such as sheds and detached garages containing five hundred seventy-six (576) square feet or less in gross floor area. Such structures shall:
 - 1. Not be used for human habitation.
 - 2. Be designed to have low flood damage.
 - 3. Be constructed and placed on the building site so as to offer the minimum resistance to the flow of the flood waters.
 - 4. Be fully anchored to prevent flotation.
 - 5. Have electrical, heating and other service facilities or equipment elevated or flood proofed.
- D. All new and substantially improved residential and non-residential structures which are elevated to or above base flood elevation using pilings, columns, or posts, or which contain a crawl space may enclose the area below the base flood elevation provided areas below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters.

4.11.14.6 Floodway Requirements

Floodways, as identified in FEMA's Flood Insurance Rate Maps or via other sources of flood information as specified in Section 4.11 are subject to the following provisions:

- A. All encroachments, including fill or new construction or substantial improvements or other development is prohibited unless a technical evaluation demonstrates that proposed encroachments will not result in any increase in flood levels during the occurrence of a base flood discharge.
- B. If Section 4.11.14.6 A is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section 4.11.

4.11.14.7 Appeals and Applications for Variances

Appeals and applications for variances from decisions involving applications of this Section 4.11. may be had or taken as otherwise provided in Section 17.7.1 Special Powers- Variances.

4.12 PLANNED RESIDENTIAL DEVELOPMENT (PRD)

4.12.1 INTENT

The Planned Residential Development (PRD) is a voluntary procedure that provides an overlay district that is intended to encourage innovative design, conservation of significant natural features, consolidation of open space, and provide for a mixture of residential uses with an integrated design in Residential zoning districts. The PRD allows greater design flexibility so that natural features and open space may be preserved and enhanced through the site's development in a coordinated and efficient manner.

All proposals will be considered on their merits in relation to the following: adherence with Marion Township's Comprehensive Land Use Plan; the context of the area in which the PRD is to be located; the adequacy and availability of public facilities and infrastructure; and the compatibility with the proposal's immediate surroundings. The Township Zoning Commission may require any reasonable condition or design accommodation to promote proper development in harmony to the community. It is not intended that the Township Zoning Commission automatically grant the maximum use or density.

4.12.2 PROCEDURE

4.12.2.1 APPLICATIONS

Applicants are encouraged to meet with the township's development officials, the Hancock County Engineer, the Findlay City Engineer, and the Hancock Regional Planning Commission. Applications for a PRD are made with the Marion Township Zoning Inspector and involve a preliminary and final review phase. Applicants must first submit an application for a "Preliminary Review for Planned Residential Development Overlay" along with a Preliminary Development Plan. If a project is approved in the preliminary phase, applicants may then make an application for a final review using a "Request for Planned Residential Development Overlay." The application must be accompanied with a Final Development Plan. All applications must contain information required per Article 4.12.2.5 General Information. All development plans must contain the General Information and Development Plan Information as required in Article 4.12.2.5 and 4.12.2.6 respectively.

4.12.2.2 RE-ZONING

Applications will only be considered for tracts of land zoned Residential. Petitions for a zoning change are a separate process.

4.12.2.3 PRELIMINARY DEVELOPMENT PLAN

The Preliminary Development Plan shall contain information set forth in Article 4.12.2.5 General Information and 4.12.2.6 Development Plan Information. The

request shall be referred to various agencies and utility providers for study. The Township shall provide notice and publication of the Township Zoning Commission's review. The proposal shall be reviewed according to its meeting the design requirements and standards as set forth in Article 4.12.3.

4.12.2.4 FINAL DEVELOPMENT PLAN

Only Preliminary Development Plans that have been approved by the Township Zoning Commission may apply for review as a Final Development Plan. The conditions for approval must be reflected in the Final Development Plan. Any deficiencies on the Preliminary Development Plan must be corrected.

4.12.2.5 GENERAL INFORMATION

- A. Name, address and phone number of the applicant
- B. Name and address of registered surveyor, engineer and/or landscape architect, with appropriate registration number and seal, who prepared the plan and date plan was prepared.
- C. Legal description of the property
- D. Present use of the property
- E. Conceptual overview of the development
- F. Proposed ownership and maintenance of common open space
- G. Anticipated timing and phasing of the development
- H. Names and addresses of property owners within and contiguous to and directly across the street from the subject parcel or parcels

4.12.2.6 DEVELOPMENT PLAN INFORMATION

- A. Vicinity/project location map
- B. Location, type and density of development types
- C. Conceptual drainage plan
- D. Location and amount of open space(s)
- E. Gross lot acreage, net lot acreage, maximum allowable density, proposed density with calculations indicated

- F. Maximum site coverage
- G. Topography at one-foot contour intervals
- H. Base flood elevation data
- I. Existing features of the development site, including major wooded areas, streets, easements, utility lines, and ponds, waterways, and land uses
- J. Street layout and names
- K. Existing buildings to remain or to be removed, and if the existing buildings remain, proposed use
- L. Proposed method of street lighting
- M. Landscaping (if required as condition for approval)
- N. Location, area, and dimensions of all lots, setbacks, and building envelopes
- O. Required number of parking spaces and number of spaces proposed
- P. All proposed signs excluding street signs (i.e. apartment signage)
- Q. Area identification (entrance) structure and/or signage
- R. Any/all drainage and retention calculations
- S. Proposed utility layout

4.12.2.7 ADDITIONAL INFORMATION

The Township Zoning Commission may require additional information such as professionally prepared maps, survey drawings, studies or reports including environmental assessments and/or traffic impact studies for the development. The expense of providing this information is the responsibility of the applicant.

4.12.2.8 PLAT REQUIRED

A Planned Residential Development will require a plat. Procedures for plat approval are set forth in the Hancock County Subdivision Rules & Regulations. It is recommended the platting process be initiated after the Preliminary Development Plan has been approved by the Township Zoning Commission.

4.12.3 DESIGN REQUIREMENTS AND STANDARDS

4.12.3.1 DESIGN REQUIREMENTS (See Figure 9, Pg. 141)

- A. Minimum size tract of land must be twenty (20) acres.
- B. Ten percent (10%) of the gross parcel acreage shall be allocated to common open space and/or recreation areas. Up to 1/3 may be comprised of retention areas, ponds, or flood areas.
- C. No more than forty percent (40%) of the gross parcel acreage shall be devoted to coverage by buildings, street pavement, motor vehicle driveway pavement and parking area pavement.
- D. Not less than sixty percent (60%) of the gross parcel acreage shall be devoted to pervious surface, including yards, open space, common areas, water features and in new right-of-ways (i.e. boulevards and tree lawns).
- E. The maximum number of dwelling units permitted shall be 4.45 per net developable acre. For the purpose of this calculation net residential acreage equals eighty percent of the gross parcel acreage. Gross parcel acreage is the total parcel area excluding existing public rights-of-way.

4.12.3.2 STANDARDS

- A. The property adjacent to the area included in the plan shall not be adversely affected.
- B. The plan is consistent with the intent and purposes of Marion Township's Zoning Resolution to promote public health, safety, and general welfare.
- C. The PRD approval may provide for such exceptions from the base district regulations governing lot size, and configuration, location and height of buildings, yard requirements, and subdivision standards and regulations, as may be necessary or desirable to achieve the objectives of the proposed development. Such exceptions are to be designed:
 - 1. To promote flexibility in design and permit planned diversity in the location of structures;
 - 2. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities;
- D. To preserve to the greatest extent possible the existing landscape features and amenities and to utilize such features in a harmonious fashion;

- E. To provide for more usable and suitably located recreation facilities and other public and common facilities than otherwise would be provided under conventional land development procedures;
- F. To combine and coordinate architectural styles, building forms and building relationships within the planned residential development;
- G. Appropriate setbacks for any one or group of structures and/or the total planned residential development.

4.12.4 COMMON OPEN SPACE

The common open space shall be subject to the following additional criteria:

4.12.4.1 Characteristics

The location, shape, size and character of common open space areas shall be conducive to residents of the planned residential development in relation to the location, number and types of buildings it is intended to serve. All common open space areas shall be highly accessible to all residents or users of the planned development.

4.12.4.2 Conveyance to Public Entity

The proposed common open space may be conveyed to a public authority that will agree to maintain the common open space and any buildings, structures or improvements contained therein. Public utility or other similar easements and right of way for watercourses or other similar channels are not acceptable for common open space dedication unless such land or right of way is usable as a trail or other similar purpose and approved by the authority to which the land is dedicated.

4.12.4.3 Owned/Maintained by Home Owner Association

Ownership of the proposed common open space may be conveyed to an owners' association or similar organization formed for the maintenance of the planned development. The common open space must be conveyed with covenants approved by the Township Zoning Commission. Such covenants shall restrict the common open space to the uses specified in the Development Plan and provide for the maintenance of common open space in a manner that protects its continuing use for its intended purpose. Membership in the owners' association shall, by deed restriction, be mandatory for any owner within the planned development.

4.12.4.4 Fiduciary Option

If the proposed common open space is not conveyed to a public authority or to an owners' association it must be deeded to a fiduciary which, for a fee, acts as a trustee for the benefit of all owners and occupants of the planned development. The trustee shall give easements across the open space and respect the rights of all owners and occupants of the planned development to use the space and facilities. The trustee shall be provided the right to charge and lien each property of its proportionate share of costs for the maintenance and upkeep of the common space and facilities.

4.12.5 PERMITTED USES

Uses permitted in the base zoning districts

4.12.6 DESIGNATION

4.12.6.1 Public Hearing

The Township Zoning Commission shall hold a public hearing for Preliminary and Final Development Plans.

4.12.6.2 Public Notice

Notice shall be made in a newspaper of general circulation and notices mailed to property owners within and contiguous to and directly across the street from the subject parcel or parcels two weeks prior to the public hearing.

4.12.6.3. Zoning Map Overlay

The Zoning Commission shall cause the designation to be shown upon the official zoning map as an overlay without changing the underlying zoning.

4.12.6.4 Notification of Designation

Upon designation, the Township Zoning Commission shall promptly notify the Zoning Inspector.

4.12.7 AMENDMENTS

- A. In the event that an applicant or owner who has obtained approval of a Final Development Plan wishes to change or modify said approved plan in any respect, he or she shall:
 1. Make a detailed written modification request:
 2. File that request and fee with the Township Zoning Inspector.
 3. Specifically detail the changes requested.
 4. State the reasons for all changes requested.
- B. The Township Zoning Inspector shall review the amendment request and decide whether the application shall be treated as a major or minor change to the Final Development Plan using the criteria set forth in Section 4.12.7.1 Major Change and Section 4.12.7.2 Minor Change.
- C. If the application is determined to be a major modification request, the matter shall be scheduled for a public hearing before the Township Zoning Commission. The Zoning Inspector shall provide written recommendations for the approval, modification, or the denial of the application to the Township Zoning Commission.

4.12.7.1 MAJOR CHANGE

- A. In the event an application for a major change amendment to an approved planned residential development is filed, the Township Zoning Commission must:
1. Review and approve/deny the request per the hearing procedures set forth in the Ohio Revised Code. The Township Zoning Commission has the authority to maintain the approved development concept in order to assure its compatibility with adjoining neighborhood densities and scale.
 2. In no event shall a major change amendment decrease the required ten percent (10%) common open space and/or increase the site's building coverage above forty percent (40%) of the gross parcel acreage as defined.
- B. Major changes include, but are not limited to:
1. Any change in the overall acreage or boundaries of the Planned residential development;
 2. Any change in the approved number of dwellings by type;
 3. Substantial alteration to open space areas and their location(s);
 4. A significant change in street pattern;
 5. An increase in the number of buildings, dwelling units, or density;
 6. Changes in the building/building envelope location(s) or lot lines that result in a significant change in the coverage ratio, yard area or lot area.

4.12.7.2 MINOR CHANGE

In the event an application for a minor change amendment to an approved Planned Residential Development is filed:

- A. The Zoning Inspector is authorized to review and approve/deny the request per the criteria set forth in this section.
- B. The Zoning Inspector will report any approvals/disapprovals of minor amendment requests to the Township Zoning Board at its next regularly scheduled meeting.
- C. Minor changes include, but are not limited to:

- D. Changes in the internal traffic circulation;
- E. Minor alterations in open space layout;
- F. Insignificant reconfigurations in the parking layout;
- G. Changes in the building/building envelope configurations that do not significantly change the coverage ratios, yard or areas, and;
- H. Configuration of community recreational amenities, such as clubhouses, swimming pools, etc.

4.12.7.3 DECISIONS BY TOWNSHIP ZONING COMMISSION

Upon reaching a decision, the Township Zoning Commission shall issue an oral decision followed by a written decision within seven (7) days after the date of the hearing, setting forth, with specificity, its findings and analyses.

4.12.8 APPEALS

4.12.8.1 APPEALS OF ADMINISTRATIVE DISAPPROVALS

Applicants may appeal decisions by the Township Zoning Inspector to the Township Zoning Commission. Notice of appeal shall be made within seven (7) days of the date of disapproval. The Township Zoning Commission shall consider the appeal at a regularly scheduled meeting within thirty (30) days of receipt of notice of the appeal.

4.12.8.2 APPEALS OF ZONING COMMISSION DECISIONS

Decisions by the Township Zoning Commission shall be deemed final administrative orders for appellate purposes and shall be thereafter regulated by Chapter 519 of the Ohio Revised Code.

4.12.9 APPROVAL PERIOD

If construction of any phase of the approved Planned Residential Development begins within two (2) years after approval is granted, the approval shall be valid until the development is completed. If no construction has begun within two (2) years after the approval is granted, the Planned Residential Development Overlay shall be void and the land shall revert to the district regulations in which it is located. The Township Zoning Commission may approve an extension of the time limit. A project may not receive more than one extension. A maximum of ten (10) years to complete the project is permitted.

4.12.10 PENALTY

Administration and enforcement of this Article shall follow procedures set forth in Article11

4.13 RIPARIAN CORRIDOR OVERLAY DISTRICT

4.13.1 PURPOSE

- A. It is hereby determined that the system of rivers, streams, and other natural watercourses contributes to the health and safety of the residents of Marion Township. The specific purpose and intent of the Riparian Corridor Overlay District is to regulate land use and construction within riparian areas to:
1. Reduce flood impacts by absorbing peak flows, slowing the velocity of floodwaters, and regulating base flow.
 2. Stabilize the banks of watercourses to reduce bank erosion and then downstream transport of sediments eroded from watercourse banks.
 3. Reduce pollutants in watercourses during periods of high flows by filtering, settling, and transforming pollutants in runoff before they enter watercourses.
 4. Provide habitat to a wide array of wildlife by maintaining diverse and connected riparian vegetation.
 5. Benefit the Township economically by minimizing encroachment on watercourse channels and the need for costly engineering solutions such as dams, retention basins, and rip rap to protect structures and reduce property damage and threats to the safety of watershed residents, and by preserving the character and property values of the Township.
- B. It is the policy of Marion Township to encourage the establishment of naturally vegetated riparian setbacks along watercourses. Property owners who own land beside watercourses are encouraged to assume responsibility for helping to maintain water quality and the environmental health of riparian systems within Marion Township. Riparian setback requirements defined herein represent only minimal protection to water quality and property owners are encouraged to do more to protect the ecological health of waterways.
- C. As an overlay zone, this zoning district imposes additional development standards for new construction beyond those of the underlying zoning district.

4.13.2 DEFINITION OF RIPARIAN AREAS.

4.13.2.1 STREAMS

Streams include rivers, creeks and ditches and appear on at least one of the following maps: USGS topographical map, or soils maps located in the Soil Survey for Hancock County, Ohio, USDA, NRCS.

4.13.2.2 100 YEAR FLOODPLAIN

The 100-year floodplain shall be defined by FEMA National Flood Insurance Rate Map as approved by Hancock County.

4.13.3 PERMITTED/CONDITIONALLY PERMITTED/PROHIBITED USES

Permitted and conditionally permitted uses include all permitted and conditionally permitted uses defined in the underlying zoning district(s). However, regardless of these permitted or conditionally permitted uses in the underlying zoning district(s) the following uses are expressly prohibited:

- A. Asphalt plants.
- B. Dry cleaners.
- C. Gasoline service stations.
- D. Car washes.
- E. Junk yards.
- F. Landfills or transfer stations.
- G. Recycling facilities.
- H. Petroleum storage, sales and distribution.
- I. Quarries and borrow pits.
- J. Sand and gravel extraction.
- K. Road maintenance facilities.
- L. Road salt storage.
- M. Underground storage tanks.

4.13.4 AREA YARD AND HEIGHT REGULATIONS

In addition to all area, yard and height regulations established in the underlying zoning district, the following development standards shall apply within the Riparian Corridor Overlay District and to all areas in Marion Township that meet the criteria per 4.13.2 Definition of Riparian Areas.

4.13.4.1 RIPARIAN SETBACK (See Figure 8, Pg. 140)

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Widths of buffers are measured as horizontal map distance outward from the ordinary top of the bank on each side of a stream per 4.13.4.3 Standards. The following shall apply to the riparian setback:

- A. Where the 100-year floodplain is wider than the riparian setback on either or both sides of the stream, the riparian setback shall be extended to the outer edge of the 100-year floodplain.
- B. The applicant shall be responsible for delineating the riparian setback and identifying this setback on all subdivisions, site plans, and/or zoning permit

applications. This delineation shall be done at the time of application of the preliminary plans, or all plans that are required, or at the time of submission of any permit applications. This delineation may be subject to review and approval by the Hancock Soil and Water Conservation District (Hancock SWCD). As the result of this review, the Hancock SWCD may require further studies from the applicant.

- C. Prior to any soil disturbing activity, the riparian setback shall be clearly delineated with construction fencing or other suitable material by the applicant on site, and such delineation shall be protected with silt fencing throughout soil-disturbing activities. The delineated area shall be maintained in an undisturbed state unless otherwise permitted by these regulations. Silt fencing shall be removed when a development project is completed and grass and vegetation are present and stable.
- D. No approvals or permits shall be issued by Marion Township prior to the determination of the riparian setback in conformance with this resolution.
- E. Upon completion of an approved subdivision, the riparian setback shall be permanently recorded on the plat records for the County of Hancock.

4.13.4.2 EXEMPTIONS

The following are exempt from the terms and protection of these regulations: grassy swales, roadside ditches, drainage ditches created at the time of a subdivision to convey storm water to another system, tile drainage systems, and stream culverts.

4.13.4.3 STANDARDS AND REGULATIONS:

All areas located within the riparian setbacks as set forth in Section 4.13.2 DEFINITION OF RIPARIAN AREAS are subject to the standards and regulations in Section 4.13. Alteration of this natural area is strictly limited. Except as otherwise provided in these regulations, the riparian setback shall be preserved in its natural state for rivers, creeks and ditches and their respective setbacks as follows:

- A. Rivers – 100’ on each side.
- B. Creeks – 50’ on each side
- C. Ditches – 50’ on each side.

PERMITTED USES

Within the riparian setback, the following uses and activities are permitted:

- A. Construction of multiple use recreation trails, provided such trails are located at least twenty feet (20') from the ordinary top of bank of the watercourse.
- B. The removal of individual trees that are in danger of falling and causing damage to structures or causing blockage to the stream flow. Additionally, timber cutting is permitted when accomplished under the advice and guidance of an appropriate government agency and necessary to preserve the forest from pest infestation, disease infestation or fire threat. One stream crossing may be constructed on each tax parcel. The angle of any crossing shall be perpendicular to the stream and structures should be designed to allow fish passage.
- C. Stream crossings for subdivisions, open space subdivisions or any other non single family residential use shall be designed and constructed per the County of Hancock Engineer's design standards and as approved by the Hancock Regional Planning Commission and Marion Township. If more than two crossings per 1,000 linear feet of stream center are required for these areas and are in conformance with Access Management Regulations, the applicant must apply for a variance. All roadway crossings shall minimize disturbance to the riparian setback and shall mitigate and remediate any necessary disturbances.
- D. Re-vegetation and/or reforestation of the riparian setback shall be allowed. Information pertaining to species of shrubs and vines recommended for stabilizing flood prone areas along streams may be obtained from the Hancock SWCD.
- E. Best Management Practices for stream bank stabilization or erosion control may be allowed if such practices are within permitted uses by the local, state, and federal government regulations and are ecologically compatible and emphasize the use of natural materials and native plant species where practical and available. Such stream bank stabilization/erosion control practices shall only be undertaken upon approval of a Storm water Pollution Prevention Plan by the Hancock SWCD.

4.13.5 PROHIBITED USES

Within the riparian setback, the following uses and activities are prohibited:

- A. Construction of principal or accessory structures and changing of topography, including grading, excavating, and filling, except when constructing an approved stream crossing.

- B. The creation of new impervious surfaces, unless within a public right-of-way or approved private street constructed as part of a major residential subdivision.
- C. There shall be no drilling for petroleum or mineral products, mining activity, altering, dumping, filling or removal of riverine materials or dredging (except as may be necessary as part of a stream restoration project or other similar activity carried out by a government agency or authorized organization).
- D. Modification of the natural vegetation shall be limited to conservation maintenance that the landowner deems necessary to control noxious weeds; for such plantings as are consistent with these regulations; for such disturbances as are approved under these regulations; and for the passive enjoyment, access and maintenance of landscaping or lawns existing at the time of passage of these regulations.

4.13.6 EXCEPTIONS

In accordance with Article 17, the Board of Zoning Appeals may authorize a variance from the above development standards. Such a variance may include a reduction in the width of the riparian setback, or a modification of the requirements listed above. As a condition for requesting a variance from these regulations, evidence shall be provided that the site and any construction to be done thereon have been reviewed by the Hancock Soil and Water Conservation District. The Zoning Inspector shall submit site plans to the Hancock SWCD for their review. Such a variance may be found to be appropriate when it can be shown that strict application of these standards will result in the loss of a reasonable use of a property. Conditions on such variances may include other reasonable and necessary measures to adequately protect the riparian environment, such as erosion control measures and new plantings of native vegetation.

The floor area for dwelling units in an apartment building shall not be less than

Article V. Yard and Area Regulations

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| <ul style="list-style-type: none"> 5.1 SCHEDULE OF REGULATIONS 5.2 NOTES TO SCHEDULE OF REGULATIONS 5.3 APARTMENTS AND MULTIPLE FAMILY DWELLINGS 5.4 RESIDENTIAL FLOOR AREA REQUIREMENTS 5.5 RECORDED LOT EXCEPTION 5.6 SIDE YARDS FRONTING ON STREETS 5.7 ARCHITECTURAL PROJECTIONS | <ul style="list-style-type: none"> 5.8 SINGLE FAMILY EXCEPTIONS 5.9 SIDE AND REAR YARD REQUIREMENTS FOR NON-RESIDENTIAL USES ABUTTING "R" DISTRICTS 5.10 ACCESSORY STRUCTURES AND BUILDINGS 5.11 DISPLAY OF MERCHANDISE 5.12 PARKING AND STORAGE OF TRAILER VEHICLE, CAMPERS OR MOBILE HOMES |
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5.1 SCHEDULE OF REGULATIONS

Schedule Limiting Height, Bulk, Density and Area by Zoning District
(See following page for notes to this Schedule of Regulations)

Table 1 SCHEDULE OF REGULATIONS

ZONING DISTRICT	MINIMUM LOT SIZE	MINIMUM FRONTAGE WIDTH (a)	MAXIMUM HEIGHT OF STRUCTURES	FRONT YARD SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK	MINIMUM FLOOR AREA/UNIT	MAXIMUM % OF LOT COVERAGE
A-1 * AGRICULTURE	2 ACRES (b)	250 FT.	30 FT.	40 FT. (a)	40 FT.	60 FT.	1,200 SQ. FT.	NONE
R-1 SINGLE FAMILY	11,000 SQ. FT. (b)	75 FT. (b)	30 FT.	35 FT. (a, d)	10 FT. (e)	35 FT. (g)	1,400 SQ. FT.	30 %
R-2 TWO FAMILY	13,000 SQ. FT. (b)	85 FT. (b)	30 FT.	35 FT. (a, d)	10 FT. (f)	35 FT. (g)	1,200 SQ. FT.	30%
R-3 MULTIPLE FAMILY	30,000 SQ. FT. (b)	100 FT. (b)	35 FT.	35 FT. (a, d)	15 FT. (f)	35 FT. (g)	(c)	25%
B-1 INSTITUTIONS & OFFICES	20,000 SQ. FT.	100 FT.	30 FT.	60 FT. (a)	20 FT.	40 FT.	NONE	30%
B-2 LOCAL BUSINESS	22,000 SQ. FT.	NONE	35 FT.	50 FT. (a)	NONE	15 FT.	NONE	35%
B-3 GENERAL BUSINESS	20,000 SQ. FT.	100 FT.	35 FT.	60 FT. (a)	20 FT.	40 FT.	NONE	30%
M-1 RESTRICTED INDUSTRIAL	2 ACRES	200 FT.	40 FT.	75 FT. (a)	25 FT.	50 FT.	NONE	25%
M-2 INDUSTRIAL	2 ACRES	200 FT.	60 FT.	75 FT. (a)	25 FT. (i)	50 FT. (i)	NONE	40%

OVERLAY DISTRICTS NOT INCLUDED. SEE APPROPRIATE SECTIONS OF CODE RELATED TO OVERLAYS.

ALSO SEE CHART 5.4 RESIDENTIAL FLOOR AREA

*LOT DIMENSIONS, SETBACKS ETC. ARE FOR RESIDENTIAL USES

5.2 NOTES TO SCHEDULE OF REGULATIONS

- (a) All setbacks and/or yard area requirements hereinafter set forth shall be measured from the proposed street right-of way widths, as reflected in the Hancock County Thoroughfare Plan, where such proposed right-of-way widths exceed existing platted and dedicated right-of-way widths.
- (b) In the instance where public sanitary sewers and water systems are not available, new lots will be two (2) acres in size with a minimum frontage of 250 feet.
- (c) The floor area for dwelling units in an apartment building shall not be less than 800 square feet, per family, for one (1) bedroom; 900 square feet, per family, for two (2) bedrooms; 1100 square feet, per family, for three (3) bedrooms; and 1,400 square feet, per family, for four (4) bedrooms. (Also see chart 5.3)
- (d) Where public sanitary sewers and water systems are not available, the front yard setback will be 40 feet.
- (e) Where public sanitary sewers and water systems are available, the side yard setback will be 15 feet.
- (f) Where public sanitary sewers and water systems are not available, the side yard setback will be 20 feet.
- (g) Where public sanitary sewers and water systems are not available, the rear yard setback will be 60 feet.
- (h) Where loading docks are required, see Article 7.4.

5.3 APARTMENTS AND MULTIPLE FAMILY DWELLINGS

No apartment or multiple (three (3) or more families) dwelling site shall have an area less than 30,000 square feet. In addition to this requirement, there shall not be less than 4,000 square feet of land area per unit (i.e. 3 units requires 12,000 square feet of land area)

Apartments and multiple dwellings shall utilize sewage disposal systems approved by the County Board of Health or Environmental Protection Agency (EPA) if applicable.

800 square feet, per family, for one (1) bedroom; 900 square feet, per family, for two (2) bedrooms; 1100 square feet, per family, for three (3) bedrooms; and 1,300 square feet, per family, for four (4) bedrooms.

5.4 RESIDENTIAL FLOOR AREA REQUIREMENTS

The floor area, for a single family, or two-family, or dwelling erected on any lot, shall not be less than that established by the following table:

DISTRICT	NUMBER OF STORIES	MINIMUM RESIDENTIAL GROUND FLOOR AREA	MINIMUM FLOOR AREA PER FAMILY
R-1 SINGLE-FAMILY	ONE	1,400 SF	1,400 SF
	2 OR MORE	1,100 SF	1,400 SF
R-2 TWO-FAMILY	ONE	2,400 SF	1,200 SF
	2 OR MORE	920 SF	1,200 SF
A-1 AGRICULTURE	ONE	1,200 SF	1,200 SF
	2 OR MORE	1,000 SF	1,200 SF

5.5 RECORDED LOT EXCEPTION

Lot requirements for any lot of record existing at the effective date of this Resolution in any "A", or "R" District shall not preclude the construction of a single-family dwelling even though its area and width are less than the minimum requirements set forth herein.

5.6 SIDE YARDS FRONTING ON STREETS

Lots having frontage on more than one (1) street shall provide at least the required front yard for the District in which it is located, and at least the same distance for the side yard facing the other street, and all regulations applicable to a front yard shall apply to such side yards.

5.7 ARCHITECTURAL PROJECTIONS

Covered structures, such as porches, balconies, bay windows, chimneys (real or otherwise) or platforms, shall be considered a part of the building to which attached, and shall not project into the required minimum front, side, or rear yard except for ADA compliant access ramps.

5.8 SINGLE-FAMILY EXCEPTIONS

In all "R" Districts where a single-family residence is to be constructed and group sewage is available, it shall comply with the yard and area requirements under group sewage standards for an "R-1" District.

5.9 SIDE AND REAR YARD REQUIREMENTS FOR NON-RESIDENTIAL USES ABUTTING "R" DISTRICTS

5.9.1. DISTANCES

Non-residential buildings or uses shall not be located or constructed closer to any lot line of any other lot in any "R" Districts than the distance specified in the following schedule, except as provided in Paragraph 5.9.2. of this Section:

Minimum Side or Rear Yard Abutting Any "R" District	Use
35 Feet	Off-street parking spaces and access drives for non-residential uses.
50 Feet	Churches, schools, and public buildings.
80 Feet	Recreational facilities, entertainment facilities, motels, trailers, and mobile home parks, all commercial uses and billboards.
150 Feet	Outside sale or storage of building materials or construction equipment, all industrial uses, except those listed below.
500 Feet	Auto and metal salvage operations.

5.9.2 LANDSCAPING OR SCREENING PROVISIONS

For non-residential uses abutting an "R" district, the minimum yards may be reduced by twenty-five percent (25%) of the above requirements if acceptable landscaping or screening, approved by the Zoning Inspector, is provided. Such screening shall be a masonry or solid fence six (6) feet in height, maintained in good condition. Landscaping, in lieu of such wall or fence, shall consist of a strip of land not less than fifteen (15) feet

wide, planted with an evergreen hedge, or dense planting of evergreen shrubs, not less than six (6) feet in height. Mounding may reduce plant height by 2 feet where mounds are measuring 4 feet. Total height would measure 8 feet.

5.10 ACCESSORY STRUCTURES AND BUILDINGS

Accessory buildings, except as otherwise permitted in this Resolution, and except for single-family residences in an "A-1" Agricultural District", shall be subject to the following regulations:

- A. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to, all regulations of this Resolution applicable to the main building.
- B. Accessory buildings shall not be erected in any minimum side yard setback nor in any front yard.
- C. An accessory building shall not occupy more than twenty-five percent (25%) of a required rear yard, provided that in a Residential District, the accessory building shall not exceed the ground floor area of the main building.
- D. No detached accessory building shall be located closer than ten (10) feet to any main building, nor shall it be located closer than ten (10) feet to any side or rear lot line.
- E. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one (1) foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement and/or right-of-way.
- F. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot to the rear of such corner lot. In no instance shall an accessory building be located nearer than ten (10) feet to a street right-of-way line.
- G. On lots with double frontage, screening shall be required as a condition of the building permit. The amount of screening shall be a minimum of one (1) bush per every two (2) feet.

5.11 DISPLAY OF MERCHANDISE

Where merchandise is permitted by this Resolution to be displayed outside a structure or building, same shall be subject to the following regulations:

- A. If the merchandise displayed is four (4) feet or less in height, it shall not be located nearer than five (5) feet to any public or private road right-of-way.

- B. If the merchandise to be displayed is greater than four (4) feet in height, it shall not be located nearer than twenty-five (25) feet to any public or private road right-of-way.

5.11 PARKING AND STORAGE OF TRAILER VEHICLE, CAMPERS OR MOBILE HOMES

The parking and storage of all campers, recreational vehicles, motor homes, boats or boat trailers, and other mobile recreational apparatus shall be in accordance with and shall respect all requirements applicable to accessory structures and buildings insofar as distances from principal structures, lot lines, locations, and easements are concerned. All trailers or campers parked, or stored shall not be connected to sanitary facilities, and shall not be occupied.

The parking and storage of a mobile home for periods exceeding twenty-four (24) hours, on lands not approved for mobile home parks, shall be expressly prohibited, except that the Zoning Inspector may extend Temporary Permits, allowing the parking of a mobile home on private property not to exceed a period of two (2) weeks. Such mobile home shall not be connected to sanitary facilities, and shall not be occupied.

Article VI. Height Regulations

6.1 MAIN BUILDINGS AND STRUCTURES 6.2 ACCESSORY STRUCTURES

6.3 EXCEPTIONS TO HEIGHT REQUIREMENTS

6.1 MAIN BUILDINGS AND STRUCTURES

All main structures and/or principal buildings shall be subject to the following regulations:

- A. Structures in excess of two (2) stories or thirty (30) feet above grade level, shall not be permitted in "A-1" Agricultural or "R-1" Residential, and "B-1" Institutions and Offices Districts. Structures in excess of three (3) stories or thirty-five (35) feet above grade level, shall not be permitted in "R-3" Residential, "B-2" Local Business or "B-3" General Business Districts. Structures in excess of forty (40) feet above grade level shall not be permitted in "M-1" Restricted Industrial Districts. Structures in excess of sixty (60) feet above grade level shall not be permitted in "M-2" Industrial Districts.
- B. In all areas where a structure which is permitted exceeds thirty (30) feet above grade level, the required front, side or rear yard setbacks shall be increased by one (1) foot for each additional one (1) foot in height of the structure over thirty (30) feet above grade level except that no structure shall be erected exceeding sixty (60) feet above grade level without prior approval of the Zoning Commission.

6.2 ACCESSORY STRUCTURES

No detached accessory building and/or structure in a "R-1", "R-2" or "R-3" District shall exceed one (1) story or fourteen (14) feet in height, nor exceed the height of the main building and/or structure on the premises. Accessory buildings and/or structures in all other Districts may be constructed to equal the permitted maximum height of structures in said Districts, subject to Zoning Commission review and approval if the building exceeds one (1) story or fourteen (14) feet in height.

6.3 EXCEPTIONS TO HEIGHT REQUIREMENTS

The height regulations prescribed herein may be modified as they apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, storage towers or cooling towers, and spires, chimneys, silos and similar structures for bulk storage, grain elevators, agricultural barn structures, elevator bulkheads, smokestacks, conveyors and flagpoles, except where the height of such structures will constitute a hazard to the safe landing and take-off of military, public, commercial and private aircraft at an established airport, or where such structure requires authorization or approval as a Conditional Use. Such modification may be allowed by the Board of Zoning Appeals upon application thereto.

Article VII. Off Street Parking and Loading Requirements

7.1 OFF-STREET PARKING REQUIRMENTS
7.2 INTERPRETATION

7.3 OFF-STREET PARKING SPACE LAYOUT,
STANDARDS, CONSTRUCTION AND
MAINTENANCE
7.4 OFF-STREET LOADING REQUIREMENTS

7.1 OFF-STREET PARKING REQUIREMENTS

7.1.1 GENERAL REQUIREMENTS:

In all Districts, in connection with every industrial business, institutional, recreational, residential or other use, there shall be provided, at any time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the following requirements:

- A. Each off-street parking space shall have an effective area of not less than one hundred eighty (180) square feet (9' x 20') exclusive of access drives or aisles, and shall be measured rectangular. Off-street spaces for the purposes of this section may include garages and carports.
- B. Striping and Marking – Parking spaces and aisles shall be clearly designated and marked to assure approved utilization of space, direction of traffic flow and general safety. Parking spaces for the handicapped shall be reserved and designated with a standing sign (not painted on the pavement) displaying the symbol of accessibility.
- C. The use of parking spaces for the storage of merchandise, sale of motor vehicles, or the repair of motor vehicles is prohibited.
- D. Off-street parking existing at the effective date of this Resolution, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- E. Driveways - All driveways serving parking lots for five (5) or more vehicles shall be served by a driveway not less than twenty (20) feet in width but adequate in width to permit easy access to parking spaces. Access to roadways shall comply with Hancock County Access Management Regulations.
- F. Off-street parking spaces may be located within a rear yard or within a side yard which is in excess of the minimum side yard setback unless otherwise provided in this Resolution. Off-street parking shall not be located within a required front yard or side yard setback, except as follows:
 - 1. In B-1, B-2 and B-3 Districts, off-street parking may be permitted to occupy a portion of the required front yard provided that there shall be maintained a

minimum unobstructed and landscaped setback of ten (10) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line as indicated on the Hancock County Thoroughfare Plan.

2. In M-1 and M-2 Districts, off-street parking may be permitted within the required front yard provided that such off-street parking is not located within thirty (30) feet of the nearest right-of-way line as indicated on the Hancock County Thoroughfare Plan.
- G. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- H. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions on Accessory Buildings of this Resolution.

7.1.2 NUMBER OF SPACES REQUIRED:

The number of off-street parking spaces to be provided shall not be less than the following:

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
1. RESIDENTIAL	
(a) Residential, One-Family and Two-Family	Two (2) for each dwelling unit.
(b) Residential, Multiple-Family	Two (2) for each dwelling unit.
(c) Housing for the Elderly	One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided.
(d) Mobile Home Park	Two (2) for each mobile home site and one (1) for each employee of the mobile home park.

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
2. INSTITUTIONAL	
(a) Churches	One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship.
(b) Hospitals	One (1) for each one (1) bed and one for each employee on the largest shift.
(c) Homes for the Aged and Convalescent Homes	One (1) for each four (4) beds and one (1) for each employee on the largest shift.
(d) Elementary and Junior High Schools	One (1) for each one (1) teacher, employee and administrator. In addition, auditorium and gymnasium parking requirements are computed separately per parking requirements in this resolution.
(e) Senior High Schools	One (1) for each one (1) teacher, employee and administrator and one (1) for each three (3) students, in addition to the requirements for the auditorium.
(f) Private Clubs or Lodge Halls	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state, fire, building or health codes.
(g) Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs or Other Similar Uses	One (1) for each two (2) member families or individuals plus spaces required for each accessory use, such as a restaurant or bar.
(h) Golf Courses Open to the General Public, Except Miniature or "Par-3" Courses	Six (6) for each one (1) golf hole and one (1) for each one (1) employee plus spaces required for each accessory use, such as a restaurant or bar.
(I) Auditoriums, gymnasiums, and theaters	One (1) for each three (3) seats plus one (1) for each two (2) employees.

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
3. BUSINESS AND COMMERCIAL	
(a) Planned Commercial or Shopping Centers	One (1) for each two hundred (200) square feet of building floor area.
(b) Auto Wash (automatic)	One (1) for each one (1) employee. In addition, reservoir parking spaces equal in number to five (5) times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20).
(c) Auto Wash (self-service or coin operated)	Three (3) for each washing stall in addition to the stall itself.
(d) Beauty Shop or Barber Shop	Two (2) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1½) spaces for each additional chair.
(e) Bowling Alleys	Five (5) for each (1) bowling lane plus accessory uses.
(f) Dance Halls, Pool or Billiard Parlors, Roller Skating Rinks, Exhibition Halls, and Assembly Halls Without Fixed Seats	One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
(g) Establishment for Sale and Consumption on the Premises of Beverages, Food or Refreshments	One (1) for each one hundred (100) square feet of building and floor area or one (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
(h) Furniture and Appliance, Household Equipment, Repair Shops, Showroom of a Plumber, Decorator, Electrician, or Similar Uses	One (1) (With a minimum of 4 places) for each eight hundred (800) square feet of building floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein.)

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
3. BUSINESS AND COMMERCIAL (cont.)	
(I) Gasoline Stations	One (1) for every 200 square feet of building area in addition to spaces provided for individual pump areas.
(j) Laundromats and Coin Operated Dry Cleaners	One (1) for each two (2) washing and/or dry cleaning machines.
(k) Miniature or "Par-3" Golf Courses	Three (3) for each one (1) hole plus one (1) for each employee.
(l) Mortuary Establishments	One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
(m) Motel, Hotel, or Other Commercial Lodging Establishments	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee.
(n) Motor Vehicular Sales and Service Establishments	One (1) for each two hundred (200) square feet of building floor area of the sales room, and two (2) for each auto service stall in the service room.
(o) Retail Stores Except as Otherwise Specified Herein	One (1) for each three hundred (300) square feet of building floor area.
4. OFFICES	
(a) Banks	One (1) for each one hundred fifty (150) square feet of building floor area.
(b) Business Offices or Professional Offices Except as Indicated in the Following Item (c)	1 ½ Per employee or 1 per each 300 Sq. Ft. (Whichever is greater)
(c) Professional Offices of Doctors, Dentists or Similar Professions	One (1) for each One Hundred (100) square feet of building floor area and waiting rooms, and one (1) for each examination room, dental chair or similar use area.

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
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5. INDUSTRIAL	
(a) Industrial or Research Establishments and Related Accessory Offices	Five (5) plus one (1) for every one and one-half (1½) employees in the largest working shift. Plus 1 for each motor vehicle used in business.
(b) Warehouses and Wholesale	Five (5) plus one (1) for every one (1) employee in the largest working shift. Plus 1 for each motor vehicle used in business.

7.2 INTERPRETATION

The following rules shall govern the determination of spaces required:

- A. Fractional numbers shall be increased to the next whole number.
- B. Spaces shall be provided in connection with the expansion of any building or use in accordance with the expanded floor area, increased number of employees, beds or seats, or the increased number of residential units.
- C. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Zoning Commission considers is similar in type.

7.3 OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE

Whenever the off-street parking requirements in ARTICLE 7 above require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- A. No parking lot shall be constructed unless and until the Zoning Inspector therefore issues a permit.
- B. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements: (See Fig. 6 & 7, Pgs. 138-139)

	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width Of One Tier Of Spaces Plus Maneuvering Lane	Total Width Of Two Tiers Of Spaces Plus Maneuvering Lane
0° (parallel parking)	12'	8'	23'	20'	28'
30° to 53°	12'	8' 6"	20'	32'	50'
54° to 74°	15'	8' 6"	20'	36' 6"	58'
75° to 90°	24'	9'	20'	44'	64'

- C. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- D. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles for a parking lot lying in an area zoned for other than single-family residential use.
- E. All maneuvering lane widths shall permit one-way traffic movement except that the 90° pattern may permit two-way movement.
- F. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any Single-Family Residential District.
- G. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet - six inches (4'-6") in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a Residential District.
- H. When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

- I. The entire parking area, including parking spaces and maneuvering lanes, required under this Section shall be provided with asphalt or concrete surfacing. The parking area shall be surfaced within one (1) year of the date the Permit is issued.
- J. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area.

7.4 OFF-STREET LOADING REQUIREMENTS

In any District, in connection with every building or part thereafter erected and having a gross floor area of five thousand (5,000) square feet or more which is to be occupied by manufacturing, storage, warehousing or similar uses requiring or receiving material by vehicle, goods display, retail store, wholesale store, market or hotel, there shall be provided and maintained, on the same lot with such building, at least one (1) off-street loading space plus one (1) additional such loading space for each ten thousand (10,000) square feet.

All spaces shall be laid out in the dimension of at least twelve by seventy-five (12 X 75) feet, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphalt or concrete binder so as to provide a permanent, durable and dustless surface.

All loading and unloading in "M" Districts shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an Industrial District across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least fifty (50) feet.

Loading areas shall be provided for four (4) cars stacking independent of the drive and aisle ways.

Article VIII. Performance Requirements

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|---|---|
| 8.1 NUISANCE | 8.14 ACCESS THROUGH YARDS |
| 8.2 DRAINAGE | 8.15 OUTDOOR THEATERS |
| 8.3 TRAILERS, TRAILER COACHES, MOBILE HOMES AND MOBILE HOME PARKS | 8.16 COMMERCIAL TELEVISION & RADIO TOWERS AND PUBLIC UTILITY MICROWAVES & PUBLIC UTILITY TELEVISION TRANSMITTING TOWERS |
| 8.4 GAS AND OIL WELLS | 8.17 SWIMMING POOLS |
| 8.5 TEMPORARY BUILDINGS AND STRUCTURES | 8.18 ARTIFICIAL PONDS AND LAKES |
| 8.6 TEMPORARY USE OF BUILDING, STRUCTURE OR LAND | 8.19 LOTS HAVING WATER FRONTAGE |
| 8.7 ROADSIDE STANDS FOR SALE OF AGRICULTURAL PRODUCTS | 8.20 TRAFFIC VISIBILITY ACROSS CORNER LOTS AND AT INTERSECTIONS |
| 8.8 AGRICULTURAL LABOR CAMPS | 8.21 SIDEWALKS |
| 8.9 EXTERIOR LIGHTING | 8.22 FIRE HYDRANTS |
| 8.10 RESIDENTIAL ENTRANCEWAY | 8.23 STREET LIGHTS |
| 8.11 SCREENING REQUIREMENTS | 8.24 DEMOLITION REQUIREMENTS |
| 8.12 FENCES (RESIDENTIAL) | 8.25 ENFORCEMENT PROVISIONS |
| 8.13 FRONTAGE ON A PUBLIC STREET | |

The following performance requirements and/or exceptions shall govern all uses in all Districts created by this Resolution.

8.1. NUISANCE

No land, building, or structure in any District shall be used or occupied in any manner in violation of the use district within which they are located, or create any dangerous, injurious, hazardous, noxious, unhealthy, noisy, malodorous, or otherwise objectionable element or condition which is detrimental to the health, safety, comfort, or welfare of the neighboring area or the inhabitants of the Township.

Such uses of lands, buildings, or structures in the manner aforesaid are hereby declared to be a public nuisance per se, and may be abated by order of any Court of competent jurisdiction.

8.2 DRAINAGE

In any District and in connection with any use or structure, the owner, lessee, or user shall provide drainage per approval of the County Engineer. Insofar as possible, all surface waters and drainage shall be disposed of on the owner's, lessee's, or user's own property, and if not such waters shall be disposed of so as not to adversely effect the neighboring or adjacent property.

This provision shall not apply to the installation of agricultural field drainage tile.

If any drainage increase is expected to affect adjacent property the owner, lessee, or user shall be responsible for securing permission from such owners and shall not connect to or interfere with existing drainage systems on the property of others, unless it is with their approval and the approval of the Zoning Inspector.

In no event shall any person interdict or interfere with any existing tile or surface drain channel

unless it is determined that such tile or channel can be removed or relocated without interfering with the drainage on adjacent properties.

8.3 TRAILERS, TRAILER COACHES, MOBILE HOMES AND MOBILE HOME PARKS

- A. No trailer, trailer coach or mobile home shall be used outside a permitted mobile home park to provide living quarters or space for the conduct of business, except that a mobile home may be used as a temporary accessory building during the construction of a principal building on the issuance of a Temporary Permit by the Zoning Inspector.

Subject to approval of the Zoning Commission, mobile homes are permitted adjacent to an existing dwelling and for use of the immediate family (parents or children). Such mobile homes shall not be used as rental units, and shall be located on the site in accordance with yard requirements specified for residential uses in "A-1" Agricultural Districts. Mobile homes, when moved into place, shall be at least four hundred (400) square feet in floor area, and be placed on concrete supports and be properly anchored.

When an immediate family member no longer occupies the mobile home, it shall be removed from the site within sixty (60) days.

- B. Mobile Home Parks: Because mobile home parks possess site design and density characteristics similar to multiple-family development, they are permitted herein as transitional uses between Multiple-Family and Business or Light Industrial areas. Mobile home parks shall be permitted in the "R-3" Multiple-Family Residential Districts, in the "B-3" General Business Districts, and in the "M-1" Light Industrial Districts, subject to the following location requirements:

1. "R-3" Multiple-Family Residential Districts: Mobile home parks located in "R-3" Districts shall abut "R-3" Districts on not more than three (3) sides and shall abut a "B-3" General Business District or a "M-1" Light Industrial District on at least one (1) side. Mobile home parks shall not abut "R-1" or "R-2" Districts and shall have direct access to a major thoroughfare or major local route, either existing or proposed.
2. "B-3" General Business or "M-1" Light Industrial Districts: Mobile home parks located in "B-3" or "M-1" Districts shall abut "B-3" or "M-1" Districts on no more than three (3) sides and shall abut a "R-3" Multiple-Family Residential District on at least one (1) side. Mobile home parks shall have direct access onto a major thoroughfare or major local route, either existing or proposed.

- C. Mobile home parks where permitted shall observe the following requirements:

1. No mobile home park shall have an area less than two (2) acres.
2. Lot Area - Each mobile home space shall consist of not less than five thousand (5,000) square feet, such space shall be clearly defined and marked. There shall be not more than one (1) mobile home stationed on any one (1) space.

3. Lot Width - Each mobile home site shall have a minimum lot width of forty-five (45) feet measured at right angles to a longitudinal median line of the lot at fifteen (15) feet from the front lot line.
4. Lot Depth - Each mobile home site shall have a minimum lot depth of eighty-five (85) feet measured along the longitudinal median.
5. Lot Coverage - Not more than twenty-five percent (25%) of the area of any mobile home space shall be occupied by a mobile home or attendant accessory structures.
6. Distance Between Mobile Homes - Mobile homes shall be so harbored on each space so that there shall be at least a twenty-five (25) foot clearance between mobile homes, provided, however, that with respect to mobile homes parked end-to-end clearance may be less than twenty-five (25) feet but not less than twenty (20) feet.
7. Setback Requirements - No mobile home shall be located closer than forty (40) feet from any building within the mobile home community or fifty (50) feet from any property line bounding the mobile home community. Mobile homes shall be situated at least fifteen (15) feet from the front lot line of any mobile home space.
8. Sewage Disposal - Every occupied mobile home shall be connected to a sanitary sewer or a sewage disposal system approved by the County Board of Health.
9. Building Height Regulations - The maximum height of any structures in a mobile home park shall be one (1) story or fourteen (14) feet.
10. Recreational Area - A common park and recreational area shall be provided and shall consist of at least one hundred and fifty (150) square feet per mobile home space. The length of such area shall not exceed two (2) times its width.
11. Parking and Access - Parking shall be provided and maintained at a minimum ratio of two (2) spaces for each mobile home space and such parking spaces shall be situated off any public and private roadways. All private roadways shall have unobstructed access to a major thoroughfare or major local route.
12. Screening - An intense greenbelt screen not less than twenty (20) feet in width shall be located along all property lines except street frontage lines.
13. Landscaping and Maintenance - The park shall be permanently landscaped and maintained in good condition.

8.4 GAS AND OIL WELLS

Gas and oil wells and attendant storage areas permitted by this Resolution shall be located a minimum of two hundred (200) feet from any property or right-of-way line. The site shall be maintained in good condition, and structures shall harmonize, insofar as possible, with the character of the structures in the District in which they are located.

8.5 TEMPORARY BUILDINGS AND STRUCTURES

Temporary buildings or trailers, other than trailers for living purposes, used in conjunction with construction work only, may be permitted in any District during the period that the construction work is in progress, not to exceed eighteen (18) months. Such temporary buildings shall be removed upon completion of the construction work or until permit expires. Permits for temporary buildings shall be issued for a nine (9) month period, and must be renewed for their continued use.

Permits for temporary mobile homes may be issued by the Zoning Inspector for use by the owner of the land upon which it sets, for private residential purposes, only during the period of construction of a permanent, conforming residential structure by said owner on the same land. However, in no event shall such permit be issued, or such temporary use be allowed for a period greater than ten (10) months.

8.6 TEMPORARY USE OF BUILDING, STRUCTURE OR LAND

An existing structure, building or land may be used for a purpose which does not conform with this Resolution such as tent meetings, circuses, temporary storage, etc., for a period not to exceed two (2) weeks in any calendar year. Permits for such temporary uses may be issued for a one (1) week period, and must be renewed for its continued use.

Such permits shall be issued only if the Zoning Inspector finds that such use will not injure or annoy neighboring property owners or users thereof, and is satisfied that such uses will be discontinued and all equipment or property in connection therewith removed immediately upon the expiration of the permit.

8.7 ROADSIDE STANDS FOR SALE OF AGRICULTURAL PRODUCTS

Agricultural products may be sold at roadside stands, providing twenty-five percent (25%) of the items are grown on the property upon which the stand is located. Such stands shall be set back at least forty (40) feet from the right-of-way line. Adequate off-road parking facilities shall be maintained for customers' vehicles, in order to promote public safety.

8.8 AGRICULTURAL LABOR CAMPS

Agricultural labor camps are a permitted conditional use in Agricultural Districts only. Prior to construction of an agricultural labor camp a Certificate is required as set forth in Article 4.1.3. Construction of an agricultural labor camp must be in strict compliance with Ohio Revised Code,

Sections 3733.41 through 3733.99 inclusive, as well as Chapter 3701-33 of the Ohio Administrative Code. Chapter 3701-33 of the Ohio Administrative Code provides specific minimum requirements for licensing of an agricultural labor camp which must be strictly adhered to. The Director of the Department of Health of the State of Ohio or his designee shall conduct the inspection, regulation, and annual licensing of all agricultural labor camps as set forth in Ohio Revised Code, Section 3733.46(B) and Chapter 3701-33 of the Ohio Administrative Code. In addition, the regulation of water source and sewage and water disposal must satisfy the regulations of the Ohio Environmental Protection Agency, Division of Public Drinking Water and Division of Water Pollution Control.

An agricultural labor camp shall be accessory to the land on which it is located, and rental of such facilities to migrant laborers working on land owned by others shall not be permitted, unless the owner of the agricultural labor camp is renting such other land. The rental of farm labor camp facilities shall be subject to the review and approval of the Board of Zoning Appeals to assure that the facility does not become a de facto multiple-family housing complex rather than a temporary housing facility.

8.9 EXTERIOR LIGHTING

All outdoor lighting in all Use Districts used to light the general area of a specific site or for external illumination of buildings or structures, shall be shielded and arranged to reduce glare and to reflect light away from all adjacent and neighboring persons, property or public roads and highways, and so as to not interfere with the vision of such persons or adjacent property.

For commercial, business, and industrial zones and any roadway adjacent to residential zones:

- A. Any light fixture must be placed in such a manner that no light emitting surface is visible from any residential area or public/private roadway, walkway, trail or other public way when viewed at ground level.
- B. The level of lighting shall not exceed 0.5 footcandles at any residential property line or 1.0 footcandles at any non-residential property line.
- C. Any canopy structure used at a business location must have recessed lights with diffusers which do not extend below the surface of the canopy.
- D. Any luminaries on a pole, stand or mounted on a building must have a shield, an adjustable reflector and non-protruding diffuser.

8.10 RESIDENTIAL ENTRANCEWAY

In all Residential Districts, entranceway structures including but not limited to, walls, columns and gates, marking entrance to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in ARTICLE 8.21 - Traffic Visibility Across Corner Lots and Intersections, provided that such entranceway structures shall comply with all applicable building codes and shall be approved by the Zoning Inspector and a permit issued. New accesses require permits per the Hancock County Access Management Regulations.

8.11 SCREENING REQUIREMENTS

- A. For those Use Districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a Residential District, an obscuring screen as required below:

USE	
1. Off-street Parking Area	4' - 6" High Screen minimum
2. "B-1", "B-2" and "B-3" Districts	4' - 6" High Screen minimum
3. "M-1" and "M-2" Districts	4' - 6" to 8' High Screen, depending upon the nature of the functions being obscured
4. Auto Wash, Drive-In Restaurants	6' High Screen minimum

Required screening devices may take the form of walls, earthen breams, greenbelts, or fences, or combinations thereof. In all cases the Zoning Commission shall review the manner of screening proposed to assure that:

1. The screening device will:
 - a. fulfill the intended purpose of reducing the potential detrimental impacts the above referenced uses could have upon an adjacent environment, and
 - b. the screening device can be properly maintained by the operation to which it is appurtenant, and;
2. Required walls shall be located abutting the lot line except where underground utilities or drainage patterns interfere and except in instances where this Resolution requires conformance with front yard setback lines in abutting Residential Districts. Upon review of the Site Plan, the Zoning Commission may approve an alternate location for the wall or may waive the wall requirement, if in specific cases it would serve no useful purpose.

8.12 FENCES (RESIDENTIAL)

Fences are permitted, or required subject to the following:

- A. Fences on all lots of record in all Residential Districts which enclose property and/or are within a required side or rear yard, shall not exceed six (6) feet in height, measured

from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, whichever is greater.

- B. Recorded lots having a lot area in excess of two (2) acres and a frontage of at least two hundred (200) feet, and acreage or parcels not included within the boundaries of a recorded plat, in all Residential Districts, are excluded from these regulations.
- C. Fences on lots of record shall not contain barbed wire, electric current or charge of electricity.
- D. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five percent (25%) of their total area.

8.13 FRONTAGE ON A PUBLIC STREET

- A. No lot shall be used for any purpose permitted by this Resolution, unless said lot abuts a public street, unless otherwise provided for in this Resolution.
- B. For the purposes of this Resolution, a lot shall be considered to abut a dedicated public street when sixty (60') of any side of said lot abuts the dedicated public street, or when an access drive, owned in fee, of not less than sixty feet (60') in width for its entire length, abuts any public street and the lot. An access easement shall not be held to comply with this requirement.

8.14 ACCESS THROUGH YARDS

For the purpose of this Resolution, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. The drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement servicing a like function and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Resolution not be considered to be a structure, and shall be permitted in any required yard. New accesses require permits per the Hancock County Access Management Regulations

8.15 OUTDOOR THEATERS

Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in "M-1" and "M-2" Districts only. Outdoor theaters shall further be subject to the following conditions:

- A. The proposed internal design shall receive approval from the Zoning Inspector and the County Engineer as to adequacy of drainage, lighting and other technical aspects.
- B. Outdoor theaters shall abut a major thoroughfare and points of ingress and egress shall

be available only from such major thoroughfare.

- C. All vehicles, waiting or standing to enter the facility, shall be provided off-street stacking space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
- D. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within, and directed onto, the premises or the outdoor theater site.

8.16 COMMERCIAL TELEVISION AND RADIO TOWERS AND PUBLIC UTILITY MICROWAVES AND PUBLIC UTILITY TELEVISION TRANSMITTING TOWERS

Radio and television towers, public utility microwaves and public utility television transmitting towers, and their attendant facilities shall be permitted in "A-1", "B-1", "B-2", "B-3", "M-1" and "M-2" Districts. These uses shall be subject to the review and approval of the Zoning Commission. Applicants intending to establish such uses shall provide the Commission with engineering data demonstrating the amount of space needed to assure that a tower collapse would be confined to Applicant's property.

8.17 SWIMMING POOLS

Private pools shall be permitted as an Accessory Use in the rear yard only, in all Districts except Business or Industrial Districts.

- A. Private pools shall not require Zoning Commission review and approval.
- B. Whenever a swimming pool is constructed, under this Resolution, access to said pool or pool area shall be restricted on all sides by a fence four (4) feet in height swimming pool structure itself or not, so that access to the swimming pool or swimming pool area is through a controlled gate or other structure four (4) feet in height which restrains access to the pool or pool area. The gate structure shall be of a self-close type with a latch on said gate or structure not readily available for children to open and shall be capable of being securely locked. However, if the entire premises upon which the pool is located is enclosed by a fence or other structure four (4) feet in height, then this provision may be modified, or waived by the Zoning Inspector upon his inspection and approval.
- C. There shall be a minimum distance of not less than ten (10) feet, between the adjoining property line, or alley right-of-way and the outside of the pool wall. Side yard setbacks shall apply to side yards if greater than ten (10) feet.
- D. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.

E. No swimming pool shall be located less than the required front yard setback from any front lot line.

F. No swimming pool shall be located in an easement.

G. Public pools, where permitted by this Resolution, in addition to any other restrictions or regulations provided in this Resolution, shall comply with the provisions set forth in Article 8.18.B.

8.18 ARTIFICIAL PONDS AND LAKES

Artificial ponds or lakes shall be permitted in all Use Districts only with Zoning Commission review and approval.

A. All artificial ponds or lakes shall comply with all requirements of this Resolution including, but not limited to, setback and yard requirements.

B. In determining compliance with setbacks and yard requirements, the measurements shall be made as follows:

1. For in-ground ponds or lakes or portions thereof, from the edge of the pond or lake bank nearest the road right-of-way or lot line to the road right-of-way or lot line.
2. For above-ground ponds or lakes or portions thereof, from the lowest point on the outside of any embankment nearest the road right-of-way or lot line to the road right-of-way or lot line.

C. A site plan shall accompany all applications for a Zoning Certificate for artificial ponds or lakes described in Article 12. The drawing shall be made to scale and include the parcel boundary and all structures on the parcel. Structures on adjacent parcels must be shown if they are situated within two hundred feet (200') of the edge of the proposed water feature.

8.19 LOTS HAVING WATER FRONTAGE

Those residential lots or parcels having water frontage and abutting a public thoroughfare shall maintain the yard on the water side as an open un-obscured yard, excepting that a covered and/or uncovered boat well shall be permitted after review and approval of plans by the Zoning Commission. Accessory structures shall be permitted in the setback between the abutting road right-of-way and the main building providing the front yard setback required in this Resolution is met.

8.20 TRAFFIC VISIBILITY ACROSS CORNER LOTS AND AT INTERSECTIONS

In any District on any corner lot, or at any intersection, no fence, structure or planting shall be erected or maintained within twenty-five (25) feet of the "corner" at a height of more than two (2) feet above the curb or street grade, or so as to interfere with traffic visibility across the corner.

8.21 SIDEWALKS

Sidewalks installed within the Township shall be constructed in accordance with the plans and specifications issued by Hancock County or the City of Findlay. No Certificate of Occupancy shall be issued for any construction where sidewalks are required until such time as the sidewalks are installed or the owner or contractor posts a bond, satisfactory to the Township, providing for the installation of sidewalks at such time as requested by the Township and cover the cost thereof.

- A. Sidewalks shall be installed and constructed in all planned residential developments.
- B. Sidewalks may be required to be installed and constructed in other areas upon construction or development as determined by the Zoning Commission. In determining whether sidewalks shall be required in these areas, the Zoning Commission shall give due regard to neighboring development and pedestrian and vehicular traffic in the area.

8.22 FIRE HYDRANTS

- A. Fire hydrants shall be installed in every planned development where appropriate water mains exist or are to be installed capable of handling fire hydrant service. Fire hydrants shall be installed in accordance with appropriate specifications and so that the distance between fire hydrants on any given waterline will not exceed five hundred (500) feet.
- B. Fire hydrants may be required in other areas of the Township involved in construction or extension of services as determined by the Zoning Commission giving due regard to the nature of the construction, the development of the surrounding area, and the economic relation of the cost of installation of a fire hydrant to the cost to extend water services.

8.23 STREET LIGHTS

- A. Street lights shall be installed in all planned residential, business, commercial, industrial or other similar developments.
- B. Installation and maintenance of street lights may be required in other construction or development by the Zoning Commission, giving due regard to the nature of the development, proximity to streets, roadways and other developments, and existing lighting or visibility in the area.

- C. Maintenance of street lights required pursuant to this resolution shall be the responsibility of the owner of the street lights.

8.24 DEMOLITION REQUIREMENTS

A “no fee” demolition permit is required for any major demolition performed in Marion Township. Major demolition includes any structure exceeding 500 square feet. All structures with foundations also require a permit.

8.25 ENFORCEMENT PROVISIONS

The Zoning Inspector shall refer any proposed use which is likely to violate performance requirements to the Zoning Commission for review. The Zoning Commission, prior to the issuance of a Zoning Certificate, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements, including drainage, are to be controlled so as to conform with performance requirements herein set forth.

Article IX. Sign Code

- | | |
|--------------------------------------|-----------------------------|
| 9.1 SIGNS AND OUTDOOR ADVERTISING | 9.9 NON CONFORMING SIGNS OR |
| 9.2 GENERAL | BILLBOARDS |
| 9.3 PERMITTED SIGNS – NO PERMIT | 9.10 FREESTANDING SIGNAGE |
| REQUIRED | 9.11 DIRECTIONAL SIGNAGE |
| 9.4 PERMITTED SIGNS –PERMIT REQUIRED | 9.12 PROHIBITED SIGNS |
| 9.5 NON-ACCESSORY SIGNS | 9.13 GENERAL REGULATIONS |
| 9.6 LIGHTING | 9.14 ABANDONED SIGN |
| 9.7 SPACING REQUIREMENT | 9.15 PERMITS |
| 9.8 NON ACCESSORY SIGNS AND OUTDOOR | |
| ADVERTISING WHERE PERMITTED | |

9.1 SIGNS AND OUTDOOR ADVERTISING

The purpose of this Section is to promote and protect the public health by regulating existing and proposed outdoor signs of all types in all districts. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance and avoid the “canceling-out” effect, preserve the scenic and natural beauty of the township and countryside, reduce sign distraction and obstructions that may contribute to traffic accidents, and generally curb the deterioration of the township’s natural environment.

9.2 GENERAL

The following conditions shall apply to all signs erected or located in any Use District.

- A. All signs shall conform to all applicable Codes and Resolutions of the Township and shall obtain a Zoning Certificate prior to being constructed, erected, located or altered. However, signs exempted in section 9.3 do not require a permit but must still meet the requirements herein.
- B. No sign, except those established and maintained by the Township, county, state, or federal governments, shall be located in, project into, or overhang a public right-of-way, or dedicated public easement.
- C. No sign otherwise permitted shall project above or beyond the maximum height limitations of the Use District in which located, except that for a planned commercial or shopping center development involving five (5) acres or more under one (1) ownership, the Zoning Commission may modify the height limitation. The Commission shall, however, respect all yards and setbacks in modifying height requirements.

9.3 PERMITTED SIGNS - NO PERMIT REQUIRED:

The following signs shall be permitted in the township subject to the regulations set forth herein. No zoning permit shall be required for any sign constructed or erected under the terms of this article.

9.3.1 Real Estate

Signs used for advertising land or buildings for rent, lease, and/or for sale shall be permitted when located on the land or building intended to be rented, leased, and/or sold, but shall not exceed sixteen (16) square feet in area per face, and shall not exceed two (2) in number with respect to any such land or building. All such signs shall be removed within thirty (30) days after occupancy.

9.3.2 Vehicular Signs

Directional or other incidental signs pertaining to vehicular or pedestrian control on private property shall be permitted, provided that said signs are located outside the right-of-way of any public street or road, do not exceed two (2) square feet of area per side, and do not interfere or obstruct visibility when entering or leaving said property.

9.3.3 Political Signs

The erection of political signs shall be permitted in any district of the township provided that said signs:

- A. Do not interfere with visibility of vehicular traffic entering or leaving the highway;
- B. Are erected or posted not more than forty-five (45) days prior to any election and all signs removed within fifteen (15) days following any elections;
- C. May be posted and removed without destruction of public or private property;
- D. Designate the name and address of the person charged with removal of the sign;
- E. Shall be placed outside the road right-of-way.

9.3.4 Temporary Signs

Signs announcing special public or institutional events.

Such signs shall not exceed thirty two (32) square feet in area per side and shall not be permitted more than thirty (30) days prior to the planned event nor more than seven (7) days after said event. Such sign shall designate the name and address of the person charged with the duty of removing said sign.

9.3.5 Farm Signs

Signs denoting the name and address of the occupants, denoting produce or products for sale on the premises, and denoting membership in organizations. No more than one sign of

any type may be permitted, and it shall be located outside the road right-of-way. Advertising signs may not exceed thirty-two (32) square feet of area per side and all other signs shall be limited to four (4) square feet per side.

9.4 PERMITTED SIGNS - PERMIT REQUIRED:

The following shall be permitted in areas clearly delineated herein and subject to the reasonable regulations set forth.

- A. Accessory signs shall be permitted in any Use District, subject to these Regulations, and other applicable requirements of this Resolution including but not limited to height, setbacks, lighting, etc. Paragraph G. of this Section shall control setbacks under this Paragraph A.
- B. Height limitations for signs are not to exceed 15 feet.
- C. Temporary signs not exceeding fifty (50) square feet per face, announcing the erection of a building, the architect, the builders, contractors, etc., may be erected for a period of ninety (90) days, plus the construction period, not to exceed one (1) year after date of issuance of the Zoning Certificate, or completion of project, after which the sign shall be removed from the premises.
- D. No building wall shall be used for display of advertising or signs, except that pertaining to the use carried on within such building, and such sign may not project more than twelve (12) inches beyond the wall of the building.
- E. One (1) sign shall be permitted for a legal and permitted home occupation. Such sign shall not exceed twelve (12) square feet in area.
- F. Signs and outdoor advertising shall not be located so as to interfere with the visibility of pedestrians, and the safe operation of vehicles entering or leaving any premises, streets or walkways.
- G. Accessory signs shall not be located closer than ten (10) feet to any property line or road right-of-way.
- H. The maximum permitted sign face is limited to 32 square feet. (A two sided sign is permitted this maximum per side.)

9.5 NON-ACCESSORY SIGNS

Non-accessory signs and outdoor advertising shall be permitted only in "A-1", "B-3", "M-1" and "M-2" Districts, except advertising signs pertaining to a real estate development located within the Township of Marion, and designed to promote the sale of the lots or homes within such subdivision located within Marion Township, may be permitted on a temporary basis in any District, except "R" Districts or subdivided lands, unless such land is part of the subdivision being advertised for sale.

9.6 LIGHTING

All lighting in all Use Districts used to illuminate signs or outdoor advertising, either interior or exterior illumination, shall be arranged, constructed and shielded in such a manner so as not to project either direct or reflected light or glare onto adjacent or nearby property, roads, highways, streets, or thoroughfares, or in such a manner as to interfere with the vision of nearby persons.

No signs or outdoor advertising shall consist of moving parts, flashing lights or illumination, but shall be erected only so as to present a steady and consistent appearance, both in its component parts and illuminators.

9.7 SPACING REQUIREMENT

- A. Wherever non-accessory signs or outdoor advertising are permitted, such signs shall not be located closer than one-half ($\frac{1}{2}$) mile from another legal non-accessory sign on the same roadway, street, or highway in an "A-1" District or one-quarter ($\frac{1}{4}$) mile from another legal non-accessory sign on the same roadway, street, or highway in "B-3", "M-1", and "M-2" Districts.
- B. Shall not be placed closer than one thousand five hundred (1,500) feet from the nearest point of any Residence District.

9.8 Non-accessory signs and outdoor advertising where permitted:

- A. Shall not exceed three hundred (300) square feet per face and shall not have more than two (2) faces;
- B. Shall not exceed thirty-five (35) feet in height above the average grade of the site,
- C. Shall Not have a length in excess of four times the height of the sign face.
- D. Shall comply with the general regulations set forth in other provisions of this Resolution and article.
- E. Shall be located in compliance with all local, state and federal regulations controlling the same. Billboards shall be licensed or permitted as may be required by local, state or federal agencies.
- F. Shall be located behind the building setback lines established for the district

9.9 NON-CONFORMING SIGNS OR BILLBOARDS:

Any sign or billboard in existence within the Township prior to the effective date of this Article that does not conform with the provisions of this Article is considered to be non-conforming. Any sign or billboard that does not conform to the provisions of this Article shall be allowed to continue in its non-conforming status provided the sign or billboard was erected in compliance in all respects with applicable laws in existence on the date of its erection. A non-conforming sign or billboard shall not be structurally relocated unless it is brought into compliance with the provisions of this Article. Should any replacement or relocation take place without being brought into compliance, the sign or billboard shall be existing illegally. A non-conforming sign or billboard shall be maintained or repaired in accordance with the following provisions:

- A. The size and structural shape shall not be changed or altered.
- B. The copy may be changed, provided that the change applies to the original nonconforming use associated with the sign or billboard and that the change is made by the owner of the sign or billboard at the time the sign or billboard became nonconforming; the copy area shall not be enlarged. Any subsequent owner or user shall bring the sign or billboard into compliance.
- C. In the case where damage occurs to the sign or billboard to the extent of fifty (50%) percent or more of either the structure or the replacement value of the sign or billboard the sign or billboard shall be brought into compliance. Where the damage to the sign or billboard is less than fifty (50%) percent of the structure or its replacement value, the sign or billboard shall be repaired within thirty (30) days, after notification of the sign owner by certified mail.

9.10 Freestanding Signage

Freestanding accessory signs shall not exceed fifty (50) square feet per face in area and shall be limited to two (2) such signs per premises.

9.11 Directional Signage

Signs identifying ingress and egress points (i.e. exit and entrance signs) shall be limited to two (2) per access point, shall be not greater than two (2) square feet in area per face, shall not exceed three (3) feet in height, and may be located within five (5) feet of the lot line or road right-of-way line.

9.12 PROHIBITED SIGNS

The following signs and billboards shall be prohibited in Marion Township:

- A. All signs not specifically permitted by the express terms of the Township Zoning Resolution.
- B. Portable signs or billboards, pennants, streamers, flashing lights, string of lights or air

activated attraction devices.

- C. Signs or advertising erected and maintained in trees or painted or drawn upon rocks or other natural features.
- D. Except for identification signs on agricultural buildings, no sign or billboard shall be located directly upon the wall or roof of any building, structure or fence.

No sign shall be attached to any fence within the right-of-way of any road. No sign shall be attached to any fence regardless of location without the permission of the owner of the fence.

Signs mounted upon the roof of any building or structure.

Signs or advertising devices which attempt, or appear to attempt, to direct the movement of traffic, or which interfere with, imitate or resemble an official sign, signal or device.

9.13 GENERAL REGULATIONS:

The following regulations and restrictions shall apply to all signs located and erected within Marion Township, regardless of type, style, location, design or other classification.

- A. Location - No sign shall be located within the right-of-way of any public or private road within the township.
- B. Lighting
 - 1. No sign shall be illuminated to a level, which causes unnaturally high light levels on adjacent property.
 - 2. No illuminating device for any sign shall be designed which permits the direct beaming of any light onto adjacent thoroughfares thereby creating a hazard to vehicular traffic.
 - 3. No flashing, rotating or moving light source shall be permitted on any sign within this township.
- C. Height - No signs within Marion Township shall be erected to a height greater than fifteen (15) feet except as specified in Article 9.8.
- D. Sight Interference - No sign shall be permitted in Marion Township which interferes with the visibility of pedestrian or vehicular traffic entering, leaving or operating on thoroughfares.
- E. Stability - Display signs shall be constructed to withstand a wind pressure of at least thirty (30) pounds per square foot of surface, and shall be fastened, suspended or supported so that they will not be a menace to persons or property.

- F. Maintenance - All signs or billboards constructed or erected within Marion Township shall be maintained as follows: All sign surfaces, supports, braces, guys and anchors shall be kept in repair and in a proper state of preservation by painting or otherwise.
- G. Traffic Safety - Colors, etc. - Display signs shall not closely resemble or approximate the shape, form and color of official traffic signs, signals and devices.
- H. Sign Area - The aggregate sign area or display surface of all exterior signs of every nature shall not exceed three (3) square feet for each lineal foot of the street frontage of such building, if a one-story building, or four (4) square feet per foot, if more than one story in height. Street frontage is defined as the total width of that side of the building, which faces the street, excluding any extension of a building wall beyond the building itself. In the case of a corner lot or other situation where the building site abuts more than one public street, not including alleys, the applicant shall specify which is the primary frontage, and signs may be permitted on the basis of the area authorized above for each lineal foot of primary street frontage and one-half thereof for each lineal foot of other street frontage.

The total sign area on any one side of a building shall not exceed the allowable area for such side computed in accordance with the foregoing rules. In the case of a building which does not front on a public street, as in shopping centers, the drives, and parking areas adjacent to such building shall be considered as public streets for the purpose of this Resolution, provided that where any such drive or parking area abuts a Residential District, the frontage of the building on such drive or Parking area shall not be considered as frontage for such purpose if the distance from such building to the nearest private property in said Residential District is less than one hundred fifty (150) feet.

9.14 ABANDONED SIGN:

If any sign or billboard shall become abandoned, in the manner defined herein, such a sign or billboard is declared to be a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and blighting influence on nearby properties. An abandoned sign or billboard is defined as any sign or billboard that meets any one of the following criteria:

- A. Any sign or billboard associated with an abandoned nonconforming use.
- B. Any sign or billboard that remains after the termination of a business. A business has ceased operations if it is closed to the public for at least one hundred and eighty (180) consecutive days. Seasonal businesses are exempted from this determination.
- C. Any sign or billboard that is not maintained in accordance with this Resolution.

When the Zoning Inspector finds, upon investigation, that a sign or billboard has been abandoned, as defined herein, he shall notify the owner of said sign and the owner of the land on which the sign is

located, by certified mail or by personal delivery, of his findings. Such notice shall advise sign has been declared abandoned and must be removed within thirty (30) days of said notice. The sign owner may appeal such decision to the Board of Zoning Appeals as provided in Article 17 of this Resolution. It shall be the duty of the Zoning Inspector to maintain a photograph and file on said sign together with a written report of his findings for submission to the Board of Zoning Appeals upon request. If the sign is not removed, as ordered, the same may be removed by the township at the expense of the leasee or owner. If the township is not immediately reimbursed for such costs, the amount thereof shall be certified to the Hancock County Auditor for collection as a special assessment against the property on which sign is located.

9.15 PERMITS

- A. Fees - The applicant for a permit herein shall pay such fee as is prescribed by the Marion Township Trustees. Such fees shall be prescribed annually, or more often, by the Trustees.
- B. Term of Permit - The zoning permit issued pursuant hereto shall be valid so long as the owner complies with the terms and conditions of this Zoning Resolution or any amendment thereto.
- C. Inspector - Prior to erection all signs or billboards erected within this Township are subject to inspection, whether a permit is required or not. The Township Zoning Inspector or any other official of the Township is hereby authorized to enter upon any property or premises to ascertain whether the provisions of this Article are being complied with. Such inspection may be made at any reasonable time, and the Township Zoning Inspector may order the removal of any sign or billboard that is not maintained in accordance with the provisions of this Resolution.
- D. Cancellation of Permit - In the event that the owner of any sign or property fails to comply with the terms of this Zoning Resolution, said permit may be revoked upon compliance with the following terms:
 - 1. Notice - The Township Zoning Inspector shall notify both the owner of the sign and land upon which it is located of any deficiency or violation of this Resolution.
 - 2. Notice shall be served personally or by ordinary mail at the last known address of the permit holder.
 - 3. The permit holder may seek a hearing on said notice by complying with the provisions of Article 17 of this Resolution dealing with revocation of the Conditional Use Permit. Failure to correct deficiencies or to appeal the decision of the Zoning Inspector within thirty (30) days will result in cancellation of the permit for such sign and said sign shall then be removed as provided by this Resolution.

- E. Removal of Signs - The Township Zoning Inspector may effect removal of any sign illegally placed within the right-of-way of any road within this Township. The Zoning Inspector shall store said sign and shall notify the owner thereof of its location, by ordinary mail. If the owner of any sign fails to claim the same within thirty (30) days after mailing of notice by the Zoning Inspector, said sign may be destroyed.

Article X. Adult Entertainment Establishments/Adult Entertainment Uses

- 10.1 PURPOSE
- 10.2 MITIGATING SECONDARY EFFECTS
- 10.3 PERMITTED DISTRICTS/ CONDITIONAL USE
- 10.4 LOCATION REQUIREMENTS
- 10.5 MEASURE OF DISTANCE
- 10.6 NO VARIANCE
- 10.7 SUBSEQUENT DEVELOPMENT WITHIN LOCATIONAL STANDARDS
- 10.8 NON-CONFORMITY
- 10.9 DEFINITIONS
- 10.10 OPERATING PROVISIONS
- 10.11 ENFORCEMENT
- 10.12 APPEALS
- 10.13 REGULATION OF OBSCENITY SUBJECT TO STATE LAW
- 10.14 REGULATION OF MASSAGE ESTABLISHMENTS SUBJECT TO STATE LAW
- 10.15 SEVERANCE CLAUSE

10.1 PURPOSE

Based upon various studies done on the effects of adult entertainment establishments on the quality of community life, the recognition of The United States Supreme Court and the courts of Ohio that a local government's regulation of the location of adult entertainment establishments in order to preserve the quality of urban and rural life constitutes a substantial government interest, and based upon the successful enactment and enforcement of similar ordinances throughout this state and other states, the Marion Township Board of Trustees, Hancock County, Ohio hereby finds that the enactment of a zoning provision to regulate the location of adult entertainment establishments is a substantial government interest for Marion Township in preserving the quality of urban and rural life and that it is in the interest of the health, safety, morals, or general welfare of the citizens of Marion Township, Hancock County, Ohio that adult entertainment uses are regulated pursuant to the standards herein.

10.2 MITIGATING SECONDARY EFFECTS

This section is intended to provide for the proper location of adult entertainment uses in order to protect the integrity of adjacent neighborhoods, educational uses, religious uses, parks and other commercial uses, and the quality of urban and rural life. Proper separation of adult entertainment uses prevents the creation of "skid-row" areas in Marion Township that results from the concentration of these uses and their patrons. It is the intent of this section to limit the secondary effects of adult entertainment uses. The standards in this section are intended to ensure that residential and agricultural districts, religious uses, educational uses, parks and other commercial uses are located in areas free from the secondary effects of adult entertainment uses. The location of residential and agricultural districts, religious uses, educational uses, parks and other commercial uses within viable, un-blighted and desirable areas supports the preservation of property values and promotes the health, safety or welfare of the public.

10.3 PERMITTED DISTRICTS/CONDITIONAL USE

Adult Entertainment Establishments and Adult Entertainment Uses possess unique characteristics requiring particular consideration as to their proper location in relation to proximately established or intended uses, or to the planned development of the community. Therefore, after verification by the Township Zoning Inspector that they have met the requirements listed herein, they may be permitted as conditional uses in M-1 Restricted Industrial Districts and M-2 Industrial Districts upon a majority vote of the full Board of Township Trustees, after public hearing, and after recommendations have been received from the Township Board of Zoning Appeals pursuant to Article 17.7.3 of the Marion Township Zoning Resolution and from the Hancock Regional Planning Commission.

10.4 LOCATION REQUIREMENTS

Adult entertainment establishments, where otherwise permitted in a use district, are subject to the following location restrictions:

10.4.1 RESIDENTIAL USES

No adult entertainment establishment shall be located within 1,000 feet of a residential district (including R-1, R-2, R-3) or districts and all areas which are designated "residential", "residence", "family", or "multiple-family" by any local comprehensive plan or zoning ordinance or resolution. However, an adult entertainment establishment may be permitted to locate within 1,000 feet of a residentially zoned district or use upon presentation to the Board of Township Trustees of a validated petition requesting such waiver, signed by in excess of 50% of those persons owning residential land or business establishments within 1,000 feet of the proposed location. The Township Zoning Commission shall adopt rules and regulations governing the procedure for securing the petition of consent provided for in this section as well as reasonable fees necessary for administratively processing the petition. The rules shall provide that the circulator of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with the rules of the Township Zoning Commission, that the circulator personally witnessed the signatures on the petition, and that the same were affixed to the petition by the person whose name appeared thereon. The Township Zoning Commission shall not consider the waiver of location requirements set forth in this section until the above described petition shall have been filed and verified.

10.4.2 OTHER ADULT USES

No adult entertainment establishment shall be located within 2,000 feet of another existing adult entertainment establishment, unless the Township Zoning Commission makes the following findings:

- A. That the proposed use / establishment will not be contrary to the public interest or injurious to nearby properties.

- B. That the proposed use / establishment will not enlarge or encourage the development of a blighting influence.
- C. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal.
- D. That all applicable regulations of this section will be observed.

10.4.3 AGRICULTURAL USES

No adult entertainment establishment shall be located within 250 feet of an agricultural district or districts and all areas which are designated agricultural by any local comprehensive plan or zoning ordinance or resolution. However, an adult entertainment establishment may be permitted to locate within 250 feet of an agriculturally zoned district or use, subject to petition and approval as referenced in Paragraph A. above. Except that said petition must also include those persons owning any real estate which is immediately adjacent to that land which is within two hundred fifty (250) feet of the proposed adult entertainment establishment.

10.4.4 CHURCHES/CEMETERIES

No adult entertainment establishment shall be located within 1,000 feet of a church, place of worship, or public cemetery.

10.4.5 SCHOOLS

No adult entertainment establishment shall be located within 1,000 feet of an educational institution.

10.4.6 RECREATION AREAS

No adult entertainment use shall be established within 1,000 feet of a public park, playground or other use established specifically for the activities of minors.

10.5 MEASURE OF DISTANCE

The distances set forth in this section shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay housing the proposed adult entertainment establishment to the nearest point on the property line of the relevant church or place of worship, public cemetery, educational institution, agricultural or residential district, public park, playground or other use established specifically for the activities of minors. For the purpose of measuring the distance between adult entertainment uses, the distance shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay of the proposed or existing adult entertainment establishment and the nearest point on the exterior wall or bay of another adult entertainment establishment. Measurement shall be made in a straight line, without regard to

intervening structures or objects. No adult entertainment use may be physically altered or expanded when such alteration, addition, or subsequent structure would violate the location restrictions of this ordinance as measured above.

10.6 NO VARIANCE

Notwithstanding the provisions of Article 17.7.1., herein, as to adult entertainment uses, there shall be no variance to the location standards except as specifically provided in Article 10.4.2 of this Section.

10.7 SUBSEQUENT DEVELOPMENT WITHIN LOCATIONAL STANDARDS

The subsequent approval of a development order for a church or place of worship, educational institution, public park or residential district within the distances outlined in this section shall not change the status of the existing conforming adult entertainment establishment to that of a nonconforming use.

10.8 NONCONFORMITY.

10.8.1 Establishment of Nonconformity

Any adult entertainment establishment/adult entertainment use shall be deemed a nonconforming use and the standards of this section shall not apply if the adult entertainment establishment / adult entertainment use, on the effective date of August 31, 1998, was in operation as an adult entertainment establishment/adult entertainment use and held out in the neighborhood and community as an adult entertainment establishment/adult entertainment use. Any establishment seeking to establish nonconforming status as an adult entertainment establishment under the terms of this Code, shall submit an application to be declared a nonconforming use to the Township Zoning Commission no later than December 31, 1998. Failure to so submit an application for nonconforming use shall result in the denial of nonconforming status.

10.8.2 Standards for Nonconformance

A nonconforming adult establishment/adult entertainment use located within the distances set forth in this Section shall be subject to the following supplementary standard, in addition to Article V, Section 5 (Nonconforming Lots, Nonconforming Uses of Land, Nonconforming Structures and Nonconforming Uses of Structures and Premises) and shall not increase the gross floor area or square footage of the structure by more than ten (10) percent over a fifteen (15) year period, beginning on the effective date of this resolution.

10.9 DEFINITIONS

For the purpose of this article certain terms and words are hereby defined:

1. "Adult Arcade" means any place or establishment operated for commercial gain which invites or permits the public to view adult material. For purposes of this Code, Adult Arcade is included within the definition of Adult Theater.
2. "Adult Bookstore/Adult Video Store" means an establishment which sells or offers adult material for sale, rent for commercial gain; unless the establishment demonstrates either:
 - a. The adult material is accessible only by employees and the gross income from the sale or rental of adult material comprises less than forty (40) percent of the gross income from the sale or rental of goods or services at the establishment, or;
 - b. The individual items of adult material offered for sale or rental comprise less than ten (10) percent of the individual items, as stock-in-trade, publicly displayed in the establishment and which is not accessible to minors at the establishment.
3. "Adult Booth" means a small enclosed or partitioned area inside an adult entertainment establishment which is:
 - a. Designed or used for the viewing of adult material by one (1) or more persons, and;
 - b. Is accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes but is not limited to a "peep show" booth, or other booth used to view "adult material."
4. "Adult Dancing Establishment" means an establishment, where employees display or expose specified anatomical areas to others, regardless of whether the employees actually engage in dancing.
5. "Adult Entertainment Establishment / Adult Entertainment Use" means any adult arcade, adult theater, adult bookstore / video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical areas for viewing by patrons, including but not limited to: massage establishments, tanning salons, sexually oriented escort services, modeling studios, or lingerie studios, whether or not licensed pursuant to Chapters 503, 715, or 4713 of the Ohio Revised Code. Excluded from this definition are any educational institutions where the exposure of the specified anatomical area is associated with a curriculum or program.

6. "Adult Material" means any one or more of the following, regardless of whether it is new or used:
 - a. Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, slides, or other visual representations; recordings, other audio matter; and novelties or devices which have as their primary or dominant theme subject matter depicting, exhibiting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; including but not limited to or
 - b. Instruments, novelties, devices or paraphernalia which are designed for use in connection with specified sexual activities.
7. "Adult Motel" means a hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions.
8. "Adult Theater" means an establishment operated for commercial gain which consists of an enclosed building, or a portion or part thereof, or an open-air area used for viewing of adult material. "Adult motels", "adult arcade", "adult booth" and "adult motion picture theater" are included within the definition of "adult theater." An establishment which has "adult booths" is considered to be an "adult theater."
9. "Adult Video Store" - see "Adult Bookstore".
10. "Agricultural" means all areas which are agricultural by nature or designated "agricultural" by any local comprehensive plan or zoning ordinance or resolution.
11. "Commercial Gain" means operated for pecuniary gain. For the purpose of this Section, operation for commercial or pecuniary gain shall not depend on actual profit or loss.
12. "Commercial Establishment" means any business, location, or place which conducts or allows to be conducted on its premises any activity for commercial gain.
13. "Educational Institution" means a premises or site upon which there is an institution of learning, whether public or private, which conducts regular classes and/or courses of study required for accreditation. The term "educational institution" includes a premises or site upon which there is a day care center, nursery school; kindergarten, elementary school, junior high school, senior high school; professional institution or an institution of higher education including a community college, junior college, or four year college or university; libraries, art galleries and museums open to the public; or

any special institution of learning. However, the term "educational institution" does not include a premises or site upon which there is a vocational institution operated for commercial gain.

14. "Establishment" means the site or premises on which the Adult Entertainment Establishment is located, including the interior of the establishment, or portion thereof, upon which certain activities or operations are being conducted for commercial gain.
15. "Operator" means any person who engages or participates in any activity which is necessary to or which facilitates the operation of an adult entertainment establishment, including but not limited to the licensee, manager, owner, doorman, bouncer, bartender, dancer, disc jockey, sales clerk, ticket taker, movie projectionist, or supervisor.
16. "Residential" means all areas which are residential by nature or designated "residential", "residence", "family", or "multiple-family" by any local comprehensive plan or zoning ordinance or resolution.
17. "Specified Anatomical Areas" means:
 - a. Less than complete and opaquely covered:
 - (1) Human genitals or pubic region
 - (2) Buttock
 - (3) Female breast below a point immediately above the top of the areola
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
18. "Specified Sexual Activities" means:
 - a. human genitals in a state of sexual stimulation, arousal or tumescence; or,
 - b. acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy; or
 - c. fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; or;
 - d. excretory functions as part of or in connection with any of the activities set forth in subsection (a) and (b).

10.10 OPERATING PROVISIONS

No adult entertainment establishment shall be permitted to operate without first having obtained the approvals required herein.

10.11 ENFORCEMENT

As provided in Ohio Revised Code §519.24, the Board of Township Trustees, as well as any other appropriate parties, shall have the right to seek injunction for the violation of, or the imminent threat of the violation of the provisions of this Zoning Code. This shall be in addition to any fines or criminal prosecutions pursuant to Article 18 of this Zoning Resolution, and applicable state statute. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

10.12 APPEALS

Any aggrieved party which, after complete application/request and exhaustion of all administrative remedies has been made hereunder, is denied permission to operate an adult entertainment establishment, may appeal said denial to the Hancock County Court of Common Pleas. An appeal to the Common Pleas Court must be filed within thirty (30) days of the mailing of the Township's written notice of denial to the address accompanying the application/request hereunder. All appeals shall follow the procedures outlined in this Zoning Resolution and the Ohio Revised Code.

10.13 REGULATION OF OBSCENITY SUBJECT TO STATE LAW

It is not the intent of this section to legislate with respect to matters of obscenity. These matters are regulated and preempted by state law.

10.14 REGULATION OF MASSAGE ESTABLISHMENTS SUBJECT TO STATE LAW

It is not the intent of this section to legislate, limit or conflict with respect to matters of massage establishments which are regulated by state agency and by state law.

10.15 SEVERANCE CLAUSE

Pursuant to the provisions of Article 21 of this Marion Township Zoning Resolution all sections and/or any amendments to this code are severable.

Article XI. Administration and Enforcement

- 11.1 ENFORCEMENT
- 11.2 ZONING CERTIFICATES
- 11.3 CONDITIONS UNDER WHICH ZONING CERTIFICATES ARE REQUIRED
- 11.4 COMPLIANCE CERTIFICATE
- 11.5 APPLICATION AND ISSUANCE OF ZONING COMPLIANCE AND OCCUPANCY CERTIFICATES
- 11.6 OCCUPANCY CERTIFICATES
- 11.7 INSPECTIONS
- 11.8 ZONING INSPECTOR
- 11.9 DUTIES OF ZONING INSPECTOR

11.1 ENFORCEMENT

The provisions of this Resolution shall be administered and enforced by the Zoning Inspector, or by such Deputies of his Department as the Zoning Inspector may delegate to enforce the provisions of this Resolution.

It shall also be the duty of all officials and employees of the Township to assist the Zoning Inspector by reporting to him new construction, reconstruction, or land uses, or seeming violations.

11.2 ZONING CERTIFICATES

11.2.1 PERMIT REQUIRED PRIOR TO PERFORMING WORK

It shall be unlawful for an owner to use or to permit the use of any structure, building, or land, or part thereof, hereafter created, erected, changed, excavated upon, converted, or enlarged, wholly or partially until a Zoning Certificate shall have been issued by the Zoning Inspector.

No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired, unless a Zoning Certificate shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the Hancock County or State of Ohio Building Codes, or this Resolution, except for minor repairs or changes not involving any of the aforesaid features.

11.2.2 CERTIFICATE OF USE MUST COMPLY WITH RESOLUTION

No Zoning Certificate shall be issued for the erection, alteration, or use of any building or structure, or part thereof, or for the use of any land which is not in accordance with all provisions of this Resolution.

11.2.3 MAINTAINING RECORDS

A record of all Zoning Certificates, Occupancy Certificates, and Compliance Certificates

issued shall be kept on file in the office of the Zoning Inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

11.2.4 ACCESSORY TO USE CERTIFICATES

Buildings or structures accessory to dwellings shall not require separate Zoning Certificates, but may be included in the Zoning Certificate for the dwelling when shown on the Plot Plan, and when completed at the same time as such dwellings.

11.3 CONDITIONS UNDER WHICH ZONING CERTIFICATES ARE REQUIRED

A Zoning Certificate shall be required for any of the following:

- A. Construction or alteration of any building or structure, including accessory buildings or structures and temporary or permanent signs.
- B. Occupancy and use of vacant land involving alteration, excavation and construction, the platting and/or subdividing of land involving private or public roadways, and/or the installation of public utilities and drainage improvement thereon except agricultural field drainage.
- C. Any change in a non-conforming use.

11.4 COMPLIANCE CERTIFICATE

11.4.1 AGRICULTURAL/UTILITY RELATED USES & STRUCTURES

Although buildings, structures, and uses for agricultural purposes, public utility purposes, and essential service purposes are permitted in all Use Districts, it shall be unlawful to hereafter erect, alter, move, change, convert, or enlarge such buildings or structures until such proposed work has been determined to comply with all requirements of this Resolution and a Compliance Certificate has been issued therefore.

11.4.2 ILLEGAL/NON-COMFORMING USES

No Compliance Certificate shall be issued for a building, structure, land, or part thereof which is not in accordance with the provisions of this Resolution.

11.5 APPLICATION AND ISSUANCE OF ZONING COMPLIANCE AND OCCUPANCY CERTIFICATES

- A. Application for Zoning and Compliance Certificates shall be made to the Zoning Inspector, in writing. Such Certificates shall be issued provided it is found that the buildings, structures, land and use thereof, comply with all provisions of this Resolution.

- B. Application for Occupancy Certificates shall be made to the Zoning Inspector in writing. Such Certificates shall be issued within ten (10) days after receipt of the written application, provided it is found that the buildings, structures, land or parts thereof, or the use thereof, comply with all provisions of this Resolution.
- C. All Zoning and Compliance Certificates shall expire at the end of one (1) year after issuance unless the construction or use under the Certificate is commenced within that period of time.

11.6 OCCUPANCY CERTIFICATES

Check occupancy permit coordination by Hancock/Wood Building agreements

11.6.1 REQUIRED

No land, building, structure, or part thereof, shall be occupied by, or for any use, unless and until an Occupancy Certificate shall have been issued for such use.

No building, structure, land or part thereof, which is hereafter erected, altered, or changed in use, shall be occupied or used unless and until an Occupancy Certificate shall have been issued for such building, structure or land. An Occupancy Certificate shall be required for any of the following:

- A. Construction or alteration of any buildings or structures, including accessory buildings or structures.
- B. Change in the use of existing buildings, structures, or accessory buildings or structures, to a use or uses, of a different classification.
- C. Occupancy and use of vacant land.
- D. Change in the use of land to a use of a different classification.
- E. Any change in a non-conforming use.

11.6.2 ILLEGAL/NON-CONFORMING USE

No Occupancy Certificate shall be issued for a building, structure, land or part thereof, which is not in accordance with all of the provisions of this Resolution.

11.6.3 ACCESSORY STRUCTURES

Buildings or structures accessory to dwellings shall not require separate Occupancy Certificates, but may be included in the Occupancy Certificate for the dwelling when shown on the Site Sketch Plan (See Article 12), and when completed at the same time as such dwellings.

11.7 INSPECTIONS

Occupancy Certificates shall be issued for existing buildings, structures, lands, or parts thereof, if after inspection, it is found that such buildings, structures, lands or parts thereof, or uses thereof, conform to the provisions of this Resolution.

11.8 ZONING INSPECTOR

A Zoning Inspector shall be appointed by the Board of Township Trustees, to enforce this Resolution.

11.9 DUTIES OF ZONING INSPECTOR

The Zoning Inspector shall have the power to grant Zoning Compliance and Occupancy Certificates and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Resolution. It shall be unlawful for the Zoning Inspector to approve any plans or issue any Certificates for any excavation, construction or use, buildings, structures, or land, until he has inspected such plans and uses, and found them to conform with this Resolution.

Under no circumstances is the Zoning Inspector permitted to make changes to this Resolution, nor to vary the terms of this Resolution in carrying out his duties as Zoning Inspector.

It shall be the duty of the Zoning Inspector to issue a Certificate, provided he is satisfied that the structure, building, or premises, and the use thereof, conform with all requirements of this Resolution.

The Zoning Inspector shall not refuse to issue a Certificate when conditions imposed by this Resolution are complied with by the applicant, despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said Certificate.

Article XII. Site Sketch Plan Requirements

The Zoning Inspector shall require that all applications for Zoning and Compliance Certificates shall be accompanied by plans and specifications, including a Site Sketch Plan, drawn to scale, showing the following:

- A. The actual shape, location, and dimensions of the lot.
- B. The shape, size, and location of all buildings, or other structures to be erected, altered or moved, and of any building or other structures already on the lot.
- C. The existing and intended use of the lot and of all such structures upon it, including in residential areas the number of dwelling units the building is intended to accommodate.
- D. The existing drainage and watershed conditions, and the proposed drainage and watershed conditions.
- E. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Resolution are being observed.
- F. Where construction or physical improvement of the land is involved, the lot and location of the buildings to be erected thereon shall be staked out on the ground before construction is started, and all dimensions shown on filed plans shall be based on an actual survey.

Article XIII. Footer Site Location Inspections

So that property owners may be protected from potential errors in the location of buildings, the Zoning Inspector or his representative shall inspect the excavation for structural footers before any concrete is installed. It shall be the responsibility of the property owner to notify the Zoning Inspector prior to pouring concrete, and to provide appropriate evidence of the location of lot lines.

Article XIV. Final Inspections

The holder of every Zoning Certificate and Compliance Certificate for the construction, erection, alteration, repair or moving of any building, structure, land or part thereof, shall notify the Zoning Inspector immediately upon the completion of the work authorized by such Certificate for final inspection.

Article XV. Fees for Zoning and Occupancy Certificates

The Township Trustees may from time to time prescribe and amend by resolution, a reasonable Schedule of Fees to be charged applicants for Zoning Certificates and Occupancy Certificates. No fee shall be required for any Compliance Certificate.

Article XVI. Zoning Commission

16.1 ORGANIZATION AND PROCEDURES
16.2 MEETINGS
16.3 POWERS AND DUTIES

16.4 SITE PLAN REVIEW
16.5 CONDITIONAL USES

16.1 ORGANIZATION AND PROCEDURES

- A. The Board of Township Trustees shall appoint a Zoning Commission, in accordance with the Ohio Revised Code.
- B. The Zoning Commission shall organize annually and elect a chairman, vice-chairman, secretary and other officers they deem appropriate to their function. It may further adopt rules for its own government not inconsistent with law or any other resolution of the Township, in order to carry into effect the provisions of this Resolution.

16.2 MEETINGS

All meetings of the Zoning Commission shall be held at the call of the chairman, and at such times as the Commission may determine. The secretary shall keep minutes of the proceedings, showing the vote of each member on each question. Three (3) members of the Zoning Commission shall constitute a quorum for the conduct of its business.

16.3 POWERS AND DUTIES

In addition to the powers and duties conferred upon the Zoning Commission by the Ohio Revised Code, the Zoning Commission, under this Resolution, shall also have the following powers, duties and jurisdictions:

- A. Rule upon and decide any issue where this Resolution requires Zoning Commission review and/or approval.
- B. Rule upon and render a decision on any application for a Zoning Certificate for any use or development, other than a single-family dwelling or a two-family dwelling or use or accessory structures and uses incident to the foregoing, and Agricultural uses or structures.

16.4 SITE PLAN REVIEW

16.4.1 SITE PLAN REQUIRED

Site Plans shall be submitted to the Zoning Commission at least fourteen (14) days in advance of the next regularly scheduled Commission meeting. Following receipt of site plans, the Zoning Inspector shall transmit copies thereof to the County Engineer for any

comments that office wishes to offer concerning drainage, number and location of curb cuts, and other design details. Every Site Plan submitted to the Zoning Commission shall be in accordance with the requirements of this Resolution, and shall be in such form as the Zoning Commission shall prescribe in its rules. A Site Plan shall be submitted to the Zoning Commission for approval of:

- A. Any use or development for which the submission of a Site Plan is required by any provisions of this Resolution, including Conditional Uses.
- B. Any development, except single-family and two-family residential, accessory structures incidental thereto, and agricultural development, unless such development falls under a Conditional Use classification.
- C. Any use in an "R-3", "B-1", "B-2", "B-3", "M-1" or "M-2" District.
- D. All residentially related uses permitted in a Single-Family District.

16.4.2 ZONING COMMISSION ACTION

The Zoning Commission shall take one (1) of the following courses of action at such meeting:

- A. Approval, in which case, the Zoning Inspector shall issue a Zoning Certificate.
- B. Conditional approval, setting forth, in writing, the conditions upon which approval is granted. In the case of Conditional Approval, the applicant shall submit to the Zoning Inspector a revised Site Plan, showing any and all conditions and requirements of the Commission. If the Zoning Inspector determines that all conditions and requirements have been satisfied on the revised Site Plan, a Zoning Certificate shall be issued.
- C. Deferral- Pending a request for additional information. A maximum of one deferral may be imposed by the Commission not to exceed 30 days or the next regularly scheduled meeting, whichever is greater. Additional deferrals may be granted with the permission of the applicant or upon his/her request or consent. A maximum deferral period may not exceed 90 days.
- D. Disapproval, in which case no Zoning Certificate shall be issued and a new Site Plan must be prepared for consideration by the Commission.

16.4.3 SITE PLAN REQUIREMENTS

The following information shall be included on the Site Plan:

- A. A scale of not less than one (1) inch equals fifty (50) feet if the subject property is less than three (3) acres, and one (1) inch equals one hundred (100) feet, if three (3) acres, or more.

- B. Date, north point and scale.
- C. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
- D. The location of all existing and proposed structures on the subject property, and all existing structures within one hundred (100) feet of the subject property.
- E. The location of all existing and proposed drives and parking lots, including the proposed parking layout.
- F. The location and right-of-way widths of all abutting streets and alleys.
- G. The location of all proposed loading areas, signs, required walls and/or greenbelt screens, and refuse and service areas.
- H. The existing drainage and watershed conditions and the proposed drainage and watershed conditions.
- I. The names and addresses of the architect, planner, designer, engineer or person responsible for the preparation of the Site Plan and seal of Engineer or Architect if applicable.

16.4.4 REVIEW CRITERIA

In the process of reviewing the Site Plan, the Zoning Commission shall consider:

- A. The location and design of driveways providing the vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
- B. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
 - 1. Safety and convenience of both vehicular and pedestrian traffic, both within the site and in relation to access streets.
 - 2. Satisfactory and harmonious relationships between the development of contiguous land and adjacent neighborhoods.
- C. The installation and location of sidewalks, fire hydrants and street lights as required or permitted by this Resolution.

The Developers or Owners are required to pay for trenching and street light installation on public roadways. The Marion Township Trustees will provide

specifications for type of lights and location. The Marion Township Trustees will pay the monthly power bills after completion of the project.

D. CHECKOFF LIST

A check off list will be furnished to the developer of PRD's and must be completed returned with the site plan for review by the Zoning Commission. Final Site Plan must be signed by the Zoning Commission or the Chairman of the Township Trustees.

Article XVII. Board of Zoning Appeals

17.1 ORGANIZATION AND PROCEDURES
17.2 MEETINGS
17.3 APPEALS
17.4 STAYS
17.5 FEES

17.6 JURISDICTION
17.7 SPECIAL POWERS
17.8 ORDERS
17.9 MISCELLANEOUS

17.1 ORGANIZATION AND PROCEDURES

- A. **Membership:** The Board of Township Trustees shall appoint a Township Board of Zoning Appeals of five (5) members who shall be residents of the unincorporated territory of the Township. The terms of each member shall be five (5) years, beginning January 1, except that the terms of the original 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. Vacancies shall be filled by the Board of Township Trustees and shall be for the respective unexpired term.

- B. The Board shall organize annually to elect a chairman, a vice-chairman and a secretary. It shall further adopt rules for its own government not inconsistent with law or with any other resolution of the Township to carry into effect the provisions of this Resolution.

17.2 MEETINGS

All meetings of the Board of Zoning Appeals shall be held at the call of the chairman and at such times as such Board may determine. However, the Board may go into executive session for discussion but not for vote subject to Statutory Requirements on any case before it. The Zoning Inspector, or his representatives, 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 also keep records of its meetings and other official action. Three (3) members of the Board shall constitute a quorum for the conduct of its business. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, paper, files and other evidence pertinent to the matters before it.

Records of its examinations and other official actions shall be immediately filed in the office of the Board of Township Trustees and shall be a public record.

17.3 APPEALS

17.3.1 RIGHT TO APPEAL

An appeal may be made to the Board of Zoning Appeals by any person, firm or corporation, or by an officer, department, board or bureau affected by a decision of the Zoning Inspector or the Zoning Commission.

17.3.2 APPEAL PERIOD

All notices of appeals shall be made in writing to the Board of Zoning Appeal within twenty (20) days of the receipt of the decision being appealed. The notice of appeal shall specify the grounds for such appeal. The Zoning Inspector or Zoning Commission shall provide to the Board all of the papers constituting the record upon which the action appealed from was based.

17.3.3 APPEAL HEARING

The Board shall select a reasonable time and place for the hearing of the appeal and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.

17.3.4 NOTICE PROCEDURE

The Board shall mail notices of appeals hearing to all abutting property owners at least ten (10) days prior to the hearing. Notices may be sent via regular mail using the U.S. Postal Service. Notice of the meeting must also be published in a newspaper of general circulation at least ten (10) days prior to the hearing. A newspaper of 200 or more paying subscribers shall constitute a paper of general circulation.

17.4 STAYS

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Inspector or Zoning Commission shall certify to the Board of Zoning Appeals, after the notice of appeal has been filed with it, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of equity, after notice to the officer from whom the appeal is taken and on due cause shown.

17.5 FEES

The Township Trustees may from time to time prescribe and amend by resolution a reasonable Schedule of Fees to be charged to applicants for appeals to the Board of Zoning Appeals.

17.6 JURISDICTION

The Board of Zoning Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Resolution, but does have the power to act on those matters where this Resolution provides for an administrative review, interpretation, exception or special approval permit, to authorize a variance, and to hear and decide appeals where it is alleged by the appellant that there is an error in order, requirement, permit, decision or refusal made by the Zoning Inspector, Zoning Commission, or any other administrative official in carrying out or enforcing any provisions of this Resolution.

17.7 SPECIAL POWERS

The Board of Zoning Appeals shall also have the following powers:

17.7.1 VARIANCE

To authorize, upon an appeal, a variance from the strict application of the provisions of this resolution where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Resolution or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Resolution. In granting a variance, the Board may attach hereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Resolution. In granting a variance, the Board shall state the grounds upon which it justifies the granting of a variance.

In consideration of all appeals and all proposed variances to this Resolution, the Board shall, before making any variations from the Resolution in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of Marion Township. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is authorized by this Resolution to render a decision.

To authorize, on an appeal, the extension or completion of a building devoted to a nonconforming use upon a lot occupied by such building, or on a lot adjoining, provided that such lot was under the same ownership as the lot in question and provided that such extension is necessary and incidental to the existing use of such building; provided however, that the floor areas of such extension shall not exceed in all one hundred percent (100%) of the floor area of the existing building or buildings devoted to a nonconforming use and provided further that such extension or extensions shall be undertaken within five (5) years of the date when the use of such building became nonconforming.

17.7.2 EXCEPTIONS AND SPECIAL APPROVALS

To hear and decide in accordance with the provisions of this Resolution requests for exceptions, for interpretations of the Zoning District Map, and for decisions on special

approval situations on which this Resolution specifically authorizes the Board to pass. Any exception or special approval shall be subject to such conditions as the Board may require to preserve and promote the character of the Zoning District in question and otherwise promote the purpose of this Resolution, including the following:

1. Interpret the provisions of this Resolution in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning District Map fixing the Use Districts, accompanying and made part of this Resolution, where street layout actually on the ground varies from the street layout as shown on the Map aforesaid.
2. Waive or reduce the parking and unloading requirements in any of the Districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or where unreasonable hardship on the use of the lot would be caused, as contrasted with merely granting an advantage or a convenience.
3. Permit land within three hundred (300) feet of a multiple dwelling to be improved for the parking spaces required in connection with a multiple dwelling, but only when there is a positive assurance that such land will be used for such purposes during the existence of the multiple dwelling.
4. Determine whether an industry should be permitted within the "M-1" Industrial District because of its affect upon uses with surrounding Zoning Districts.
5. Permit the extension of a District where the boundary line of a District divided a lot or tract held in a single ownership at the time of the passage of this Resolution.

17.7.3 CONDITIONAL USES

Conditional Uses may or may not be appropriate for a given site. Approvals will depend upon the particular circumstances of the proposed use, site location, and/or the character of the neighboring area. In reviewing conditional use applications, the Board of Zoning Appeals, shall consider the effect of such use on the tenor of existing or proposed development in the area and the effect of such use on the health, safety, welfare, and comfort of neighboring property and residences and the Township, as a whole.

To accommodate the use relationship as described in Article 17.7.3, the Board of Zoning Appeals may attach such conditions as it finds necessary to its approval of such use, if same is approved, in order to assure a harmonious relationship between the Conditional Use development and the development of the neighboring area as set forth above.

Prior to reviewing a request for Conditional Use approval; the Board of Zoning Appeals shall send notice of its meeting time and place to owners of contiguous property or property

directly across the street from the parcel on which a Conditional Use has been requested. Such notice shall describe the nature of the request and shall be mailed at least ten (10) days prior to the meeting at which the Conditional Use is to be reviewed. It shall be the responsibility of the applicant for a Conditional Use to provide the names and addresses of adjoining owners at the time an application for Conditional Use is filed.

17.8 ORDERS

In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the orders, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Inspector, Zoning Commission or other person or body from whom the appeal is taken. Any party adversely affected by a decision of the Board may appeal to the Court of Common Pleas of the County, on the ground that the decision was unreasonable or unlawful.

17.9 MISCELLANEOUS

- A. An order of the Board permitting the erection of a building shall not be valid for a period longer than one (1) year, unless a Zoning Certificate for such erection or alteration is obtained within such period and such erection or alteration is started within such period and proceeds to completion in accordance with the terms of such Certificate.
- B. An order of the Board permitting a use of a building, premises, or land shall not be valid for a period longer than one (1) year unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, and a Zoning Certificate for said erection or alteration is obtained within such period and such erection or alteration is started within such period and proceeds to completion in accordance with the terms of such Certificate.

Article XVIII. Violations, Enforcement, Penalties and Other Remedies

18.1 PROHIBITIONS

18.2 VIOLATIONS

18.3 PUBLIC NUISANCE PER SE

18.4 FINES

18.5 EACH DAY A SEPARATE OFFENSE

18.6 WHO MAY ENFORCE

18.7 RIGHTS AND REMEDIES ARE

CUMULATIVE

18.8 ADDITIONAL FEES AS PENALTY

18.1 PROHIBITIONS

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, alter, move, maintain or use any building or land in violation of any regulation in or any provisions of this Resolution or any amendment or supplement thereto adopted by the Board of Trustees.

18.2 VIOLATIONS

Any person, firm or corporation violating any of the provisions of this Resolution, shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one hundred dollars (\$100.00).

18.3 PUBLIC NUISANCE PER SE

Any building or structure which is erected, altered, moved or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Resolution and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

18.4 FINES

The owner and/or user of any building, structure or premises or part thereof, where any condition in violation of this Resolution shall exist or shall be created, and who has assisted knowingly in the commission of such violation, shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines herein provided.

18.5 EACH DAY A SEPARATE OFFENSE

A separate offense may be deemed committed upon each day during or when a violation occurs or continues.

18.6 WHO MAY ENFORCE

Zoning Inspector, the Township Trustees, the County Prosecutor, City Law Director, special counsel employed by the Township or any adjacent or neighboring property owner who would be specially damaged by such violation in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement,

change, maintenance or use.

18.7 RIGHTS AND REMEDIES ARE CUMULATIVE

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

18.8 ADDITIONAL FEES AS PENALTY

In addition to the penalties referenced above, anyone who proceeds without first obtaining a zoning certificate or other required permit or certificate shall be charged one and one half (1 ½) times the original cost for such certificate or permit.

Article XIX. Interpretation, Purpose and Conflict

In interpreting and applying the provisions of this Resolution or any amendment thereto, they shall be held to be minimum requirements for the promotion of public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Resolution to interfere with or abrogate or annul any resolution, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Resolution, or which shall be adopted or issued, pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Resolution, nor is it intended by this Resolution to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Resolution imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such other resolutions or agreements, the provisions of this Resolution shall control.

Article XX. Amendments and Changes

20.1 GENERAL

20.2 APPLICATIONS FOR AMENDMENTS AND CHANGES

20.3 APPLICATION FEES

20.1 GENERAL

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Board of Township Trustees by resolution, after receipt of recommendation thereon from the Township Zoning Commission, and subject to the procedures provided by law, may amend, supplement or change the regulations, district boundaries or classifications of property, now or hereafter established by this Resolution or amendments thereof. Amendments initiated by the Township Zoning Commission shall be accompanied by its motion pertaining to such proposed amendment.

20.2 APPLICATIONS FOR AMENDMENTS AND CHANGES

- A. Applications by owners or lessees for amendments or changes to the regulations, districts boundaries or classifications of property shall be submitted to the Commission, at its public office, upon such forms and shall be accompanied by such data and information as may be prescribed for that purpose by the Commission. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be re-classified, attesting to the truth and correctness of all facts and information presented with the application.
- B. Any person or persons desiring a change in the zoning classification of property shall file, with the application for such change, a statement giving the names and addresses of the owners of all properties contiguous to and directly across the street from any part of the property for which a change in zoning classification is requested.

20.3 APPLICATION FEES

At the time that an application for a change of Zoning Districts is filed with the Commission, as provided herein, there shall be deposited with the Township Clerk a fee to cover investigation, legal notices, and other expenses incidental to the determination of such matter. The Township Trustees may from time to time prescribe and amend by resolution a reasonable Schedule of Fees to be charged to Applicant for Zoning District changes.

Article XXI. Severance Clause

Sections of this Resolution or any amendment thereto shall be deemed to be severable and should any section, paragraph, or provision be declared by the Courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Resolution as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

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LOTS

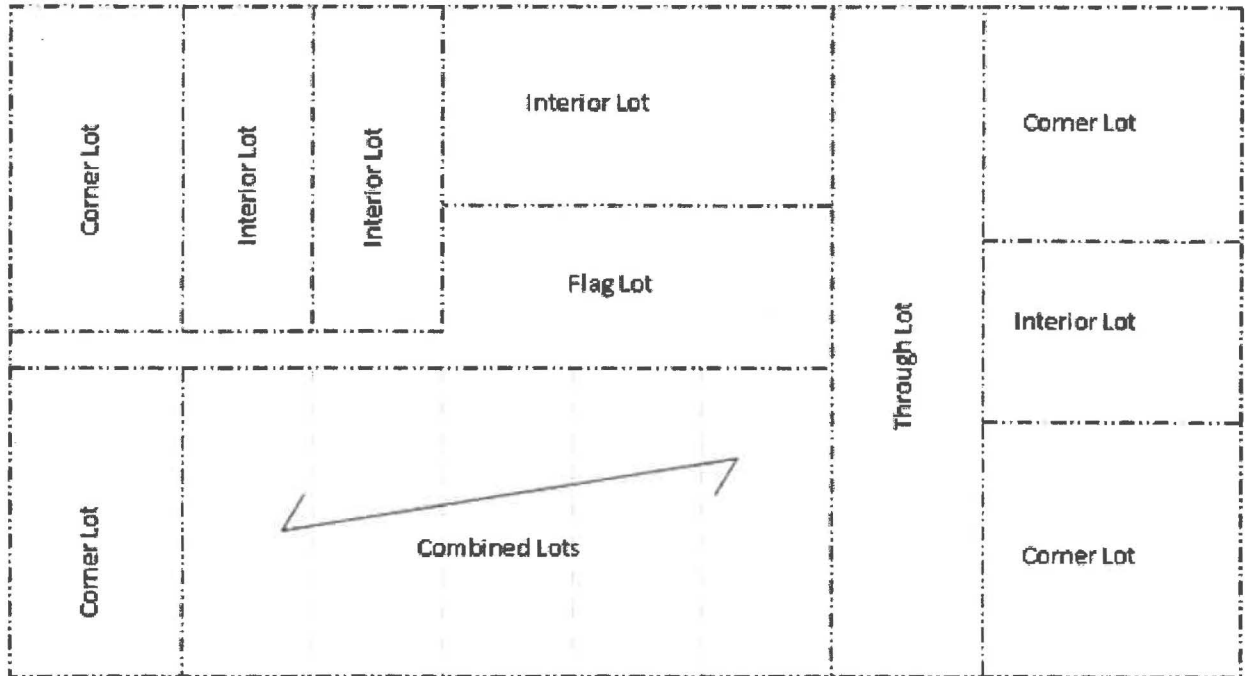


FIGURE 1

YARDS

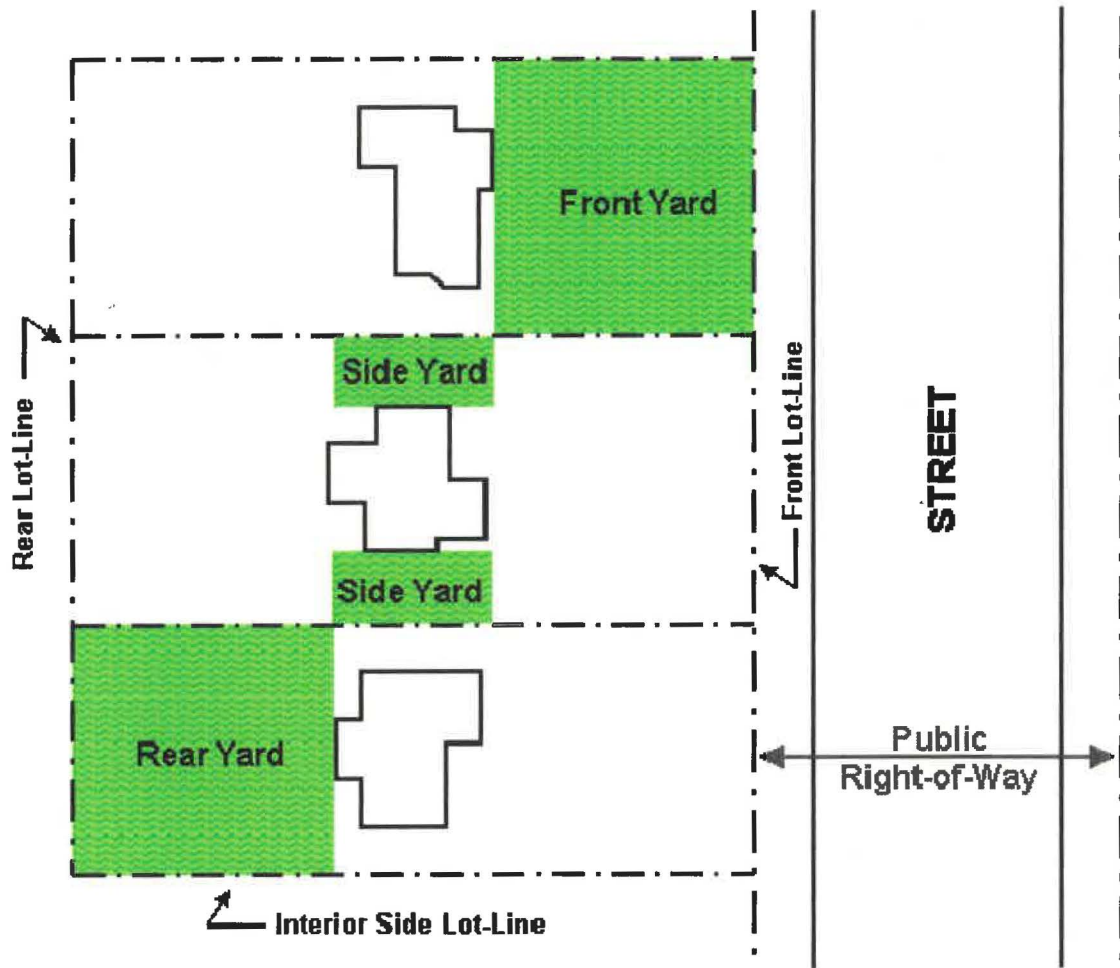


FIGURE 2

SIDE YARDS ABUTTING A STREET

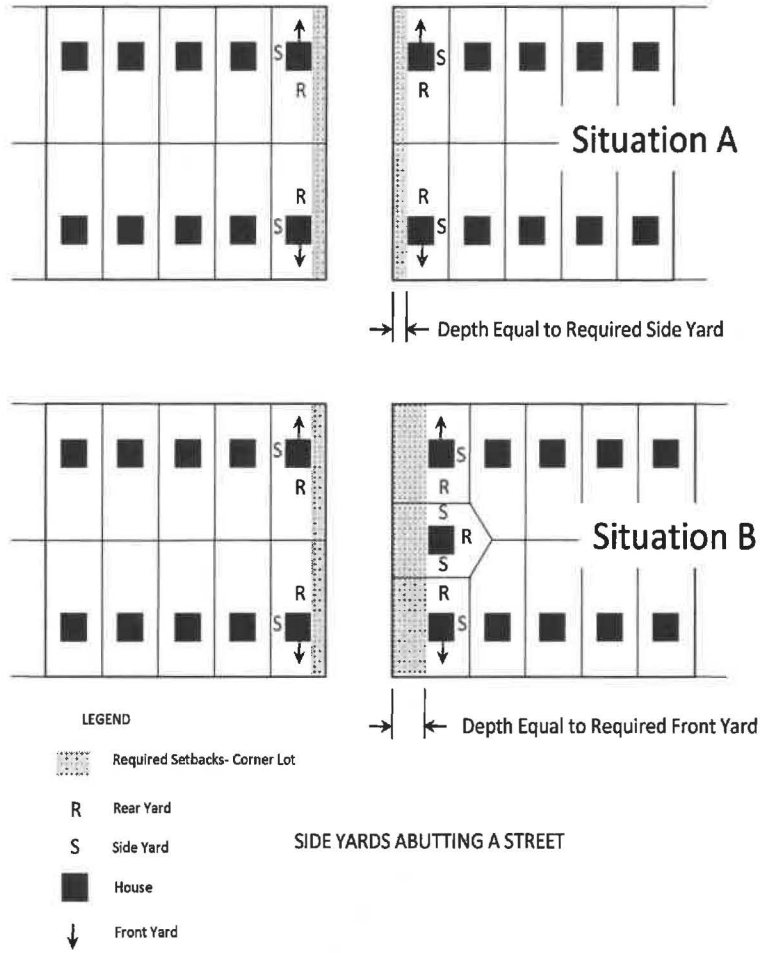
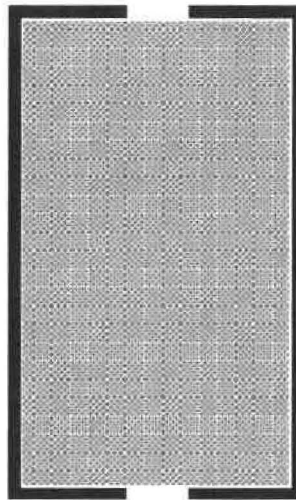
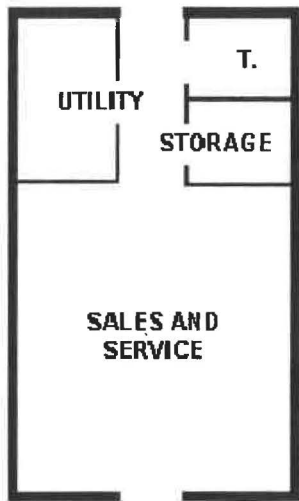
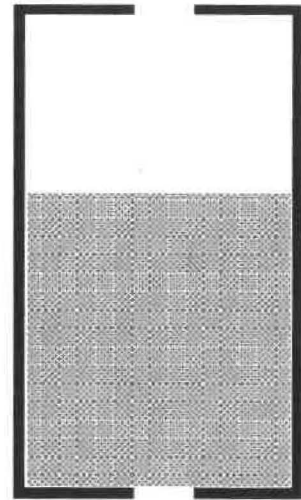


FIGURE 3

FLOOR AREA



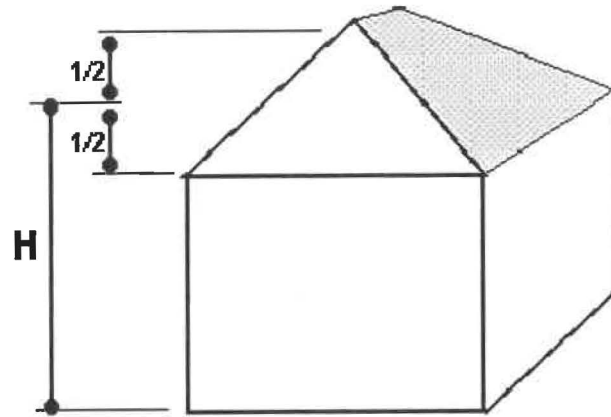
TOTAL FLOOR AREA



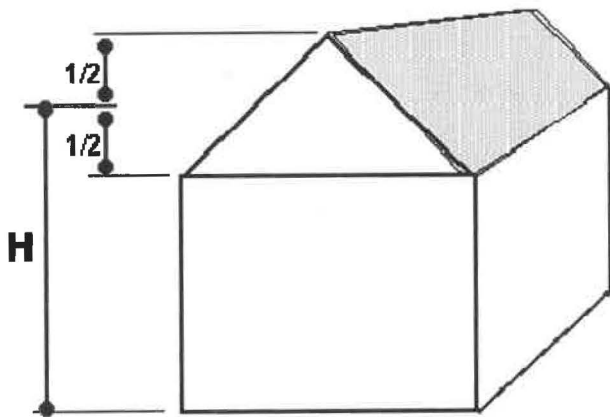
USABLE FLOOR AREA
(for purposes of computing parking)

FIGURE 4

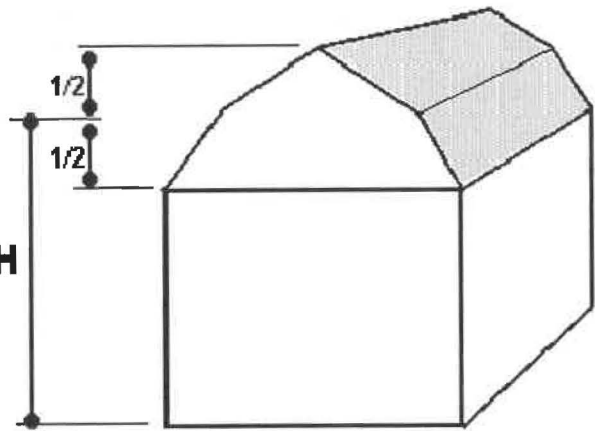
BUILDING HEIGHT



HIP ROOF



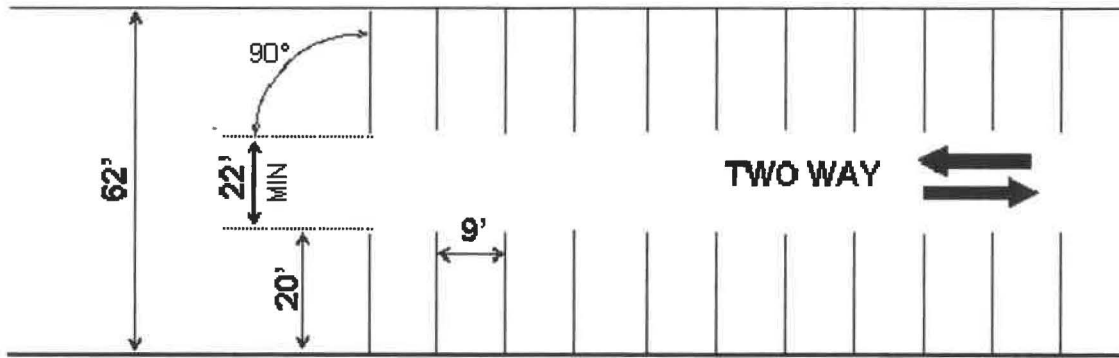
GABLE ROOF



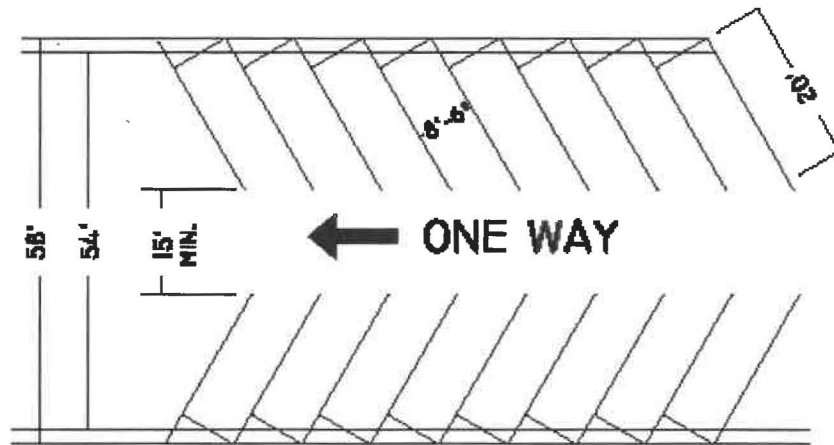
MANSARD OR
GAMBREL ROOF

FIGURE 5

PARKING LAYOUTS



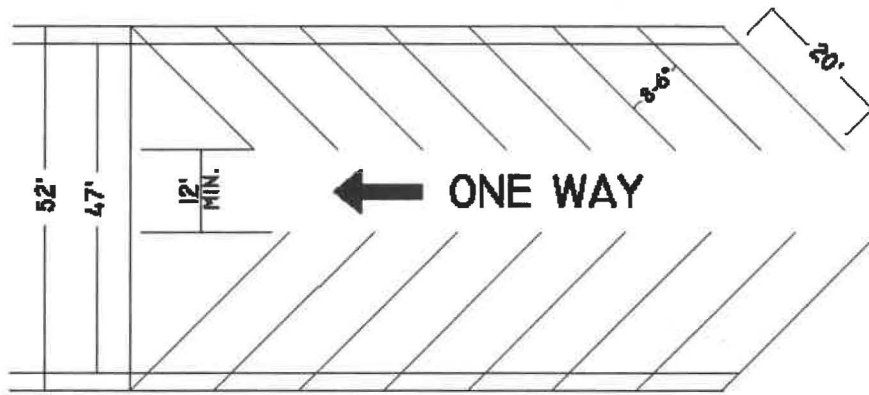
90° PARKING



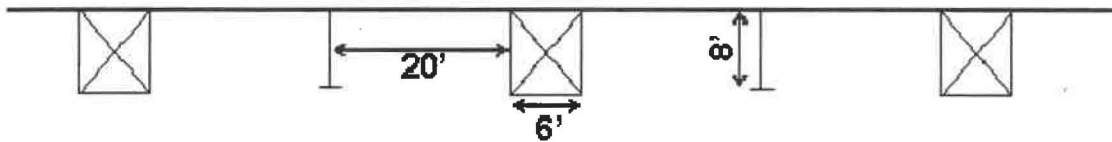
60° PARKING

FIGURE 6

PARKING LAYOUTS



45° PARKING



PARALLEL PARKING

FIGURE 7

RIPARIAN BUFFER/SETBACK

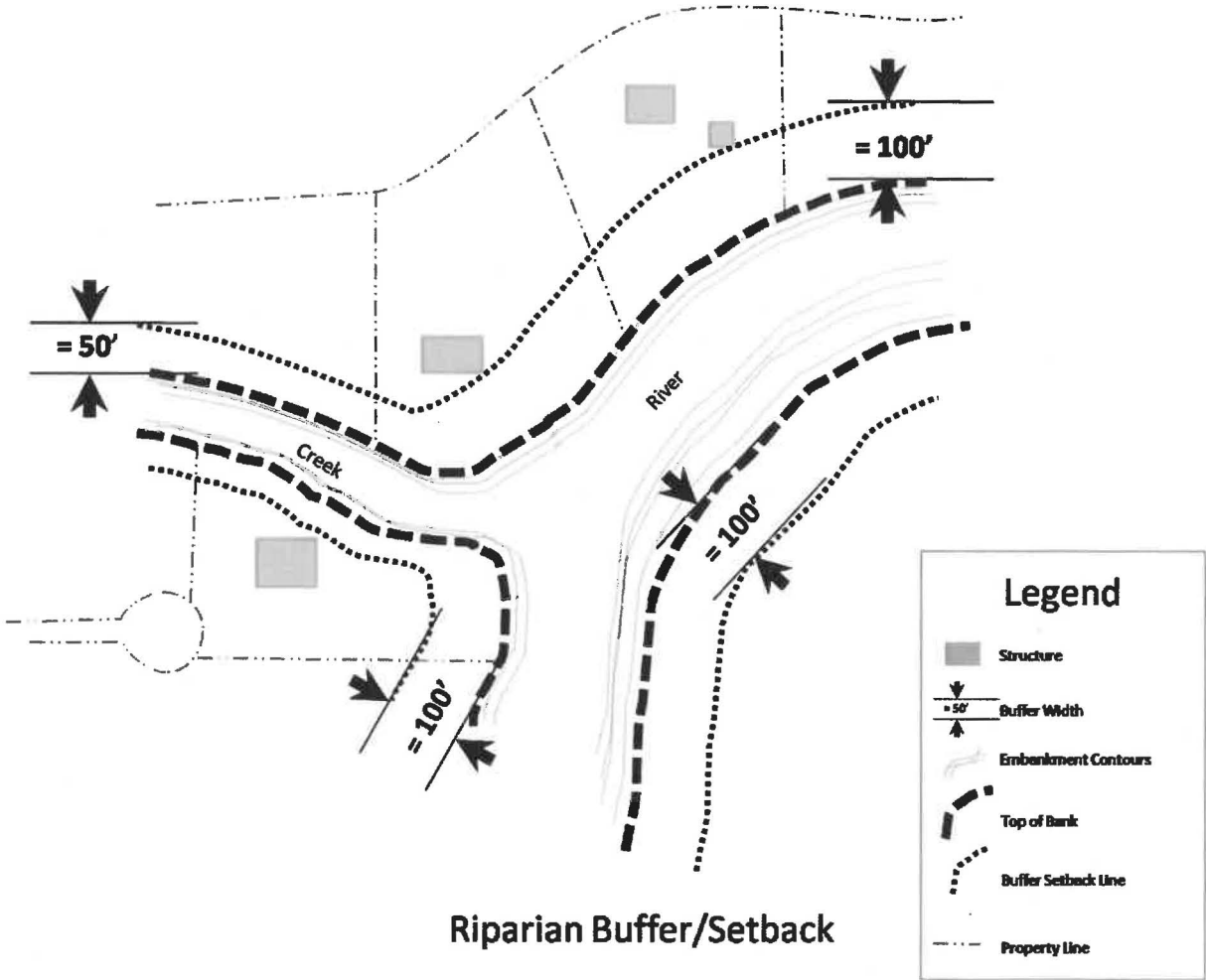


FIGURE 8

Planned Residential Overlay

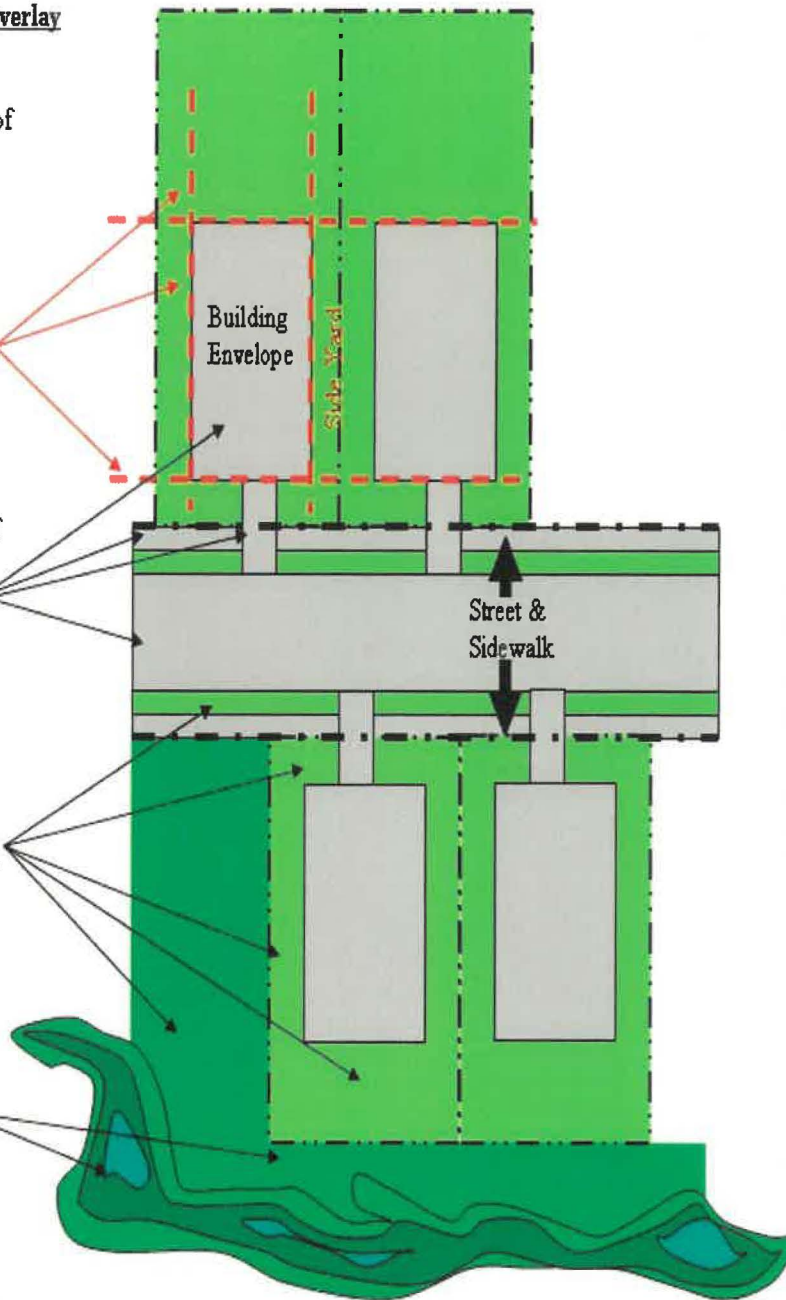
Density is a maximum of 4.45 units per net developable acre (80%)

Lot Requirements approved per site plan, including front, rear, and side yard requirements.

40% Maximum Impervious Coverage of gross parcel acreage, including buildings, driveways, road & sidewalks.

60% Minimum Pervious Coverage of gross parcel acreage, including yards & right-of-way green areas.

10% consolidated open space. Up to 1/3 can be comprised of retention areas & floodway.



Submission Requirements

Layout provided at time of application, complete with roadways, building envelopes, lot requirements, and dimensions.

Calculations, including pervious & impervious coverage, consolidated open space.

Points to consider:

PRD is an overlay. Zoning Commission approval only. Saves time from Trustees readings and waiting period.

Base zoning permitted uses and regulations apply

Apartments may count for a maximum of 20% of the units.

Minimum 20 acre site

Building envelope sets maximum lot coverage.

FIGURE 9