

MARION TOWNSHIP TRUSTEES
MERCER COUNTY, OHIO

CERTIFICATION

We, the undersigned Trustees of the Board of Trustees of MARION Township, Mercer County, Ohio, and the members of the Zoning Commission of

MARION Township, Mercer County, Ohio, by our signatures certify that the above is a true and correct copy of the Zoning Map of the Township of MARION as is existed on December 31, 1991.

Larry Meis
, commissioner

Lowell Homer
, trustee

Ulbon Mescher
, commissioner

John E. Brunz
, trustee

Deana Bertke
, commissioner

Robert E. Urant
, trustee

Authy W. Brauning
, commissioner

Carolyn Kohlmeser
, commissioner

Marion Township
Ed Klenke
6230 S.R. 274
Celina, Ohio 45822
925-4162


at 1:50 o'clock P.M.

JAN 29 1992

Patricia E. Grote
RECORDER - MERCER, CO., OHIO

ZONING CODE

MARION TOWNSHIP

MERCER COUNTY, OHIO

MARION TOWNSHIP

BOARD OF TOWNSHIP TRUSTEES

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ZONING INSPECTOR

EDWARD KLENKE

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INTRODUCTION

Selecting the use of the land has historically been considered as an individual right of property ownership. In the past, land was developed by the owner in a manner to conform with his wishes. In some instances, the desire of the owner was in conflict with the rights of neighboring owners. The concept that a land owner may use his land as he sees fit is valid until the chosen use has an adverse or harmful effect on others. For example, a noisy factory located adjacent to a new residential subdivision could be harmful to home owners.

Zoning is a locally enacted law that regulates and controls private property. Zoning involves dividing the countryside into districts of zones for agricultural, residential and conditional purposes. The zoning law or resolution then states which specific uses are permitted in each district and under what circumstances. Zoning also regulates the size of lots, distances buildings must set back from road or property lines, and maximum height of buildings.

Zoning is one response to the complexities of modern day life. Zoning began in cities because, as people started living closer together, a means was required to accommodate the desires of individuals collectively. When cities expanded into rural areas, the need for zoning by county and township governments was seen.

A major purpose of zoning is to put land to the use for which it is best suited. Determining the best use for the land is a difficult task. Some land is best left to be cultivated because of unique soil characteristics. Other land may be ideally suited for commercial development because it is located near a major highway. Other land, located near a railroad or airport, for example, may be prime land for an industrial park. Another parcel of land located in a flood plain, should be left for agricultural or other open uses that will not interfere with the natural process of an eventual flood.

The major problem that arises is to determine what is the best use of land in an area. A good future land use plan must consider economic and social factors, as well as physical characteristics of the land. Land in Ohio best suited for farming is often the best land for housing developments. In such instances, it is necessary for local residents and decision-makers to determine what they want their area to be in the future and to conduct a program that will achieve this desire. In making decisions about the future of their area, local officials should consider the needs and characteristics of the larger region, as well as their immediate area.

Another important purpose of zoning is to protect or maintain property values. Zoning can protect the value of property by assuming that incompatible uses will be kept apart. Zoning can keep factories out of residential areas (Which could lower the value of homes in the immediate vicinity), as well as keep residential uses from locating in industrial areas.

Zoning can also promote the public health and safety by requiring that lots be large enough to allow for the safe disposal of septic tank effluent and by requiring that homes are spaced far enough apart that fires will not spread easily. The promotion of public health and safety are the two basic purposes for which counties and townships are authorized to enact zoning. Both purposes are very broad and may include a wide variety of specific regulations.

Zoning also provides for more orderly development. Regulations pertaining to lot size, set back lines, building height, and population density can make areas more attractive. With zoning, local residents can insure that poor development will not occur.

Finally, zoning can be important in attracting business and industry. The emphasis in zoning land for business and industry should be on a small amount of land that is uniquely suited for business and industry and has adequate access and public facilities.

Legally, local governments have three broad types of power: taxation, eminent domain, and police power. Taxation is the legitimate taking of private wealth for public purposes by government. Eminent domain is the taking of land for public purposes. Under the concept of eminent domain, the property owner must be compensated for the market value of the appropriated land. The police power is action by government that protects or promotes the public health, safety, morals or general welfare of its citizens. Police powers for the promotion of the general welfare include both obvious one - law enforcement - and a wide range of other activities such as health law, pollution control law, building codes, subdivision regulations, and zoning.

For a zoning resolution to be legal, it must be wholly within the concept of the general welfare, that is (1) it must secure a public purpose; (2) it must be reasonable, and (3) it must not be confiscatory.

The public purpose of zoning is to prevent landowners from using their land to the detriment of the general welfare of the community at large. Any action of a landowner which has no bearing on the general welfare of the community - such as the color of his house or the arrangement of his furniture - is outside the scope of zoning.

Zoning regulations must also be reasonable. There must be a valid reason - the furtherance of the general welfare for the regulation to exist, and it must bear at least some relationship to a public purpose. If a zoning resolution sets minimum floor areas for dwellings, the township must be able to show that the requirement bears a reasonable relationship to the general welfare of the area. If certain land uses are to be excluded or severely restricted in the township, the rationale for the exclusion must bear a reasonable relationship to the general welfare - the health, safety, convenience, comfort, and prosperity - of the citizens.

Zoning must not be confiscatory. The confiscatory element means that the regulation should not prohibit all profitable uses from the land. Zoning regulations that limit extremely valuable land to low-intensity uses maybe confiscatory. A zoning regulation that prohibits golf courses on rolling, wooded land with farmer-out soils might also be confiscatory. If land is being regulated to the extent that the effect is to take the land, courts often rule that the regulation is beyond the scope of the police power and is unconstitutional as applied to the owners property.

Most rural areas in Ohio, because they are not developed, need some form of zoning to protect their natural resources before they are developed unwisely. Once unplanned development occurs, it is present almost forever, and agricultural land cannot be returned to its former protective use.

The owners of rural land, and in many cases the individual farmer, have the most to gain from rural zoning. A township zoning regulation may not prohibit the use of any land for agricultural purposes.

In addition, a township zoning resolution necessarily excludes structures directly related to agricultural uses. Exempt agricultural structures can be either additions to existing structures or new construction. Examples of these buildings may be storage facilities, barns, feedlots, or equipment buildings.

A 1962 opinion of the Ohio Attorney General addressed the issue of zoning as it relates to agriculture. According to the opinion, a structure used as a dwelling unit by a person engaged in agriculture is not exempt from provisions of a rural zoning resolution. The main reason for this opinion is that a swelling is not necessarily directly related to the agricultural use of the land.

Agriculture is only one of several types of land uses which are exempt from county or township zoning resolutions. The Ohio Revised Code also exempts railroads and public utilities from compliance with township or county regulations.

A motor freight carrier is exempt from rural zoning resolutions since it is classified as a public utility. Water and sewer systems are also exempt from zoning. An opinion by the Attorney General stated that a corporation which constructs, maintains, and operates a water system is a public utility, and property used by this corporation is exempt from the provisions of rural zoning resolutions.

There are two other important exemptions from rural zoning resolutions. The Ohio Revised Code states that "outdoor advertising (billboards) shall be classified as a business use and be permitted in all districts zoned for industry, business or trade, or lands used for agricultural purposes". The distinction between "districts zoned" and "land used" should be carefully noted. Also exempt from regulation is the sale or serving of alcoholic beverages in a zone where retail stores and restaurants are permitted.

ARTICLE 1 - PURPOSE

1.1 - This resolution is enacted for the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of the land; and to facilitate adequate but economical provisions for public improvements, all in accordance with a comprehensive plan and as permitted by the provisions of Section 519.01 et. seq. of the Revised Code of the State of Ohio.

ARTICLE 2 - TITLE

2.1 - This resolution shall be known and may be cited and referred to as the "Marion Township, Unincorporated Area, Zoning Code" and the map which accompanies this Resolution and is hereby incorporated herein and made a part hereof, shall be referred to as the "Marion Township, Unincorporated Area, Zoning Plan".

ARTICLE 3 - INTERPRETATION OF STANDARDS

3.1 - 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 or resolution, the provisions of the Resolution shall control.

ARTICLE 4 - DEFINITIONS

4.1 - For the purpose of this Resolution, words used in the present tense include the future; the singular number includes the plural, and the plural the singular; The words "used for" applies to a corporation or partnership as well as an individual; the word "used" or "occupies" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used"; this word "building" includes the word "structure" and the word "shall" is mandatory and not directive.

A. - Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this Resolution.

1. Accessory Use of Structure - A use or structure subordinate to the principal use of a building, on the same premises as the principal building, and serving a purpose customarily incidental to the use of the principal building.

2. Agriculture - The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and rabbitry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

3. Alley - A public or private way affording secondary means of access to abutting property.

4. Beginning of Construction - The incorporation of labor and material within the walls of the building or building.

5. Board - The Board of Zoning Appeals of Marion Township.

6. Building - Structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or chattels.

7. Building, Height of - The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the main height level between eaves and ridge for gable, hip and gambrel roofs.

8. District - A portion of the unincorporated territory of Marion Township, Mercer County, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Resolution.

9. Dump - A place or premises used for the dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, scrap paper, rubbish, offal, dead animals, or other organic or inorganic waste, except such as result or are produced from the normal use of the premises by the occupant thereof.

10. Dwelling - Any building or portion thereof occupied or intended to be occupied exclusively for residence purposes only, but not including tent, cabin, trailer, or trailer coach.

A. Dwelling, Single Family - A building occupied or constructed to be occupied exclusively for residence purposes by one family or housekeeping unit.

B. Dwelling, Two Family - A building occupied or constructed to be occupied exclusively by not more than two families or housekeeping units.

C. Dwelling, Multiple, or Apartment House - A building or portion thereof occupied or constructed to be occupied by more than one family.

11. Family - A person living alone or two or more persons living together as a single housekeeping unit but not including a group occupying a boarding house, lodging house, or hotel.

12. Garage, Private - A garage intended for, and used by the private motor vehicles of the families resident upon the premises.

13. Garage, Public - Any area where waste or structure other than a private garage, for the storage, sale, hire care, repair, or refinishing of self-propelled vehicles or trailers.

14. Junk Yard - Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building, and not including establishments for the sale, purchase or storage of used furniture and household equipment, used cars inoperable condition, salvaged machinery, and the processing of used, discarded or salvaged materials as part of manufacturing operations.

15. Kennel - Any lot or premises on which four (4) or more dogs, more than (4) months of age, are kept.

16. Lot - A piece or parcel of land occupied or intended to be occupied by a principal building and its accessory buildings and uses, including all open spaces required by this Resolution, and having frontage on a public street.

17. Lot Depth - The mean horizontal distance between the front and rear lot lines.

A. Lot Line, Front - The line separating the lot from a street or road.

B. Lot Line, Rear - The lot line opposite and most distant from the front lot line.

C. Lot Line, Side - Any lot line other than a front or rear lot line.

D. Lot Line, Street or Road - A lot line separating the lot from a street or road.

18. Mobile Home - Any vehicle or mobile structure more than twenty (20) feet long, on wheels, skids, rollers, or blocks, designed to be pulled, pushed, or carried by a motor vehicle on a highway, and designed for living as a one-family dwelling, complete and ready for occupancy as such except for minor and incidental packing and assembly operations, location on permanent foundations, connections to utilities, and the like.

19. Modular Housing - An assembly of materials or products comprising all or part of a total residential structure which, when constructed, is self sufficient, containing plumbing, wiring, and heating at the point of manufacture, and which when installed, constitutes a dwelling unit, except for necessary on-site preparations for its placement.

20. Non-Conforming Use - A building, structure or a premises devoted to or occupied by, or for, a use that does not conform with the provisions of this Resolution or amendments thereto, for the district in which located.

21. Parking Lot, Commercial - A permanently surfaced area on one (1) or more "Parking Spaces" designed or used for the parking of self-propelled vehicles and available to the public whether for a fee or as an accommodation to clients or customers.

22. Parking Space - A permanently surfaced area of not less than one hundred sixty (160) square feet either within a structure or in the open, exclusive of driveways or access drives for the parking of a motor vehicle.

23. Stable, Commercial - A stable which boards more than six (6) horses.

24. Story - That portion of a building, other than a cellar, as defined herein, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling above it.

25. Story, Half - "Half-Story" shall mean a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor or such story; provided, however, that any partial story used for residence purposes, other than for a janitor or caretaker and his family, shall be deemed a full story.

26. Street - A public right-of-way affording the principal means of access to abutting property. The term street shall include avenue, drive, road, highway or similar term.

27. Structure - Anything constructed, the use of which requires permanent location on the ground, or attached to something having permanent location on the ground.

28. Structural Alteration - Any change in the structural members of a building, such as walls, columns, beams, and girders.

29. Thoroughfare, Main - A road or highway of great continuity and serving as major traffic way; and which is designated as such in the Zoning Code or subsequent amendments thereto.

30. Thoroughfare, Primary - A road or highway of considerable continuity and serving as a principal traffic way; and which are designated as such in the Zoning Code or subsequent amendments thereto.

31. Tourist Camp - A group of attached or detached cottages, cabins, or similar buildings, containing individual sleeping or living units, but not including kitchen or cooking spaces, for the accommodation of transient guests and not for permanent residents, including auto courts, motels, or motor lodges.

32. Trailer - (Including Automobile Trailer and Trailer Coach) - Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation, or use as a selling or advertising device, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

33. Trailer Camp - Any lot or portion of the lot which is used or offered as a location for three (3) or more trailers or tents which is being used for individual sleeping and living units for the accommodation of transient guests and not for permanent residents.

34. Roadside Stand - A temporary structure designed or used for the display or sale of neighborhood agricultural products or other products. Fifty (50) percent of the agricultural or other products must be produced on the premises upon which such a stand is located.

35. Yard, Front - An open space extending the full width of the lot between any part of a building not here-in-after excepted and the front lines unoccupied and unobstructed from the ground upward, except as here-in-after specified.

36. Yard, Rear - An open space extending the full width

of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as here-in-after specified.

37. Yard, Side - An open space extending from the front yard to the rear yard between a building and the side lot line, unoccupied and unobstructed from the ground upward, except as here-in-after specified.

38. Zoning Certificate - Written statement issued by the Zoning Inspector authorizing buildings, structures or uses consistent with the terms of this Resolution and for the purpose of carrying out and enforcing its provisions.

39. Zoning Commission - The Marion Township Zoning Commission.

40. Zoning Inspector - The Zoning Inspector (Administrative Officer) or his authorized representative, appointed by the Board of Township Trustees of Marion Township, Mercer County.

41. Zoning Map - The Zoning Map of the unincorporated portion of Marion Township, Mercer County dated 6/87.

ARTICLE 5 - DISTRICTS AND BOUNDARIES THEREOF

5.1 - For the purpose of this Resolution, the unincorporated territory of Marion Township, Mercer County, Ohio is hereby designated the following district:

A-1/R-1 - "Agricultural/Residential District"

5.2 - The boundaries of this district are hereby established as shown on the "Zoning Map" of the unincorporated area of Marion Township, Mercer County, Ohio which map is hereby made a part of this Resolution. The said "Zoning Map", and all notations are reference and other matters shown thereon, shall be and are hereby made part of this Resolution. Said "Zoning Map", properly attested, shall be and remain on file in the office of the Board of Trustees of Marion Township, Mercer County, Ohio and the office of the Recorder of Mercer County.

ARTICLE 6 - GENERAL PROVISIONS

6.1 - Conformance Required - Except as here in-after specified, no land, building, structure, or premises, shall hereafter be used, and no building or part thereof or other structure shall be located, erected, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein specified for the district in which it is located.

6.2 - Continuing Existing Uses - Any use, building or

structure, existing at the time of the enactment of this Resolution maybe continued, even though such use, building of structure may not conform with the provisions of the Resolution for the district in which it is located.

6.3 - Non-Conforming Uses or Buildings - No existing building or premises devoted to a use not permitted by this Resolution in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, substituted or structurally altered, unless the use thereof is changed to a use permitted in the district in which such building or premises is located, except as follows:

A. Discontinuance - In the event that a non-conforming use of any building, structure, or of any premises or land is voluntarily discontinued for two (2) years or more, any further use thereof shall be in conformity with the provisions of this Resolution.

B. Extensions of Non-Conforming Uses

1. When authorized by the Board of Zoning Appeals the extension or completion of a building devoted to a non-conforming use upon a lot, occupied by such building or on a lot adjacent, provided that such lot was under the same ownership as the lot in question on the date such building became non-conforming, and where such extension is necessary and incidental to the existing use of such building; provided, however, that the floor area of such extension shall not exceed in all, thirty-five (35) percent of the floor area of the existing building or buildings devoted to a non-conforming 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 non-conforming.

2. When authorized by the Board of Zoning Appeals as provided in Article 14, Paragraph 3D.3, a non-conforming use may be extended throughout those parts of a building which were manifestly designed or arranged for such use prior to the effective date of this Resolution, if no structural alterations, except those required by law, and made therein.

C. Replacing Damaged Building - Any non-conforming structure or building damaged more than ninety (90) percent of its fair market value, as determined by three (3) qualified disinterested appraisers, exclusive of the foundations, at the time of damage by fire, flood, explosion, war, riot, or Act of God, shall not be restored or reconstructed and used as before such happening, but if less than ninety (90) percent damaged above the foundation, it maybe restored, reconstructed, or used as before, provided that such restoration be started within six (6) months of the date of such damage.

6.4 - Unsafe Building - Nothing in this Resolution shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

6.5 - Agriculture - Nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes, as defined in this text, or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such building or structures are located, and no zoning certificate shall be required for any such use, building or structure.

6.6 - Public Utilities - Nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structure of any public utility or railroad for the operation of business, except that all buildings or structures must meet the forty (40) foot set back required by this Resolution. Utility poles will be set within one (1) foot of a property line right-of-way.

6.7 - Outdoor Advertising - Outdoor advertising shall be classified as a business use and shall be permitted in all districts zoned for industry, business, trade or lands used for agricultural purposes, subject, however, to the pertinent provisions set forth in Article 11.1.

6.8 - Mercantile or Retail Establishments - Nothing in this Resolution shall prohibit the use of any land for the construction of a building, or the reconstruction, change, alteration, maintenance, enlargement, or use of any building for the maintenance, and operation of any mercantile or retail establishment, drugstore, hotel, lunch room, restaurant, or place of entertainment in area zoned for business or industry, but a Zoning Certificate for such uses shall be required in accordance with the provisions of this Resolution.

6.9 - Buildings Under Construction - Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any premises, buildings, structure, or part thereof, the construction of which shall have been started prior to the effective date of this Resolution and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder's control provided that, in any event such construction shall be completed within one (1) year after the effective date of this Resolution or within an extension of a six (6) month period as maybe allowed by the Board.

6.10 - Abandoned or unused Buildings - Buildings or structures which are abandoned or unused for a period of one (1) year or more and which, because of such abandonment or disuse, become, in the opinion of the Board of Zoning Appeals, a hazard to public health, safety or general welfare maybe ordered removed in accordance with the pertinent statutes of the State of Ohio.

6.11 - Abandoned or Unused Vehicles - There shall be no more than three (3) vehicles on one lot.

ARTICLE 7 - A-1/R-1, AGRICULTURAL/RESIDENTIAL DISTRICT

7.1 - The following regulations and the regulations contained in Article 6 shall apply in the "A-1/R-1" AGRICULTURAL/RESIDENTIAL DISTRICT.

A. PRINCIPAL PERMITTED USES

1. Agriculture
2. Single Family Dwellings - Shall have a lot size of one (1) acre.
3. Two Family Dwellings - Shall have a lot size of one (1) acre.
4. Multi-Family Dwelling - Shall have a lot size of one (1) acre, and minimum (lot size) of four thousand (4000) square feet per dwelling unit.
5. Mobile Homes - Shall have a lot size of one (1) acre.
6. Churches - Shall have a lot size of two (2) acres.
7. Schools -
8. Public Buildings -
9. Hospitals and Clinics (including dormitory for nurses attendants) but not including those for the treatment of the insane, liquor or drug addicts or correctional institutions - Shall have a lot size of ten (10) acres.
10. Public Parks and Playgrounds -
11. Lodging and Boarding Houses - Shall have a lot size of one (1) acre.
12. Nursing and Convalescent Homes - Shall have a lot size of two (2) acres.
13. Utilities - Telephone exchange, electric power sub-stations or gas regulating station, subject to all building line and area regulations.
14. Private Clubs and Lodges - Shall have a lot size of two (2) acres.
15. Commercial Stables - Shall have a lot size of five (5) acres provided that such buildings shall be a distance of three hundred (300) feet from any lot in an "A-1/R-1" District.
16. Commercial Dog Kennels Shall have a lot size of two (2) acres and provided that all buildings, including runways, shall be a distance of four hundred (400) feet from any lot in an "A-1/R-1" District.
17. Veterinary Clinic - Shall have a lot size of two (2) acres and provided that all buildings, shall be a distance of two hundred (200) feet from any lot in an "A-1/R-1" District.
18. Temporary Sawmills - For cutting timber grown on the premises, provided that any power or power providing equipment is located at least one hundred

(100) feet from all adjacent property lines.
19. Mobile Home Parks - Shall comply with all states regulations.

- 20. Home Occupations -
- 21. Other Accessory Items -

B. CONDITIONAL USES - All conditional uses are subject to Article 14.5A.

- 1. Public and Private Airports.
- 2. Commercial Swimming Pools, including fishing lakes, gun clubs and skeet shooting ranges.
- 3. Commercial Hunting Preserves
- 4. Golf Courses
- 5. Private Recreational Areas
- 6. Cemeteries
- 7. All Uses Considered Commercial (C-1)
- 8. All Uses Considered Industrial (I-1)

C. CONDITIONED USES

- 1. Landfills and Dumps
- 2. Junk Yards
- 3. Drive-In Theaters
- 4. Quarries and Tile Mills
- 5. The Manufacture, Wholesale, or Retail Sale of Fireworks.
- 6. In General, any use, which maybe obnoxious, offensive or detrimental to the neighborhood by reason of the emission of odor, dust, gas, smoke, vibration, or noise.

7.2 ACCESSORY USES - Uses and structures customarily incident to any of the principal permitted uses are permitted.

A. The following accessory uses are specifically permitted.

- 1. The office or studio of a physician or surgeon, dentist artist, lawyer, architect, engineer, insurance agent, Realtor, teacher, or other member of a recognized profession, in his place of abode.
- 2. Customary home occupations such as a handicraft, dressmaking or millinery.
- 3. Personal Service occupations such as a beauty shop or similar occupation.
- 4. Any home occupation incident to agriculture.
- 5. All accessory uses shall be subject to the following requirements:

- a. All such accessory uses shall involve only the

services of persons using the premises as their private residence and shall entail no internal changes in the structural form of the building, such as the removal of partitions or parts thereof.

b. Such uses shall not entail the sale of articles on the premises except those which are customarily incidental to the permitted occupation.

c. All such accessory uses shall be restricted to such uses as are not offensive by reason of emission of odor, dust, smoke, gas, noise or vibration, and to such as are not accompanied by an unreasonable number of calls or stops by either pedestrians or vehicles, not by any use of the premises that may be unsightly or otherwise objectionable by reason of accumulation of materials or debris.

d. Such accessory uses shall not involve any extension or modification of dwelling which will alter its outward appearance as a dwelling.

e. Such accessory uses shall not involve any outward evidence of such other than a sign not exceeding two (2) square feet in area.

f. Such accessory uses shall not occupy more than twenty-five (25) percent of the floor area of a single floor dwelling.

g. If such accessory uses are conducted in an accessory building, such accessory building shall be located on the rear of the lot and shall not have a floor area greater than fifty (50) percent of the floor area of the dwelling.

6. Roadside stands are also permitted, provided that fifty (50) percent of the agricultural products or other products offered for sale are produced on the premises upon which the stand is located.

7.3 - YARD REQUIREMENTS

A. ON ALL ROADS, STREETS, AND HIGHWAYS - The building line shall be at least forty (40) feet from the right-of-way line of the road, street or highway. Except in case of a roadside stand, in which case the building line shall be at least ten (10) feet from the right-of-way. Also, hospitals, commercial stables and veterinary clinics shall have a one hundred (100) foot "set back".

B. SIDE YARDS: DWELLING UNITS AND ACCESSORY BUILDINGS - Every dwelling and accessory building shall have two side yards, the width of which shall be a minimum of twenty (20) feet each.

C. FRONT YARDS: DWELLING UNITS - Every dwelling shall have a front yard, the width of which shall be a minimum of one hundred (100) feet.

D. SIDE YARDS: OTHER USE - All permitted uses, other than dwellings and accessory buildings thereto, shall have two side yards, the width of which shall not be less than twenty (20) feet each, except in the case of hospitals, commercial stables and veterinary clinics, where the width shall not be less than one hundred (100) feet each.

E. FRONT YARD: OTHER USES - All permitted uses, other than dwellings and accessory buildings, shall have a front yard, the width of which shall be one hundred (100) feet, except in the case of hospitals and commercial stables, in which case, the width of the front yard shall be two hundred (200) feet. Also, veterinary clinics shall have a front yard of not less than three hundred (300) feet in width.

F. REAR YARD - A rear yard shall not be less than thirty (30) feet, except in the case of hospitals, commercial stables and veterinary clinics, where the rear yard shall not be less than one hundred (100) feet.

7.4 - PERCENT OF LOT COVERAGE - Buildings including accessory buildings shall not cover more than thirty-five (35) percent of the area of any lot or premises.

7.5 - REQUIRED LOT AREA - All lots used to single family residential purposes shall have a minimum frontage of one hundred (100) feet and minimum area of one acre. All lots for Multi-family dwellings shall have a minimum frontage of one hundred (100) feet, a minimum area of one acre, and a minimum (lot size) of four thousand (4000) square feet per dwelling unit.

7.6 - PARKING SPACE - For each of the permitted uses there shall be provided sufficient space for the off-street parking of motor vehicles to accommodate the normal number of motor vehicles which will congregate as a result of the uses of such building or premises.

ARTICLE 8, "C-1", COMMERCIAL USES

8.1 - The following regulations and the regulations contained in Article 6 shall be considered before issuing a conditional (C-1) use permit. In addition, the Board shall give due regard to the nature and condition of all adjacent uses and buildings; and in authorizing a conditional use permit, the Board may impose construction, maintenance and operation (in addition to those expressly stipulated in this Resolution for the particular conditional use) as the Board may deem necessary for the protection of adjacent properties and public interest. (See Article 14.5A)

A. CONDITIONAL (C-1) USES

1. Stores and shops for conducting any retail or personal service business, also food processing where the products are for sale exclusively on the premises.
2. Drive in Restaurants and eating establishments.
3. Automobile, trailer, and farm implement establishments for display, hire, sales and repair, including sales lots, provided that such Establishments are not junk yards as herein before defined in this Resolution.
4. Bowling Alley, motel, skating rink, pool hall, carpenter, sheet metal and sign painting shop, bakery, laundry, clothes cleaning and dying establishments, wholesale business, storage or warehouse, and commercial greenhouse.
5. Any other use as determined by the Board to be of the same general character as the above conditional (C-1) uses.
6. A building maybe used for a combination of commercial and residential purposes and, if so used, shall be classified as a "C-1" Commercial Use.

8.2 - ACCESSORY USES - Uses and structures customarily incidental to any of the conditional (C-1) uses are permitted.

8.3 - YARD REQUIREMENTS

A. On all roads, streets and highways, the building line shall be at least one hundred (100) feet from the right-of-way line of the road, street or highway.

B. SIDE YARD - All commercial (C-1) uses and accessory buildings shall have two side yards, the width of which shall be a minimum of fifty (50) feet each.

C. FRONT YARD - All commercial (C-1) uses shall have a front yard, the width of which shall be a minimum of one hundred and fifty (150) feet.

D. REAR YARD - The rear yard shall not be less than fifty

(50) feet.

8.4 - DISTANCE FROM OTHER USES - No commercial (C-1) use shall be located within two hundred (200) feet of a building lot in an A-1/R-1 District.

8.5 - PERCENTAGE OF LOT COVERAGE - Buildings including accessory buildings shall not cover more than thirty-five (35) percent of the area of any lot or premises.

8.6 - REQUIRED LOT AREA - All lots used for commercial (C-1) uses shall have a minimum area of one acre.

8.7 - STORAGE AND PARKING - There shall be provided off-street parking space for the use of employees and visitors sufficient to accommodate the motor vehicles of such employees and visitors.

ARTICLE 9, "I-1", INDUSTRIAL USES

9.1 - The following regulations and the regulations contained in Article 6, shall be considered before issuing a conditional (I-1) use permit. In addition, the Board shall give due regard to the nature and condition of all adjacent uses and buildings; and in authorizing a conditional permit, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation (in addition to those already expressly stipulated in this Resolution for the particular conditional use) as the Board may deem necessary for the protection of adjacent properties and public interest. (See Article 14.5A).

A. CONDITIONAL (I-1) USES - A building or premises may be used for any purpose except those listed below.

1. No zoning certificate shall be issued for any use in conflict with any resolution of Mercer County or law of the state of Ohio regulating nuisances.

2. No zoning certificate shall be issued for any of the following uses until and unless the location of such use shall have been authorized by the Board in a manner provided in Article 14.5A.

- a. Slaughter house or stock yards
- b. Acid manufacture or wholesale storage of acids.
- c. Cement, lime, gypsum, or plaster of Paris manufacture.
- d. Distillation of bones.
- e. Explosive manufacture or storage, or the use of fissionable material as the primary source of power.
- f. Fat rendering, fertilizer, gas, or glue manufacture.
- g. Petroleum products refining.
- h. Smelting or reducing of ores of metallurgical products.
- i. Race tracks and courses for the conduct of seasonal or periodic racing meets of aircraft, horses, dogs, automobiles, motorcycles and the like.

j. Any use which maybe obnoxious or offensive by reason of emission of odor, dust gas, smoke, vibration, or noise.

9.2 - REQUIRED CONDITIONS

A. The best practical means known for the disposal of refuse, matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance, shall be employed.

B. All principal buildings or accessory buildings or structures, including loading or unloading facilities, shall be located at least two hundred (200) feet from any lot in the A-1/R-1 District.

9.3 - YARD REQUIREMENTS

A. On all roads, streets, and highways, the building line shall be at least one hundred (100) feet from the right-of-way of the road, street or highway.

B. SIDE YARDS - All industrial (I-1) uses and accessory buildings shall have two side yards, the width of which shall be a minimum of fifty (50) feet each.

C. FRONT YARD - All industrial (I-1) uses shall have a front yard, the width of which shall be a minimum of one hundred and fifty (150) feet.

D. REAR YARD - The rear yard shall not be less than fifty (50) feet.

9.4 - DISTANCE FROM OTHER USES - No industrial (I-1) use shall be located within two hundred (200) feet of a building lot in the A-1/R-1 District.

9.5 - REQUIRED LOT AREA - All lots used for industrial (I-1) uses shall have a minimum area of one acre.

9.6 - STORAGE AND PARKING - There shall be provided off-street parking for the use of employees and visitors sufficient to accommodate the motor vehicles of such employees and visitors.

ARTICLE 10. PARKING AREAS

10.1 - In all areas, in connection with every industrial, commercial business, trade, institution, recreational, or dwelling use, space for parking and storage of vehicles shall be provided, and shall be of sufficient size to provide ample area for the parking and storage of vehicles.

A. Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements:

1. No part of any parking area shall be closer than twenty (20) feet to any street or road right-of-way line except in the case of corner lots when such distance shall be as determined by the Board of Appeals.
2. In case any parking area abuts a building lot in a A-1/R-1 District, then no part of the parking area shall extend beyond the front building line for a distance of not less than one hundred (100) feet measured from the building lot line in the A-1/R-1 District.
3. Off-street parking areas, for more than ten (10) vehicles, adjoining or facing any building lot in a A-1/R-1 District or institutional premises, shall be effectively screened by a masonry wall or compact evergreen hedge. Such wall or hedge shall not be less than four (4) feet or more than six (6) feet in height and shall be maintained in good condition without any advertising thereon. The space between such wall or hedge and the adjoining premises shall be maintained in good condition.
4. Off-street parking areas for more than ten (10) vehicles shall be paved with asphaltic material or concrete so as to provide a durable, dust free surface.
5. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining or facing building lots in the A-1/R-1 District.

10.2 - The Board of Appeals may authorize a modification, reduction or waiver of the foregoing requirements, if it should find that in the particular case appealed, the peculiar nature of the use, or the exceptional shape and size of the property or other exceptional situation or condition, would justify such modification, reduction or waiver.

ARTICLE 11 - SPECIAL PROVISIONS

11.1 - BILLBOARDS AND OUTDOOR ADVERTISING SIGNS - Billboards and outdoor advertising signs shall be set back from the established right-of-way line of any street, road or highway, at least as far as the required front yard depth in the district in which said sign or billboard is erected.

A. EXCEPTIONS - Signs pertaining solely to a use conducted on the premises may be erected and maintained within the required front yard provided that the sign does not exceed twenty (20) square feet in area and provided further that such signs do not extend over the street right-of-way nor otherwise obstruct or impair the safety of pedestrians or motorists.

B. INTERSECTIONS - In the case of signs located at the intersection of two roads or highways, the Board of Appeals may reduce the required set-back on one road or highway, provided that, in the opinion of the Board, such reduction will not be detrimental to the neighborhood or result in a traffic hazard.

11.2 - LIGHTING - Any lighting used in connection with any business or industrial use shall be so arranged as to reflect away from adjoining building lots in the A-1/R-1 District.

ARTICLE 12 - EXCEPTIONS TO REGULATIONS

12.1 - The regulations specified in this Resolution shall be subject to the following exceptions and regulations:

A. USE OF EXISTING LOTS OF RECORD - Nothing in the area requirements of this Resolution relating to lot area for residential use shall be held to prohibit the erection of a one-family dwelling upon a lot, the area of frontage of which is less than that prescribed herein, provide such lot of plat was of official record as of the effective date of this Resolution, subject to the following requirements:

1. The front, rear, and side yards shall be as established in this Resolution.

ARTICLE 13 - ENFORCEMENT

13.1 - ZONING INSPECTOR - There is hereby established the office of Marion Township Zoning Inspector; and for the purpose of this Resolution, the Inspector appointed by the Board of Township Trustees is hereby designated as such Zoning Inspector. It shall be the duty of the Zoning Inspector, as provided under Section 519.01 et. seg. of the Ohio General Code, to enforce this Resolution in accordance with the provisions of this Resolution. For this purpose the Zoning Inspector shall have such power as are conferred upon

him or her by this Resolution and State Statutes.

13.2 - ZONING CERTIFICATE - It shall be unlawful for an owner to use or permit the use of any building or land or part thereof, hereafter created, erected, changed, converted, or enlarged, wholly or partly, until a Zoning Certificate shall have been issued by the Zoning Inspector. No excavation for foundation, nor the erection, construction or structural alteration of any structure or part of a structure shall be undertaken until a Zoning Certificate shall have been issued by the Zoning Inspector. The use of any premises or building shall not be hereafter changed until a Zoning Certificate shall have been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a Zoning Certificate provided that the building or premises and the proposed use thereof, conform with the requirements of this Resolution. No Zoning Certificate shall be issued by the Zoning Inspector unless the intended use conforms to the provisions of this Resolution.

A. No Zoning Certificate shall be required for the use of land for agricultural purposes, as defined in this text, or the use, construction or alteration of buildings or structures incident to the use of agricultural purposes of the land on which such buildings or structures are located.

B. Under such rules as may be adopted by the Commission, the Zoning Inspector may issue a Temporary Zoning Certificate for a part of a building or structure.

C. Upon written request from the owner or tenant, the Zoning Inspector shall issue a Zoning Certificate for any building or premises existing at the time of enactment of this Resolution, certifying, after inspection, the extent and kind of use made of the buildings or premises and shelter such use conforms to the provisions of this Resolution. No fee shall be charged for a Zoning Certificate for such existing use provided application therefore is made within six (6) months after the enactment of this Resolution. After such six (6) month period the fee for such Zoning Certificate shall be as here-in-after provided.

D. The fee for a Zoning Certificate shall be \$15.00

E. A record of all Zoning Certificates and applications therefore, shall be maintained by the Zoning Inspector.

13.3 - APPLICATION FOR ZONING CERTIFICATE

A. Application for a Zoning Certificate shall be made in the form prescribed by the commission and shall be accompanied by the required fee. Every application shall be accompanied by a plan, in duplicate, drawn to scale showing

the actual dimensions of the premises to be built upon or to be changed in the use, in whole or in part, the size and location of any buildings or structures to be erected or altered, present and proposed use of the premises and such other information as may be required. One copy of such plans shall be returned to the owner together with such Zoning Certificate as may be required.

13.4 - VIOLATIONS AND PENALTIES - It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use, any building or land in violation of any regulation in or thereto adopted by the Board of Township Trustees of Marion Township, Mercer County, under Section 519.01 et. seq. of the Ohio General Code. Any person, firm, partnership, or corporation violating any regulation or any provision of this Resolution or any amendment or supplement thereto shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred (100) dollars. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

13.5 - VIOLATIONS - WHO MAY BRING ACTION - In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or proposed to be used in violation of this Resolution or any amendment or supplement thereto, said Board of Township Trustees, the Prosecuting Attorney of Mercer County, said Township Zoning Inspector, 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, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

ARTICLE 14 - BOARD OF ZONING APPEALS

14.1 - APPOINTMENT - A Board of Zoning Appeals of Marion Township is hereby created. Such Board shall consist of five (5) members, to be appointed by the Board of Township Trustees. Appointees shall be residents of the unincorporated territory of Marion Township included in the area zoned. The terms of all members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his or her successor is appointed or qualified. Members of the Board shall be removable for non-performance of duty, misconduct in office or other cause by the Township Trustees upon written charges having been filed with the Trustees and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged

at least ten (10) days prior to the hearing, either personally or by registered ^{MAIL} mail, or by leaving the same at his or her usual place of residence, the member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Trustees and shall be for the unexpired term.

14.2 - ORGANIZATION - The board shall organize and adopt rules in accordance with the provisions of this Resolution. Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine. The Chairman, or in his or her absence the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, including such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Township Trustees and shall be a public record.

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

14.3 - AUTHORITY OF THE BOARD OF ZONING APPEALS - In addition to permitting the conditional exceptions hereafter specified, the Board of Zoning Appeals shall have the following powers:

A. ADMINISTRATIVE - To hear and decide where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the Zoning Resolution or amendments subsequently adopted pursuant thereto.

B. VARIANCES - To authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this Resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed.

C. ACTION OF THE BOARD OF APPEALS - In exercising its powers, the Board may, upon appeal and in conformity with the provisions of statute and this Resolution, reverse or affirm wholly or partly, or may modify any order, requirements, decisions, or determination made by the Zoning Inspector, and

REQUIREMENTS

may make such order, ~~A~~, decision or determination as ought to be made.

D. NON-CONFORMING USES - The Board may authorize issuance of a Zoning Certificate, after public hearing, for the following:

1. The substitution for a non-conforming use of another non-conforming use, if no structural alterations except for those required by law or regulation are made.
2. The extension or completion of a building devoted to a non-conforming 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 on the date such building became non-conforming, and where such extension is necessary and incidental to the existing use of such buildings; provided, however, that the floor areas of such extension shall not exceed in all, thirty-five (35) percent of the floor area of the existing building or buildings devoted to a non-conforming 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 non-conforming.
3. The extension of a non-conforming use throughout those parts of a building which were manifestly designed or arranged for such use prior to the effective date of this Resolution, if no structural alterations, except those required by law, are made therein.

E. INTERPRETATION OF ZONING MAP - The Board may authorize adjustments of district boundaries as follows:

1. Where the street of lot layout actually on the ground, or as recorded, differs from the street or lot lines as shown on the Zoning Map, the Board, after notice to the owners of the property and after public hearing, shall interpret the maps in such a way as to carry out the intent and purposes of this Resolution for the particular section or district in question.
2. To permit the extension of a district where the boundary line of a district divides a lot held in a single ownership on the effective date of this Resolution.

F. TEMPORARY USES - The Board may authorize the temporary uses of a building or premises in any district for a purpose or use that does not conform to the regulations prescribed by this Resolution for the district in which it is located; provided that such use be of a temporary nature, and that any temporary buildings or structures erected in connection with such temporary use shall be removed at the expiration of the permit. Such certificate shall be granted in the form of a temporary and revocable permit for not more than a six (6) month period subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

14.4 - APPLICATION, APPEALS, HEARING AND STAY OF PROCEEDINGS

A. APPEALS - WHEN AND BY WHOM TAKEN - An appeal to the Board may be made by any person directly affected by a decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

B. HEARING - The Board shall fix a reasonable time for the hearing of the appeal, give ten (10) days notice to the parties in interest, give notice of such public hearing by one publication in one or more newspapers or general circulation in the county at least ten (10) days before the date of such hearing, and decide the same within sixty (60) days after the date of submission. At the hearing, any party may appear in person or by attorney. Any party adversely affected by a decision of the Board may appeal to the Court of Common Pleas of Mercer County on the ground that such decision was unreasonable or unlawful. Such appeals shall be in accordance with Chapter 2506 of the Ohio Revised Code.

14.5 - SPECIAL EXCEPTIONS - Applications for special exceptions shall be filed with the Zoning Inspector and transmitted by him to the Board. The Board of Zoning Appeals, in addition to its power heretofore specified, is hereby authorized to hear and decide, in accordance with the provisions of this Resolution, requests or application for special exceptions or for interpretations of the Zoning Maps or for decision upon other special questions.

A. CONDITIONAL USES - The Board may authorize the issuance of a Zoning Certificate, after public hearing, for any of the conditional uses as permitted by this Resolution and in considering an application for any of the conditional uses, the Board shall give due regard to the nature and condition of all adjacent uses and buildings; and in authorizing a conditional use, the Board may impose such requirements and conditions with respect to location,

construction, maintenance and operation - in addition to those expressly stipulated in this Resolution for the particular conditional uses - as the Board may deem necessary for the protection of adjacent properties and public interest.

ARTICLE 15 - AMENDMENTS OR SUPPLEMENTS TO ZONING RESOLUTION

15.1 - GENERAL - Whenever the public necessity, convenience, general welfare or good zoning practice require, the Board of Township Trustees may by resolution, after recommendation thereon by the Zoning Commission and subject to the procedure provided in this section, amend, supplement or change the regulations, district boundaries or classification of property, now or hereafter established by this Resolution or amendments thereof. Such amendments may be made without the vote of the Electors, except as hereinafter provided in Section 15.2F of this Article. It shall be the duty of the Zoning Commission to submit its recommendations regarding all applications or proposals for amendments to the Board of Township Trustees.

A. An amendment, supplement, reclassification or change may be initiated by:

1. Resolution of the Board of Township Trustees.
2. Motion of the Township Zoning Commission.
3. Application to the Zoning Commission by one (1) or more of the owners or leases of property within the area proposed to be changed or affected by this Resolution.

15.2 - PROCEDURE FOR CHANGE

A. APPLICATION - Applications for change of district boundaries or classification of property as shown on the Zoning Map, shall be submitted to the Township Zoning Commission at their office upon such forms and shall be accompanied by such data and information as may be prescribed for that purpose by the Zoning Commission so as to assure the fullest practicable presentation of facts for the permanent record. Applications for amendments initiated by the Board of Township Trustees shall be accompanied by their resolution setting forth such proposed amendments. Amendments initiated by the Zoning Commission shall be accompanied by their motion setting forth such proposed amendment.

1. NAMES AND ADDRESSES OF ADJACENT PROPERTY OWNERS -

All applications for changes in zoning classifications of property shall be accompanied by a statement giving the names and addresses of the owners of all adjacent properties and of all premises lying within three hundred (300) feet of any part of the premises proposed to be changed.

2. FEES -Each application for an amendment, except those initiated by the Board of Township Trustees, or the Zoning Commission, shall be accompanied by a fee in the amount of \$15.00 to cover the cost of publication and mailing of notices as here-in-after required.

B. PUBLIC HEARING BY ZONING COMMISSION - Upon receipt of an application, the Zoning Commission shall set a date for a public hearing on such application. Such date for the public hearing shall be not less than twenty (20) days or more than forty (40) days from the date of receipt of the application. Notice of the public hearing shall be given by one publication at least fifteen (15) days prior to the date of the hearing. The notice shall state the time and place at which the proposed amendment to the Resolution, including text and maps, may be examined.

C. RECOMMENDATION BY ZONING COMMISSION - Within thirty (30) days of the required hearing the Zoning Commission shall recommend approval or disapproval of the application and immediately transmit the application and all pertinent records, together with the Zoning Commission a recommendation to the Board of Township Trustees.

D. PUBLIC HEARING BY BOARD OF TOWNSHIP TRUSTEES - Upon receipt of the application and the recommendations of the Zoning Commission, the Board of Township Trustees shall set a time and place for a public hearing. The date for such public hearing shall be not more than thirty (30) days after receipt of the recommendations of the Zoning Commission. Notice of the public hearing shall be given by the publication in one or more newspapers of general circulation of the township at least fifteen (15) days prior to the date of such hearing. The notice shall state the time and place at which the proposed amendment to the Resolution, including text and maps, may be examined.

1. In addition to the published notice, the Board of Township Trustees shall give notice of the time and place and purpose of the public hearing to be held by the Board of Township Trustees by mailing a written notice not less than ten (10) days prior to the day of the hearing to the owners of all adjacent properties and of all premises lying within three hundred (300) feet of any part of the property proposed to be changed.

E. ACTION OF BOARD OF TOWNSHIP TRUSTEES - Within twenty (20) days of the public hearing in accordance with the paragraph above, the Board of Township Trustees shall adopt or deny the recommendations of the Zoning Commission. The recommendations of the Zoning Commission shall not be modified or denied by the Board of Township Trustees except

by a favorable vote of the entire membership of the Board of Township Trustees.

F. EFFECTIVE DATE OF AMENDMENT - If the proposed amendment is adopted by the Board of Township Trustees, the amendment shall automatically become effective within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees, a petition signed by a number of qualified voters in the unincorporated area of the township included in the zoning plan and affected by the amendment of supplement equal to not less than eight (8) percent of the total vote cast for all candidates for Governor in such area at the last proceeding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area for approval or rejection at the next primary or general election.

ARTICLE 16 - VALIDITY AND REPEAL

16.1 - VALIDITY - If any article, section, subsection, paragraph, sentence or phrase of this Resolution is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution.

16.2 - REPEAL - This Resolution may be repealed in the following manner:

The Board of Township Trustees (a) may adopt a resolution upon its own initiative, and (b) shall adopt a resolution if there is presented to it, a petition signed by a number of qualified voters residing in the unincorporated area of such township included in the zoning plan, equal to not less than eight (8) percent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the question of whether or not the plan of zoning in effect in said township shall be repealed, to be submitted to the electors residing in the unincorporated area of the township included in the zoning plan, at the next primary or general election. In the event of repeal of zoning, then said regulations shall no longer be in force or effect in said township. Not more than one (1) such election shall be held in any two (2) calendar years.

ARTICLE 17 - WHEN EFFECTIVE

17.1 - This Resolution having been approved by a majority vote of the Electorate of Marion Township, Mercer County, Ohio at the General Election held NOV. 7, 1989 shall become effective JAN. 1, 1990