

# Tully Township Zoning Resolution

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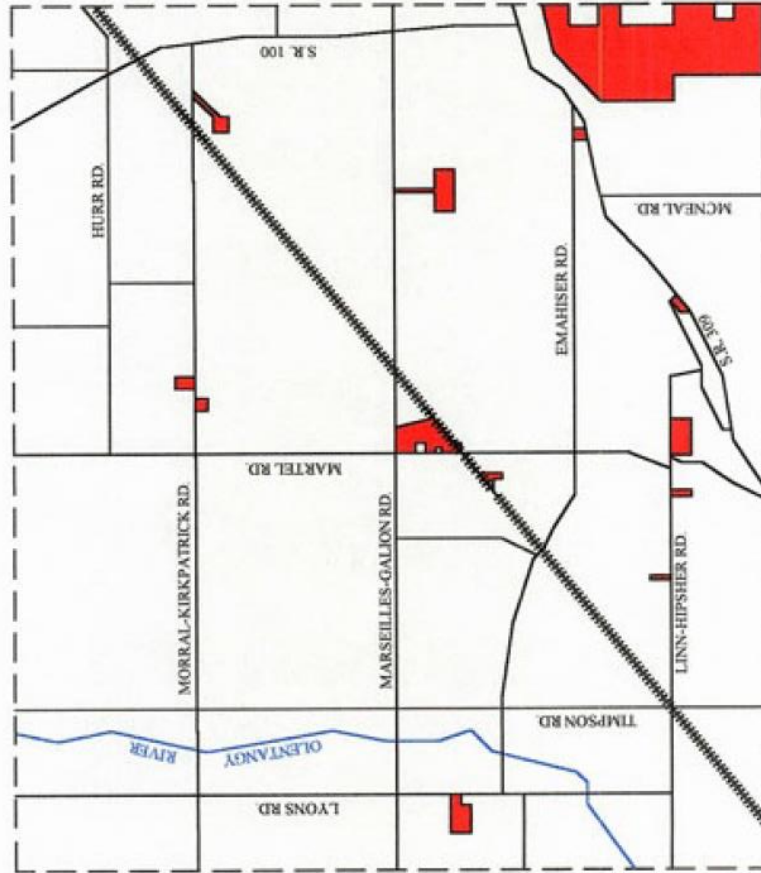
Marion County, Ohio

Revised: 2009, 2013, 7/9/2020

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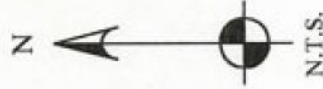
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# TULLY TOWNSHIP GENERALIZED ZONING MAP



## ZONING DISTRICT LEGEND

- AG-RES, AGRICULTURAL RESIDENTIAL DISTRICT
- BUSINESS-INDUSTRIAL DISTRICT



Map Source: 1977 RPC Marion County Highway Map. Date: 9/1/01

# **TULLY TOWNSHIP**

## **ZONING INSPECTOR**

Dan Purdy

## **BOARD OF ZONING COMMISSION MEMBERS**

Ryan Parsell  
Mary Sprague  
Terry Donough  
James Sulser  
Brian Wilson  
Alternate, Nick Heimlich

## **BOARD OF ZONING APPEALS MEMBERS**

Lonnie Stakey  
Carrie Heimlich  
Karen Heffley  
Mason Janczak  
Mike Sykes

## **TULLY TOWNSHIP BOARD OF TRUSTEES**

R. Dwayne Moodspaugh, Trustee  
Ila Moodspaugh, Fiscal Officer  
C. Paul Robinson, Jr., Trustee  
R. Craig Reece, Trustee

Updated: 9/2018, 3/2019

## **Tully Township Zoning Resolution**

Whereas, the board of trustees of Tully Township, deems it in the interest of the public health, safety, morals, and general welfare of said township and its residents to establish a general plan of zoning for the said township.

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

### **Purpose - Intent**

This zoning resolution is adopted to promote the public health, safety, morals, comfort, appearance and general welfare; to protect and conserve property and property values; to secure the most appropriate use of land and facilitate adequate but economical provisions of public improvements. More specific purposes are:

1. To protect the character and the values of the agricultural, residential, institutional, business and manufacturing uses, and to insure their orderly and beneficial development.
2. To guide the future development of the township, and to assure economic extension of public improvements and services.
3. Except where permitted by other provisions of this Resolution, each use of land shall be located on a lot, as defined in Section VII, which lot shall have frontage on a street or road.

### **Interpretation**

1. The provisions of this Resolution shall be construed as minimum requirements.
2. Where this Resolution imposes greater restrictions upon the use of land or buildings or upon the bulk of buildings, and where it requires higher standards than are required by other laws, ordinances, rules, or regulations, this Resolution shall prevail and where other laws, ordinances, rules, or regulations are more restrictive, they shall prevail.
3. Tully Township shall adhere to Marion County Subdivision regulations.

### **Effect of Invalidity of One Section**

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

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

## SECTION I

### 1. "Ag-Res" Agricultural - Residential District

Purpose: The purpose of the-Ag-Res Zoning District is to provide areas for low density residential development and various agricultural land uses. The comparatively low density residential development is desirable due to the reduced level of public services and utilities existing and programmed for the near future. The promotion of agricultural land uses is desirable given the fundamental importance of agricultural products and the potential for the unnecessary and irreversible loss of farmland through unplanned and premature urban development.

### 2. Principal Permitted Uses

Agriculture  
Public Uses  
Semi-Public Uses  
Single-Family & Two-Family Dwellings  
Mobile homes

### 3. Conditional Permitted Uses

**Any other uses of a similar nature to the above Principal Permitted uses are subject to approval of the Tully Board of Zoning Appeals.**

### 4. Dimension and Area Standards

Minimum lot size shall be 1½ acres.  
All lots shall have 50' of road frontage per ½ acre.  
Lot area shall include the road right-of-way and easements.

Minimum Front Yard Setback: *(adopted 7/9/2020)*  
All structures shall comply with the dimension requirements set forth hereunder.

1. Minimum Front Yard Depth  
The minimum front yard depth shall be ninety (90) feet, measured from the center of the road\*.
2. Minimum Side Yard  
There must be a minimum of six-foot setback from the edge of any awning or projection from any principal or accessory structure.
3. Minimum Rear Yard  
There must be a minimum six-foot rear yard setback for any principal structure. All accessory structures must have a six-foot rear yard setback from the edge of any awning or projection.

## **5. Number of Lots**

Purpose: Recognizing the growing concerns relating to farm land preservation, and the need to control premature development the following restrictions involving the number of lots which may be subdivided shall apply within the “Ag-Res” Agriculture Residential District. *(adopted 7/9/2020)*

1. Any parcel or lot of record on the effective date of this amendment\* may be subdivided, if also in accordance with the Marion County Subdivision Regulations, to provide only up to four (4) residential lots.
2. A residential lot is defined as any lot under ten (10) acres with a home either in use, planned, or potential use.

## **SECTION II**

### **Non-Conforming Lots, Uses or Buildings**

Within the districts established by this Resolution or subsequent amendments, there exists lots, uses of land, or buildings which individually or in combination lawfully existed before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution, shall be allowed to continue to exist until voluntarily removed or vacated for a period of two years (per Ohio Revised Code 519.19). It is also the intent of this Resolution that non-conformities shall not be enlarged, expanded or extended. Grounds for adding other structures or uses prohibited elsewhere in the same district shall be considered by variance.

## **SECTION III**

### **1. Business - Industrial District**

Purpose: The purpose of the Business-Industrial District is to establish commercial/manufacturing development at appropriate locations.

### **2. Principal Uses**

Any use permitted as a principal use in the "Ag-Res" District

Business and Professional Offices  
Food Processing/Manufacturing  
Brick Manufacturing and associated shale quarrying  
Tractor-Trailer Terminal  
Fertilizer Production

### 3. Conditional Uses

Automotive / truck service and / or filling stations  
General merchandise, grocery, produce sales, agricultural waste sales  
Other manufacturing operations similar to those allowed as a principal use in this District  
Junk or auto wrecking yard

**Any other uses of a similar nature to the above Principal Permitted uses are subject to approval by the Tully Township Board of Zoning Appeals.**

## SECTION IV

### 1. Enforcement and Violations

- A. It shall be unlawful to construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any regulation or any provision of this resolution or any amendment thereto. Any person, firm or corporation violating this resolution or any regulation, provision or amendment thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one-hundred (\$100) dollars. Each day and every day during which such illegal erection, construction, reconstruction; enlargement, change, maintenance or use continues may be deemed a separate offense.
- B. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of law or of this resolution or any amendment thereto, the Board of Township Trustees, the prosecuting attorney of the county, the Township Zoning Board of Appeals or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful location erection, construction, reconstruction, enlargement, change, maintenance or use. The Board of Township Trustees may employ special counsel to represent it in any proceedings or to prosecute any actions brought under this section.



## **SECTION V**

### **1. Boards of Zoning Appeals, Zoning Commission, and Zoning Inspector**

The Board of Township Trustees shall appoint a Township Board of Zoning Commission and a Board of Zoning Appeals comprising five members each who shall be residents of the township. The terms of all members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Members shall be removable for the same causes and the same manner as provided by Section 519.04 of the Revised Ohio Code. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. The members shall serve with compensation as determined by the Township Trustees.

### **2. Powers of the Board of Zoning Appeals**

#### A. Interpretation of this Resolution

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

#### B. Applications for Conditional Uses

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

#### C. Variances

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

1. That there are special circumstances or conditions applying to the land or buildings for which the variance is sought. These circumstances or conditions shall be such that the strict applications of the provisions of this Resolution would result in practical difficulties and unnecessary hardship and deprive the applicant of the reasonable use of the land or building.

2. That the granting of the variance will be in harmony with the general purpose and intent of this Resolution and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
3. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make it more practicable to consider an amendment to the resolution according to the procedure set forth in Section VI.

D. Organization and Procedures

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

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

The Board shall fix a reasonable time for the hearing of the appeal, give ten (10) days notice to the parties in interest, and decide the appeal within thirty (30) days after it is submitted. Upon the hearing any party may appear in person or by an attorney. Any person adversely affected by a decision of a Board may appeal to the Court of Common Pleas of Marion County on the ground that the decision was unreasonable or unlawful. The court may affirm, reverse, vacate, or modify the decision complained of in the appeal.

### **3. Office of Zoning Inspector**

The position of township Zoning Inspector is hereby created. He/she shall be appointed by the Board of Township Trustees and shall receive such compensation as the trustees shall provide. He/she shall keep records of all applications for Zoning Permits and the action taken thereon.

## **SECTION VI**

### **Amendments**

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

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

## SECTION VII

### Supplemental Standards

#### Temporary Living Space

1. Accessory Building / Accessory Uses

A manufactured home, mobile home or industrialized unit can be used as an accessory building if it is located on the same lot as an existing dwelling and is used as a temporary living space (with permit) in the case of a hardship. Hardships typically include the care of ill or aged relatives or the need for temporary living space during the construction of a new, permanent dwelling. Such permits shall be left to the interpretation and discretion of the Zoning Inspector upon each individual case.

2. Requirements for Accessory Manufactured Homes, Mobile Homes or Industrialized Unit used as Temporary Living Spaces

- A. All accessory manufactured homes, mobile homes or industrialize units shall comply with the Marion County Health Department regulations regarding sanitary sewage disposal and water supply.
- B. No accessory manufactured home, mobile home or industrialized unit shall be used as a rental unit for the general public.
- C. A permit for a temporary living space in an accessory manufactured home, mobile home or industrialized unit will be issued for a period of one (1) year. Such permits shall be revocable, if among other things, the actual use, construction or alteration does not conform to the terms of the application and the permit granted thereof.
- D. Application for a Temporary Living Space Permit shall be renewable each year.
- E. All manufactured homes, mobile homes or industrialized units used as temporary living spaces shall have skirting installed along the perimeter of the unit.
- F. Upon expiration of the Temporary Living Space Permit, the accessory manufactured home, mobile home or industrialized unit shall be removed from the property within a one (1) year period to avoid penalties.

#### Storage, Construction Office and Tool Shed

No trailer, mobile home, vehicle (whether operable, licensed or not), railroad car, semi trailer, portable storage units (PODs - may be used for moving purposes only) or similar structure shall be used for the storage of goods in any use district.

A trailer may be used as a temporary construction office or tool shed during the construction or remodeling of any structure for a period of six (6) months, pending approval of zoning inspector and/or unless variance is granted.

## Minimum Dwelling Unit Requirements

The following are minimum requirements for all dwelling units including permanently sited manufactured homes:

- a) Minimum building width of twenty-four (24) feet exclusive of entryways, breeze ways, porches, terraces, garages, or other attachments.
- b) Minimum building length of twenty-four (24) feet exclusive of entryways, breeze ways, porches, terraces, garages, or other attachments.
- c) All dwelling units must be affixed to a permanent foundation and connected to appropriate utilities (water, sewer, electric, etc.).
- d) All dwelling units must have a 4:12 pitched roof (HUD approved for manufactured homes), conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering.
- e) In the case of a manufactured home, the unit must be no more than 10-years old on date of home installation and is not located in a manufactured home park.

## Replacement of Mobile Homes

A mobile home, lawfully existing prior to the effective date of this Resolution outside of a mobile home park, may be voluntarily replaced by another mobile home, but the replacement mobile home shall be no more than 10-years old. However, if a mobile home has been voluntarily removed from site for more than six months, any new dwelling unit must meet the minimum dwelling unit requirements.

## Repair of Mobile Homes

A mobile home, lawfully existing prior to the effective date of this Resolution outside of a mobile home park, which is destroyed by fire or the elements, may be reconstructed, replaced or restored provided the same is done within six (6) months from the date of said destruction.

## SECTION VIII

### Definitions

- A. Intent -The following terms shall have, throughout this text, the meaning given herein:
1. The word "shall" is to be interpreted as mandatory and not directory; the word “may” is permissive.
  2. All words used in the singular shall include the plural, and all words used in the present tense shall include the future tense, unless the context clearly indicated the contrary.
  3. The word "Township" shall mean Tully Township, Marion County, Ohio; the term "Commission" shall mean the Zoning Commission of said Township; the term "Board" shall mean the Board of Zoning Appeals of said Township; and the term "Trustees" shall mean the Board of Township Trustees of said Township. The term "Zoning Inspector" shall mean the Zoning Inspector of said Township.
- B. Dwelling
1. Dwelling - A building designed or occupied exclusively for not-transient residential use.
- C. Junk or Auto Wrecking Yard
- Land used to dismantle more than one motor vehicle or trailer, or land used to store, sell or dump partly dismantled, obsolete or wrecked vehicles or their parts, second-hand building materials, junk, paper, containers or other salvaged materials.
- D. Nonconforming Building and Use
1. Nonconforming Building - a building existing lawfully at the time this resolution, or an amendment thereto, became effective but which does not conform to the use regulations of the district in which it is located.
  2. Nonconforming Use - the use of a building or land existing lawfully at the time this resolution, or an amendment thereto, became effective but which does not conform to the use regulations of the district in which it is located.
- E. Variance
- A modification of this resolution, permitted in instances where a literal application of these provisions would result in undue hardship as a result of some peculiar or unique condition or circumstance pertaining only to the zoning lot in question.

F. Agriculture

The use of land for farming including dairying, pasturage, horticulture, viticulture, animal and poultry husbandry. Use shall be classified as agriculture only if it is the principal or main use of the land.

G. Public Use

A tract of land or a building or a structure and its site which is owned by a local, state or Federal Government, including parks, cemeteries, schools, libraries, buildings for governmental offices, auditoriums, museums, zoos, and similar uses, but not including buildings or sites used for purposes of industrial nature, such as utility yards, equipment storage and power plants, and not including airports or other uses listed specifically as permitted or as prohibited in certain districts.

H. Public Utility Facilities

Facilities involved in the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems reasonably necessary for the furnishing of adequate community-wide service by such public utilities or municipal or other governmental agencies for the public health or safety or general welfare, but not including buildings used solely for administrative purposes. Public utility services shall be deemed to exclude customarily accessory telephone, electrical, gas, sewer, or water connections to individual properties.

I. Semi-Public Use

A use of the type defined as a public use, owned or operated permanently by a non-profit organization or agency which is general public use.

J. Industrialized Unit

Means a building unit or assembly of closed construction fabricated in an offsite 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 complete structural entity. "Industrialized Unit" does not include a manufactured home as defined by division (C) (4) of this section (3781.06) or a mobile home as defined by division (O) of section 4501.01 of the Revised Code.

K. Manufactured Home

Means a building unit or assembly of closed construction fabricated in an offsite facility and constructed in conformance 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," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

L. Mobile Home

Means a building unit or assembly of closed construction fabricated in an offsite facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C) (4) of section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C) (3) of section 3781.06 of the Revised Code.

M. Permanent Foundation

Means a permanent masonry, concrete, or a footing or foundation approved by the manufactured homes commission pursuant to Chapter 4781. of the Revised Code, to which a manufactured or mobile home may be affixed.

N. Lot

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

O. Accessory Building or Structure

A subordinate building or structure on the same lot with a principal building; or a portion of the principal building occupied or devoted exclusively to an accessory use, provided that any such building or structure is erected at the same time or after, the construction of the principal building. *(edited/adopted 7/9/2020)*

P. Principal Building

A building or structure in which is conducted the principal use of the lot on which it is situated. *(adopted 7/9/2020)*

Q. Principal Use

The primary or chief purpose for which a lot or structure is used. *(adopted 7/9/2020)*