

Prospect Township Zoning Resolution

Amended:
July, 2011
July, 2017

PROSPECT TOWNSHIP GENERALIZED ZONING MAP



ZONING DISTRICT LEGEND

- A-1, AGRICULTURAL DISTRICT
- R-1, GENERAL RESIDENCE DISTRICT
- R-2, GENERAL RESIDENCE DISTRICT
- B-1, BUSINESS DISTRICT
- I-1, INDUSTRIAL DISTRICT
- PUD, PLANNED UNIT DEVELOPMENT DISTRICT
- FP, FLOOD PLAIN DISTRICT (See FIRM Maps)

Note: See the Prospect Village Zoning Inspector for zoning information in Prospect Village.

Map Source: 1977 RPC Marion County Highway Map.

Date: 3/29/04

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Chapter 1

Jurisdiction

1.01 Area of Jurisdiction

The provision of this Resolution shall apply to the territory of Prospect Township of which a majority vote therefor is recorded at the next election or at any subsequent election. If, at any future time, any territory of incorporate village in the Township becomes a part of the unincorporated area of the Township by proper legal procedures such territory shall automatically retain the zoning classification set forth for said area by The village until otherwise classified by proper amendment procedure.

Chapter 2

Purpose

2.01 Purpose

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

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

Chapter 3

Definitions

3.01 Definitions

For the purpose of this Resolution, certain terms are defined. When not inconsistent with the context, words in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "structure" includes buildings, the word "occupied" includes designed or intended to be occupied; the word "used" includes designed or intended to be used; and the word "shall" is mandatory and not merely directive. Other words and terms not defined shall be assumed to have the there normal or common definitions.

1. 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, provide that any such building or structure is erected at the same time or after the construction of the principal building.
2. Accessory Use. A use subordinate to the principal use of a building or premises, and customarily incidental thereto.
- 2A. Adult Entertainment Establishments / Materials:

Establishment. Shall be defined as the opening of a new business, the relocation of an existing business or the conversion on an existing business.

Adult Entertainment Business. Shall be defined as a business or enterprise which presents material or performances (1): whose dominate tendency is to arouse lust or to appeal to the prurient or scatological interest by displaying or depicting sexual activity, masturbation, sexual excitement, nudity or human bodily functions of elimination, (2): which when taken as a whole, lack serious literary, artistic, political or scientific value, and (3): which detrimentally effect the purpose of this Resolution as set forth in section one (1) hereof

Presents: Shall be defined as creates, produces, directs, publishes, advertises, sells, rents, disseminates, distributes or displays.

Sexual Conduct: Means vaginal intercourse between a male and female, and anal intercourse, fellatio, and cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal or anal Intercourse.

Sexual Contact: Means touching of an erogenous zone of another, including without limitation of the thigh, genitals, buttock, pubic region, or if such person is female, a breast, for the purpose of gratifying either person.

Sexual Activity: Means sexual conduct or sexual contact, or both.

Sexual Excitement: Means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

Nudity: Means the showing, presentation or depiction of human male or female genitals, pubic area or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of and portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

Material: Means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record or tape, or other tangible thing capable of arousing interest through sight, sound or touch.

Performance: Means any motion picture, preview, trailer, play, show, skit, dance, or other exhibition performed before an audience.

3. Agriculture. The use of land for agricultural purposes, including the production of field crops, dairying, pasturage, farm wood lots, horticulture, apiculture, viticulture, animal and poultry husbandry and the normal processing; and sale of agricultural products, but not including specialized animal raising except as an accessory to other agriculture activities. (See Section 6.04 for information regarding the exemption of agriculture from the requirements of this Resolution.)
4. Animal Raising, Specialized. The use of land and buildings for the commercial raising, care and sale of fur-bearing animals such as foxes, mink, rabbits, dogs and domestic pets; also the stabling or care of horses and other animals and birds as an enterprise other than an accessory to agricultural use; as herein defined.
5. Animal Unit. A unit of measure which equals 1,000 pounds of body weight.
6. Apartment. A dwelling unit located in apartment building.
7. Apartment Building. Any building housing three (3) or more apartments or dwelling units, provided said units are the principal use of the building.
8. Apartment Hotel.
 - a. A building or portion thereof containing three (3) or more apartments or dwelling units or individual guest rooms or suites or guest rooms not for the use of transients, or
 - b. An apartment building in which all or most of the dwelling units are provided with maid service.
9. Automobile or Trailer Sales Area. An open area used for display, sale, or rental of new or used motor vehicles or trailers in operable condition, and where only incidental repair work is done.
10. Board. The Prospect Township Board of Zoning Appeals.
11. Boarding House. A building or part thereof other than a hotel or restaurant, where meals are served, for compensation, for three (3) or more persons, not transients (See also "Lodging House").
12. Building. Any structure having a roof supported by columns or walls used for shelter or enclosure of persons, animals, or property.

13. Building, Length of. For the purpose of computing required yard dimension or distance between buildings, the length of a building shall be the total length of the exterior wall or walls which are most nearly parallel to the lot line or other building to which the dimension or distance is measured.
14. Building Wall. For the purpose of computing required yard dimension or distance between buildings, the building wall includes such wall or parts therefore which is most nearly parallel with the lot line or other building wall to which the dimension or distance is measured.
15. Commission, Zoning. The Prospect Township Zoning Commission.
16. Comprehensive Plan. The Comprehensive Plan for Marion County or part thereof, as and when adopted amended by the Marion County Regional Planning Commission.
17. Conditional Use. Special Exception. A principal use which is subject to conditional approval by the Board of Appeals. A conditional use (or special exception) may be granted by the Board only under one of the following conditions:
 - a. Where there is a specific provision in this Resolution for such use within the District involved.
 - b. In case the use in question is not listed as either permitted or prohibited in the District involved, and the Board is specifically authorized to determine whether an unlisted use is similar to others listed. as permitted. Such favorable determination may not be made in the case of a use which is first listed as permitted or has prohibited in a less restricted District.
18. Confinement Operation. A permanent building specifically designed for livestock production or a building (such as a barn) remodeled for livestock production.
19. District, Zoning. A portion of the land within Prospect Township within which certain uniform regulations and requirements of various combinations are in effect.
20. Drive-in Establishment. Any commercial establishment such as carwash, bank or restaurant, which relies for its principal source of customers or clients on provision for the driving of motor vehicles, with a parking space, window, stall or device at which the sale or service is provided by the establishment or self-service.
21. Drive-through Establishment. A drive-in establishment in which the vehicles are kept in line waiting for service.
22. Dwelling. Any building or portion thereof designed or used, as the home of one or more persons or families; but not including a tent, cabin, hotel, motel, trailer or mobile home. This definition shall include a modular dwelling as defined here in.
23. Dwelling, Mobile. A mobile home; any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories. In such manner as will permit the use and occupancy thereof for human habitation, when connected to

utilities, whether resting on wheels, jacks, block or other foundation and constructed as to permit it being conveyed upon public streets and highways and exceeding a gross height of four thousand five hundred (4,500) pounds and an overall length of thirty (30) feet. This definition shall not include a travel or vacation vehicle,, either self-propelled or non-self-propelled, as separately defined.

24. Dwelling, Modular. A fixed dwelling comprising one or more preassembled or partially pre-assembled modules or units, built using the same type of materials used in conventional on site construction, without integral chassis, brought to the building site by temporary means of transport, assembled and permanently anchored the ground. A mobile home, as defined herein, shall not be deemed to be a modular unit or a modular dwelling.
25. Dwelling, multi-family. A building or portion thereof designed for or used for residence purposes-by three or more families, including an apartment building or town house.
26. Dwelling, Seasonal. A summer cottage, winter lodge, or similar lodging occupied less than six (6) months during a year.
27. Dwelling, Single Family. A building (not including a mobile home) designed for and used exclusively for residence purposes by one family or household keeping unit.
28. Dwelling, Town House. A building consisting of a series of three (3) or more attached or semi-detached dwelling units, each with a ground floor and separate entrance whether maintained in a single ownership, separate ownership, or condominium.. In order to conform with this Resolution, a town house shall comply with this following:
 - a. Have a maximum of either (8) dwelling units in a single building.
 - b. Have a minimum of eighteen (18) feet of width in each dwelling unit.
 - c. Have privately occupied lot area in accordance with Section 14.02 which shall apply to all town houses.
29. Dwelling, Two Family. A building designed for and used exclusively by two families or housekeeping units.
30. Dwelling Unit. One or more rooms designed for, intended for or used as a residence by one family with facilities for cooking therein.
31. Family. A person living alone or two or more persons living together as a single housekeeping. unit, in a dwelling unit.
32. Floor Area. The measurement of floor area for purposes required by this Resolution shall be the sum of the area of the first floor, as measured to the inside of exterior walls, plus that area similarly measured, of all other stories having eighty-four (84) or more inches of headroom, which are accessible by a fixed stairway, elevator or escalator, and which may be made usable for the intended occupancy. For residential uses, the floor area of uninhabitable basements, cellars, garages, accessory building attics, breezeways and un-enclosed porches shall be excluded.

33. Garage, Private. A detached accessory building or a portion of a principal building used only for the storage of self-propelled vehicles and incidental residential storage.
34. Garage, Public. A building or portion thereof, designed or used for equipping, servicing, repairing, hiring, renting, selling or storing self-propelled-vehicles.
35. Home Occupation. An occupation which is carried on in the home provided it is clearly incidental to the residential use, and meets the requirements of Section 13.03 of this resolution.
36. Hospital. An institution providing health services primarily for inpatient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities central service facilities and staff offices which are an integral part of the facility. The term specifically shall not include tuberculosis, mental or penal hospitals, rest homes or nursing homes.
37. Hotel, Motel. A building or building containing guest rooms to be occupied primarily by transients who are lodged with or without meal service.
- 37A. Industrialized Unit. A building or assembly of closed construction fabricated in an off-site facility, that is substantially self sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized Unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized Unit" does not include a manufactured or mobile home.
38. Junk Yard. A place where discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards:, house wrecking yards, used lumber yards and places or yards for storage of house wrecking and structural steel materials and equipment. For the purposes of this Resolution two (2) or more unlicensed autos on a lot shall constitute a junk yard and be subject to the provisions and regulations of a junk yard..
39. Lodging House. A building or part thereof, other than a hotel or motel, where both meals and lodging are provided, for compensation, for three or more persons not transient, where no cooking or dining facilities are provided in individual rooms. (See also "Boarding House" and "Rooming House").
40. 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.
41. Lot Area. The computed lot area within the lot lines.
42. Lot, Corner. A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street which form an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lines is the corner.
43. Lot, Interior. A lot other than a corner lot.

44. Lot Depth. The mean horizontal distance between the front and rear lot lines, measured at right angles to the street line.
45. Lot Width. The mean horizontal distance across the lot between side lot lines, measured by right angles to the lot depth, provided that the minimum lot widths required by this Resolution shall be so measured at a distance from: the front lot line equal to the required depth of the front yard.
46. Lot Lines. The property lines bounding a lot.
47. Lot Line, Front. The front property line, usually the center of the street.
48. Lot Line, Rear. The lot line opposite and most distant from the front lot line.
49. Lot Line, Side. Any lot line other than a front or rear lot line. A side lot line of a corner lot, the side property line usually in or adjoining the street is called a side street lot line. A side lot line separating a lot from another lot is called an interior lot line.
50. Lot, of Record. A lot of which is a part of a recorded plat or a lot described by metes and bounds, the map and/or description of which has been recorded in the office of the Marion County Recorder.
- 50A. Manufactured Home. A building unit or assembly of closed construction fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing & Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974", and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.
51. Motel. "See Hotel"
52. Mobile Home. See "Dwelling, Mobile".
53. Modular Home. See "Dwelling, Modular".
54. Non-conforming Structure. A building or structure, lawfully existing at the time of the effective date of this Resolution, that does not conform to the use regulations for the zoning district in which it is located.
55. Non-conforming Use. The use of a building or structure or of a tract of land, lawfully existing at the time of the effective date of this Resolution that does not conform to the use regulations for the zoning district in which it is located.
56. Opaqueness. The degree to which a wall, fence, structure or landscape planting is solid or impenetrable to light or vision in a general uniform pattern over its surface.
57. Open Space. This term, as used in this Resolution, is intended to refer to front, side or rear yards adjoining buildings, or to other land space not occupied by buildings, required or provided to afford light, ventilation, visibility and other requirements for a healthful environment.

58. Parking Area or Lot. An open area, other than a street or other public way, used for the parking of motor vehicles.
59. Parking Garage. A structure designed and used primarily for the storage or parking of passenger automobiles, including such accessory servicing of such automobiles as may be permitted by this Resolution.
- 59A. Permanent Foundation. Permanent masonry, concrete, or locally approved footing or foundation, to include wrap around block, masonry or concrete.
60. Permit, Occupancy. A document issued by the Zoning Inspector which certifies that the completed building, structure or use proposed are consistent with the requirements of this Resolution and for the use applied for.
61. Permit, Use. See “Permit, Occupancy”.
62. Permit, Zoning. Any permit which authorizes the construction or alteration of buildings or structures in accordance with the Zoning Resolution.
63. Principal Building. A building or structure in which is conducted the principal use of the lot on which it is situated.
64. Principal Use. The primary or chief purpose for which a lot or structure is used.
65. Public Uses. All lands, other than streets and highway, owned by and officially designated for continuing public use by a municipality, township, county, school district, State of: Ohio, United States Government, or any other duly constituted agency of government, such as parks, schools and administrative recreation cultural and service buildings.
66. Public Utility Facilities. Land, buildings, equipment, materials, tools and machinery necessary for the erection, construction., alteration, maintenance and repair of public utility systems as defined in Section 19.21 of the Ohio Revised Code and which are exempted from zoning regulations
67. Recreation Facilities, Private. Privately owned recreation facilities which are not operated for the general public for profit, including private country clubs, golf courses, riding clubs, fishing or hunting clubs, game preserves, ski slopes, swimming pools and other similar non-commercial recreation areas or facilities.
68. Recreation Facilities, Limited Commercial. Recreation areas and facilities open to the public established and operated for profit, limited to enterprises serving vacationing and/or one-day customers, including picnicking camping, fishing and boating, with the sale of goods and services limited to food, beverages, boating, fishing and camping supplies, boat docking and launching, tent and recreational vehicle parking.
69. Recreation Facilities, General Commercial. Recreation areas and facilities open to the public, established and operated for profit, including commercial golf courses, ski lodges and slopes, swimming pools, ice skating rinks, riding stables, race tracks, amusement parks, carnivals and similar commercial enterprises

70. Residence. See “Dwelling”
71. Road. See “Street”
72. Rooming House. A building or part thereof other than a hotel or motel where lodging is provided for compensation for three (3) or more persons, not transients where no cooking or dining facilities or services are provided. (See also “Lodging House”).
73. Semi-Public Uses. Land owned by a non-profit organization or agency which is open to general public use, including but not limited to a cemetery; church, Sunday School, parochial school, college, hospital, site occupied by an auditorium museum art gallery or other institutions of an educational, religious, charitable, or philanthropic nature but not including any private or semi-private club, lodge, fraternity or other similar activity.
74. Service Station. Buildings or premises, or portions thereof, arranged or designed to be used for the retail sale of oil, gasoline or other products or other products for the propulsion or lubrication of motor vehicles, including facilities for changing and repairing of tires or batteries, polishing, greasing, washing, or minor servicing of such motor vehicles, but excluding high speed automotive washing, steam cleaning, body repairing, major motor, transmission or chassis repairing and body bumping and painting.
75. Sign. Any writing, numerals; pictorial representation, illustration, decoration, emblem, symbol, trademark, flag, banner, pennant, streamers, or any other figures or object of similar character which
- a. Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building, column or other structures, or any portable device, and
 - b. Is used to announce, direct attention to, or advertise, and
 - c. Is visible from any street, alley, park, or other public area.
76. Sign, Area of. The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. For a sign having more than one (1) display surface; all surfaces shall be included in computing the total of the exposed exterior display surface area. For a sphere or other curved display surface, the area shall be that of the largest plane passing through it at right angles to the principal line of vision.
77. Sign, Accessory. A sign which relates solely to the building or premises on which it is located, in any manner indicated by the definitions hereunder for functional types of accessory sign.
78. Signs, Accessory, Defined by Function.
- a. Bulletin Board. A sign of permanent construction, but with movable letters

words or numerals indicating the name of a religious institution, school, library, auditorium, theater, stadium, athletic field or other similar use and the announcement of services or activities to be held therein.

- b. Directional Sign. A sign containing only words, numbers, arrows or pictorial matter directing pedestrians or motorists in the proper and convenient use of the premises on which the sign is located.
 - c. Identification Sign. A sign which displays only the name, address and/or use of the premises and/or the goods sold or produced or the services offered therein.
 - d. Temporary Sign. A banner, pennant, streamer, poster, display or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure or place of land or a portable device, and which directs attention to an object, product, place, activity, person, institution, organization or business and is constructed of metal, cloth, canvas, plastic sheet, cardboard or other like materials and which is intended to be displayed for a limited period of time.
 - e. Temporary Sign, Real Estate. A temporary sign pertaining to the sale or lease of the lot or tract of land on which the sign is located or to the sale or lease of one or more structure or a portion thereof located on such lot or tract of land.
 - f. Temporary Sign, Construction. A temporary sign indicating the names of architects, engineers, contractors and similar persons or firms involved in the design or construction of a structure or project.
 - g. Warning Sign. Any sign indicating a situation which is dangerous or potentially dangerous.
79. Signs, Accessory, Defined by Structural Type.
- a. Awning, Canopy or Marquee Sign A sign that is mounted on, painted on or attached to an awning, canopy or marquee.
 - b. Free Standing Sign A sign, not attached to any building, which is suspended or supported by one or more upright columns or structures attached to the ground.
 - c. Projecting Sign A sign, not a wall sign, suspended from or supported by building or similar structure and projecting therefrom.
 - d. Roof Sign A sign erected on or over the roof of any building or similar structure.
80. Wall Signs A sign which is erected against or painted upon the wall of any building, with the exposed face thereof in a plane parallel with the plane of said wall.
81. Mobile Signs A sign not meeting definitions a through e above. (A sign that is mounted on a trailer or other moveable device or customarily brought to a site for a

period of time.

82. Sign, Advertising. A sign which directs attention to a use commodity or service not related to the premises on which it is located including a billboard.
83. Sign Face. A single surface of a sign, upon, against, or through which the message of the sign is exhibited.
84. Sign, Flashing. Any illuminated sign on which the artificial light or any part thereof has conspicuous or intermittent variation in intensity or color.
85. Sign, Height. The vertical distance from the upper most point used in measuring the area of the sign to the ground immediately below such point or to the level of the upper surface of the nearest curb of a street or alley (other than a structurally elevated roadway) whichever measure permits the greatest elevation of the sign.
86. Sign, Illuminated. A sign which is illuminated by an artificial source of light.
87. Sign, Moving. Any sign or part thereof which rotates, revolves or otherwise is in motion.
88. Sign Structure. The supports, uprights, bracing or framework for signs.
89. Slaughter House. A building used for the slaughtering of animals and the scalding, dressing, butchering and storage of animal carcasses; but not including the rendering, smoking, curing, or other processing of meat, fat, bones, offal, or other by products.
90. Street. A public right-of-way which existed prior to the time of the effective date of this Resolution. The term "street shall include avenue, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.
91. Street, Principal. The street adjoining the front lot line.
92. Street, Side. The street located along the side street lot line of a corner lot; the street adjoining a corner lot which is approximately at right angles to the principal street.
93. Structure. Any constructed or erected material or combination of materials, the use of which requires location on the ground, including but not limited to, buildings, stadia, radio towers, sheds, storage bin, swimming pools, walls and fences.
94. Structural Alteration. Any change in the structural members of a building, such as walls, floors, columns, beams or girders.
95. Subdivision Regulations. The Subdivision Regulations for Marion County and the city of Marion adopted by the Marion County Regional Planning Commission July 27, 1966 and as they may be amended from time to time.
96. Temporary Residences. A structure, which may include a mobile home, which is used as a dwelling unit for a period not to exceed one year. An extension of this time limitation may be granted by the Board of Zoning Appeals at the end of a one year period in accordance with Sections 16.02 and 16.033. (Amended September 1982)

97. Tourist Home. A building or part thereof, other than a hotel, motel, boarding house, or rooming house, where lodging is provided for transients by a resident family in its home for compensation.
98. Town House. See “Dwelling, Town House.”
99. Travel or Vacation Vehicle. A vehicle, either self propelled or non-self propelled, so constructed as to permit its continued conveyance upon public streets and highways and so designed and constructed as to provide sleeping and/or eating accommodations for persons while traveling or vacationing. Any portable vehicle providing such accommodations having a usable length of thirty (30) feet or less shall be included within this definition, and shall not be defined as a mobile home.
100. Yards, Required. The open space required between lot lines and buildings or structures, which space shall be open unoccupied and unobstructed except as provided for in this Resolution .
101. Yard, Front. The required open space, extending for the full width of the lot, between the front lot line and any building, measured horizontally at right angles to the front lot line.
102. Yard, Rear. The required open space extending for the full width of the lot, between the rear lot line and any principal building, measured horizontally at right angles to the rear lot line.
103. Yard, Side. The open space extending from the front yard to the rear yard, between the nearest side lot line and a building.
104. Zoning District, Zoning Use District, Use District. These terms are synonymous with each other. See “District, Zoning.”

Chapter 4

Legal Provisions

4.01 Minimum Requirements and Conflict

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

4.02 Conformance Required

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

4.03 Separability

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

4.04 Pending Applications

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

4.05 Violations, Penalties

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

Chapter 5

Non-conforming Uses and Structures

5.01 Intent

Within the districts established by this Resolution or subsequent amendments there exists lots, uses of land and structures which individually or in combination were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution to permit these non-conformities to continue until they are removed recognizing that the eventual elimination of non-conformities is as much a subject of health, safety, and welfare as is the prevention of new uses which would violate this Resolution. It is further the intent of this Resolution that non-conformities shall not be enlarged upon, expanded, or extended, nor be used as ground for adding other structures or uses prohibited elsewhere in the same district.

5.02 Non-Conforming Lots

See Section 13.01

5.03 Non-Conforming Uses of Land

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

5.031 Change of Non-Conforming Uses

No non-conforming use may be changed to another non-conforming use except with prior approval from the Board of Zoning Appeals in accordance with Section 16.032 of this Code. In granting such approval the Board of Zoning appeals must find that:

- a. The proposed non-conforming use is permitted in the zone of the original non-conforming use or a more restrictive zone.
- b. In the Board's judgment the use change will not be more detrimental to the neighborhood than the existing non-conformity.

5.032 Abandonment

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

5.04 Non-conforming Structures

5.041 Structural Alteration, Extension, or Repair

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

further decreased.

5.042 Expansion of Use

No structure in which a non-conforming use occurs may be expanded or changed to provide for an expansion of its non-conforming use without prior approval from the Board of Zoning Appeals. Examples of such expansion include increasing the number of dwelling units in a housing structure or increasing the floor space of a commercial or industrial establishment. In approving such an appeal, the Board shall find that such expansion will not have a detrimental effect upon the neighborhood.

5.043 Repairing Damaged Non-conforming Structure

A non-conforming structure in which a non-conforming use occurs which is damaged or destroyed by fire, flood, winds, acts, of God, or other causes beyond the control of the owner may be repaired or reconstructed and the non-conforming use, if any, may be continued provided that such repair or reconstruction is begun within a period of one (1) year and carried on diligently.

5.044 Replacement of Individual Mobile Homes in Residential Districts

An individual mobile home within Residential District, lawfully existing at the effective date of this Resolution may be allowed to be replaced by another mobile home if in accordance with the standards set forth in Section 13.102 (B) and provided approval is granted by the Board of Zoning Appeals in accordance with Section 16.032

Chapter 6

Official Zoning Map and Zoning Districts

6.01 Official Zoning Map

The Township of Prospect is hereby divided into Districts, which are shown on a map entitled “Official Zoning District Map of Prospect Township”. This official zoning map shall be identified by the signatures of the Prospect Township Trustees and the Township Clerk. The Official Zoning District Map shall be and remain on file in the office of the Prospect Township Trustees and a copy thereof shall be and remain on file in the office of the Zoning Inspector.

6.02 Adoption of the Official Zoning District Map as part of this Resolution

This official Zoning District Map and all notations, references, and other matters thereon are hereby made a part of this Code.

6.03 Determination of District Boundaries

Except where referenced and noted on the official Zoning District Map by a clearly designated line and/or written dimensions, the district boundary lines are intended to follow property lines, lot lines or the center lines of streets, extension of such lines, provided however, that where a boundary line is shown as adjoining a railroad right-of-way, it shall unless otherwise fixed, be constructed to coincide with the nearest boundary line of the railroad right-of-way; provided further that, if the boundary line cannot be shown accurately by any of the aforesaid methods, it shall be shown by the written dimensions, indicating clearly the distance of said boundary line from the nearest parallel street center line, governmental survey line, or other permanent and legally established line. The Zoning Inspector shall interpret the location of boundary lines as shown on the Zoning District Map. When the Zoning Inspector’s interpretation is questioned, the boundary lines shall be determined by the Board of Zoning Appeals as prescribed in Chapter 16.031.

6.04 Vacation of Streets, Alleys, or Other Public Ways

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

6.05 Zoning District Classification

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

Open Space Districts

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

Residential District

“R-1” General Residence District

Business District

“B-1” Business District

Industrial District

“I-1” Industrial District

Planned Unit Development District

“PUD” District

6.06 Degree of Restrictiveness

Whenever, in this Code, the order of districts as to the degree of restrictiveness is referred to, the order shall be as listed hereinbefore, with the “FP” District being the most restrictive and the “I-1” District being the least restricted.

Chapter 7

General Zoning District Provisions

7.01 Road or Street Frontage Required for all Lots

Except as permitted by other provisions of this code, each use of land shall be located on a lot, which shall have frontage on a public street.

7.02 Required Lot Area or Other Open Space Cannot be reduced

No lot, yard, parking area, or other open space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required by this code. No part of a yard, parking area, or other open space provided for any building in compliance with this code shall be included as a part of a yard, parking area, or other space required for another building except as specifically provided for in Chapter 14.

7.03 General Zoning District Regulations

Regulations governing the use of land and buildings are hereby established in the several zoning district as set forth in the following chapters, with each zoning district being identified by name and Alpha-numeric symbol. Only uses designated as permitted shall be allowed and any use not so designated shall be prohibited except in specific cases where the Board of Zoning Appeals is authorized to rule as described in Chapter 16.

7.04 Agriculture

Nothing contained in this resolution shall prohibit the use of any land for agriculture purposes, as defined in Chapter 2, or the construction or use of buildings or structures incident to agricultural purposes of the land on which such buildings or structures are located, and no zoning permit shall be required for such use, building, or structure. However, a dwelling occupied by person(s) engaged in agricultural is not defined as being incident to agricultural purposes and is therefore subject to the provisions of this Code.

Chapter 8

“FP” Flood Plain District

8.01 Purpose

The purpose of the Flood Plain District is to regulate development on Flood Prone land in order to reduce future potential loss of life, damages to property, and to promote the general health and safety of the residents of Prospect Township.

8.02 Flood Plain District Overlay

For the purpose of this Resolution, the Flood Plain District shall be an over-lapping zone with regulations in addition to any other underlying zoning district as established in Chapter 6.

8.03 Use Regulation

1. Principal Permitted Uses

- a. All principal permitted uses in the underlying district, if not elsewhere prohibited, meeting all development standards.

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

- a. All conditional uses permitted uses and structures permitted in the underlying zoning district, if not elsewhere prohibited, meeting all development standards.

3. Accessory Permitted Uses and Structures

- a. All accessory permitted uses and structures permitted in the underlying zoning district, if not elsewhere prohibited, meeting all development standards.

4. Prohibited Uses and Structures

- a. Storage of potentially hazardous materials which if subject to flooding may become flammable, explosive, or otherwise injurious to human, animal, or plant life.
- b. Other uses which are likely to cause pollution of waters, as defined in Ohio Law.

8.04 Development Standards

All structures within the Flood Plain District shall conform to the following standards.

- a. The lowest floor (including basement) shall be elevated to or above the flood protection elevation.

- b. All fill shall extend at such elevation at least 15 feet beyond the limits of any structure erected thereon, or
- c. Where existing streets or utilities are at elevations which make strict compliance with the above provisions impractical, flood proofing or other measures to provide protection to the flood protection elevation may be authorized by permit from the Board of Zoning Appeals.

8.05 Establishments of Flood Plain Zone Boundary

The boundaries of the Flood Plain District shall be based on the Flood Hazard Boundary Map provided from the U.S. Department of Housing and Urban Development, Federal Insurance Administration pursuant to the National Flood Plain Insurance program. Should this map be revised, the Flood Plain District boundaries shall also be changed to include the revisions.

8.06 Warning and Disclaimer of Responsibility

The degree of flood protection required in this Code is considered reasonable for regulatory purposes. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Code does not imply that areas outside the Flood Plain District or land uses permitted within such Districts will be from flooding or flood damages. This Code shall not create liability on the part of Prospect Township or any officer or employee thereof for any flood damages that result from reliance on this Code or any administration decision lawfully made under it.

Chapter 9

“A-1” Agricultural Districts

9.01 Purpose

The purpose of the “A-1” Agricultural District is to preserve land currently used for agricultural purposes which are incompatible with urban areas.

9.02 Use Regulations

1. Principal Permitted Uses

Agriculture
Public Uses
Semi-public Uses
Recreational Facilities, Private
Single Family Dwellings (see Subsection 4A)

2. Conditional Permitted Uses

Storage and/or Sales of Fertilizer and Agri-Chemicals
Single Family Dwellings (see Subsection 4A)
Manufactured Homes (see Subsection 4A and Section 13.10) (13.101) Amended 09/1982
Petroleum Drilling and Extraction (see Section 13.09)
Nurseries, Lawn and Garden Centers
Advertising Signs (see Section 13.02)
Specialized Animal Raising and Care
Veterinary Clinic or Hospital
Mineral, Sand, and Gravel Extraction (see Section 13.07)
Seasonal Dwellings
Private Cemeteries
Airports
Topsoil Removal (see Section 13.06)
Sanitary Land Fills
Recreational Facilities, Limited Commercial

3. Accessory Permitted Uses and Structures

Private Garages
Private Swimming Pools (see Section 13.05)
Garden Houses, Tool Houses, Play Houses
Living Quarters of Persons Employed on the Premises
Home Occupations (see Section 13.03)
Required Off street Parking Space (see Section 13.09)
Permanent Roadside Stands on Farms
Signs, Accessory (see Section 13.02)
Temporary Buildings
Other Accessory Uses as Defined in Chapter 2

4. Single Family Dwellings and Manufactured Homes Near Confinement Operations

Because of the potential problems associated with the new residential uses near confinement operations, the following regulations are set forth.

These regulations do not apply to dwellings owned and occupied by the operators of a confinement operation.

- A. Single family dwellings and manufactured homes shall be principal permitted uses anywhere in the "A-1" Agricultural District except in the following cases:
1. Single Family Dwellings and Manufactured Homes shall be conditional uses in areas which are within one thousand (1,000) feet of a confinement operation which involves or is designated for between ten (10) and fifty (50) animal units.*
 2. Single Family Dwellings and Manufactured Homes shall be conditional uses in areas which are within two thousand (2,000) feet of a confinement operation which involves or is designed for more than fifty (50) animal units, but must be at least 1,000 feet from the confinement operation.
The above restrictions shall not apply retroactively to homes existing before the adoption of this code or to homes existing before neighboring confinement operations were commenced. The above restrictions shall not prevent the rebuilding, alteration, or expansion of existing homes.

5. Prohibited non-residential uses and structures

The following uses and structures shall be prohibited within one thousand (1,000) feet of any existing residence or Residence District.

1. Food Locker Plants, including the cutting and packaging of meats, fowl or fish.
2. Slaughter Houses or Stock Yards

9.03 Area and Dimensional Standards

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

	Minimum Lot Size**		Minimum Yard Dimensions			Maximum Lot Cover (Percent)
	Width	Area	Front***	Side	Rear	
Dwellings	250 ft.	1 acre	90 ft.	25 ft.	50 ft.	-
All Other Uses	Must meet yard dimensions		90 ft.	25 ft.	50 ft.	20%

* One Animal Unit equals 1,000 pounds of body weight

** In the case of existing non-conforming lots created before the effective date of this Resolution, See Section 13.011 for exceptions. Lot sizes shall be computed to include the right-of-way.

*** All front setbacks shall be measured from the center of the road.

No structure or building shall exceed sixty (60) feet in height. The height limitations may be appealed to the Prospect Township Board of Zoning Appeals. Communications or Cellular communication towers exceeding Sixty (60) feet shall be subject to the requirements of section 13.11.

Accessory Non-Agriculture Structures such as residential garages shall be located a minimum of ten (10) feet from the side lot line or rear lot line. Further, accessory non-agricultural structures shall not be located in a front yard and, in the case of a corner lot, shall not be located in either the front or in the side yard abutting the street. If an accessory use is attached to a principal building it shall be so placed as to meeting all yard requirements for a principal building.

9.04 Dwellings on Farms

No more than five (5) permanent dwelling units including mobile homes as provided for in Section 13.10, may be located on a farm to be occupied only by families or persons engaged in the operation of the same farm. Ownership of the sites on which such dwellings are located shall not be transferred as separate parcels except in accordance with Subdivision Regulations and the standards set forth in this Resolution.

9.05 Number of Lots

9.051 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 "A-1" Agricultural District.

1. Any parcel or lot of record on the effective date of this Resolution may be subdivided, if also in accordance with the Marion County Subdivision Regulations, to provide only up to three (3) residential lots.
2. A residential lot is defined as any lot with a home either in use, planned, or potential use.
3. In the case where a property owner owns multiple lots of record, the property owner shall be encouraged to group the total number of new residential land divisions permitted under this section onto a single parcel. The Board of Zoning Appeals shall review and approve all such groupings of new residential land divisions.

Chapter 10

“R-1” General Residence District

10.01 Purpose

The purpose of the General Residence District is to encourage residential development at relatively high densities made possible by the provision of potential provision of public sewer or water systems.

10.02 Use Regulations

1. Principal Permitted Uses

Agriculture
Single Family Dwellings
Mobile Homes (in approved mobile home parks)
Two Family Dwellings
Multi Family Dwellings
Town Houses
Condominiums
Public Uses
Semi-Public Uses

2. Conditional Permitted Uses (subject to approval by the Board of Appeals)

Mobile Home Parks (see Section 13.103)
Nursery Schools and Day Nurseries
Sanitariums, Convalescent Homes and Rest Homes
Rooming, Boarding, or Lodging Houses
Private Clubs, Lodges, Fraternity and Sorority Houses
Recreation Facilities, Private
Funeral Home or Mortuary
Temporary Residences (added 09/82)
Business, Professional and Industrial Offices in buildings having the external appearance of residential structures, not including the manufacture, sale, or storage of goods, and located on a road or street that the Board of Appeals judges adequate to easily handle any additional traffic.

3. Planned Development Projects (subject to approval by Zoning Commission)

Planned Unit Developments (see Chapter 14)

4. Accessory Permitted Uses and Structures

Private Garages
Swimming Pools, Garden Houses, Tool Houses, Play Houses
Boarders and Roomers
Home Occupation (see Section 13.03)
Living Quarters for Persons Employed on the Premises

Other Accessory Uses as Defined in Chapter 2

10.03 Area and Dimensional Standards

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

	Minimum Lot Size*		Minimum Yard Dimensions			Maximum Lot Cover (Percent)
	Width	Area	Front**	Side	Rear	
<u>Single-Family Dwellings:</u>						
Without public sewer or water	100 ft.	28,000 sq. ft.	90 ft.	10 ft.	50 ft.	-
With public sewer or water	80 ft.	18,400 sq. ft.	90 ft.	10 ft.	50 ft.	-
With both public sewer and water	70 ft.	18,100 sq. ft.	90 ft.	10 ft.	50 ft.	-
<u>Two-Family Dwellings:</u>						
Public sewer and water required	70 ft.	18,100 sq. ft.	90 ft.	10 ft.	50 ft.	-
<u>Multi-Family Dwellings:</u>						
Public water and sewer required	100 ft.	7,000 sq. ft. per unit	90 ft.	10 ft.	50 ft.	-
Schools	200 ft.	-	100 ft.	25 ft.	50 ft.	10
Hospitals	200 ft.	-	100 ft.	25 ft.	50 ft.	20
All others uses	Sufficient to meet yard, parking, and lot coverage requirements		85 ft.	20 ft.	50 ft.	20

* In the case of existing non-conforming lots created before the effective date of this Resolution, see Section 13.01 for exceptions. Lot sizes shall be computed to include the right-of-way.

** All front setbacks shall be measured from the cent of the right-of-way.

No structure or building shall exceed sixty (60) feet in height. The height limitations may be appealed to the Prospect Township Board of Zoning Appeals. Communications or Cellular communication towers exceeding Sixty (60) feet shall be subject to the requirements of section 13.11.

10.04 Requirements for Accessory Structures

An accessory building may be erected detached from the principal building or may be erected as an integral part of the principal building, or it may be connected by a breeze way or similar structure. No accessory building shall be erected in any required yard other than a rear yard unless the accessory building, either detached or connected to the principal building, is so placed as to meet all yard requirements for the principal building.

If the accessory structure is located in a rear yard, either detached or connected, it shall be

subject to the requirements in the following paragraphs:

- A. The height of an accessory building shall not exceed fifteen (15) feet.
- B. The distance between accessory buildings and other separate buildings on the same lot shall be at least six (6) feet even if connected by a breeze way or similar structure.
- C. The height of all accessory fences, walls, or hedges shall comply with the requirements of Section 13.016 c
- D. No accessory building in a rear yard shall be less than five (5) feet from an interior side lot line or rear lot line.
- E. Coverage of a rear yard by an accessory building shall not exceed twenty-five (25) percent.

Chapter 10a

“R-2” General Residence District

10.01a Purpose

The purpose of the General Residence District is to encourage residential development at relatively high densities made possible by the provision or potential provision of public sewer or water systems.

10.02a Use Regulations

1. Principal Permitted Uses

Agriculture
Single Family dwellings
Two Family dwellings
Multi-Family dwellings
Town houses
Condominiums

2. Conditional Permitted Uses (subject to Approval by the Board of Appeals)

Individual mobile homes (see Section 13.102)
Mobile Home Parks (see Section 13.103)
Nursery schools and day nurseries
Sanitariums, convalescent homes, and rest homes
Rooming, boarding, or lodging houses
Private clubs, lodges, fraternity, and sorority houses
Recreation facilities, private
Funeral home or mortuary
Business, Professional and Industrial Offices in buildings having the external appearance of residential structures, not including the manufacture, sale, or storage of goods, and located on a road or street that the Board of Appeals judges adequate to easily handle any additional traffic.

3. Planned Development Projects (subject to approval by Zoning Commission)

Planned Unit Developments (see Chapter 14)

4. Accessory Permitted Uses and Structures

Private Garages
Swimming Pools, Garden Houses, Tool Houses, Play Houses
Boarders and Roomers
Home Occupation (see Section 13.03)
Living Quarters for Persons Employed on the Premises
Other Accessory Uses as Defined in Chapter 2

10.03a Area and Dimension Standards

The area and dimensional standards within the R-2 District shall be the same as those permitted within the R-1 District (Section 10.03)

No structure or building shall exceed sixty (60) feet in height. The height limitations may be appealed to the Prospect Township Board of Zoning Appeals. Communications or Cellular communication towers exceeding Sixty (60) feet shall be subject to the requirements of section 13.11.

10.04a Requirements for Accessory Structures

The requirements for accessory structures within the R-2 District shall be the same as those permitted within the R-1 District (Section 10.04).

Chapter 11

“B-1” Business District

11.01 Purpose

To provide for various types of commercial development at appropriate locations.

11.02 Use Regulations

1. Principal Permitted Uses

- a. Non-residential uses of the types permitted in the residential district as follows:

Public and semi-public uses such as schools, churches, and offices of civic, religious, and charitable organizations.

Private clubs, lodges, fraternity and sorority house

Dwelling units provided that the first floor of the structure is used for a business purpose permitted in this district.

- b. Lodging, including hotels, motels, and apartment-hotels

- c. Any retail business whose principal activity is the sale of new or used merchandise or antiques. Such retail business may include a workshop for servicing or repair of goods sold on the premises which shall not occupy more than fifty (50) percent of the total usable floor area.

- d. Service establishments in which the retail sale of goods may or may not be involved, of the following types:

Barber and Beauty Shops
Photography Studios
Watch, Clock, or Jewelry Repair
Catering Services
Secretarial, Stenographic, and Typing Services
Cultural Establishments
Dry Cleaning and Laundry Services
Self-service Laundry Services
Household Appliance Repair
Funeral Homes or Mortuaries

- e. Commercially operated vocational schools, not including the use of equipment or machinery first listed as permitted in the “I-1” District.

- f. Restaurants, tea rooms, cafes, and other establishments serving food beverages or both, including drive-in facilities complying with the requirements of Section 13.04.

- g. Radio and television studios, bowling alleys, roller rinks, ice skating rinks, swimming pools, assembly halls, enclosed theaters, concert halls, dance halls, or similar places of assembly or entertainment.
- h. Banks and other lending and financial establishments including drive-in facilities complying with the requirements of Section 13.04.
- i. Workshop Types of Services. Limited to the Following:
 - Interior Decorating
 - Re-upholstering and Furniture Refinishing
 - Laundry and Dry-cleaning
 - Medical and Dental Laboratories
 - Electrical Repair, not including the repair of large industrial machines.
 - Duplicating, Addressing, Blue printing, Photocopying, Electrostatic Reproduction, Film Processing, Mailing and Mail Listing Services.
 - Locksmiths, Gunsmiths
 - Shoe Shine and Shoe Repair Shops, Hat Cleaning and Blocking
 - Tailor or Dressmaking Shops
- j. Drive-in establishments which relate to the sale of goods or services permitted in this District including drive-in theaters. Such establishments shall comply with the requirements of Section 13.04.
- k. Rental of autos, trucks, trailers, and home gardening and repair tools.
- l. Food locker plant, including the cutting and packaging of meat, fowl, fish or game sale at retail, delivery of home orders, renting of individual lockers, but excluding slaughtering or evisceration thereof.
- m. Repair services related to goods or merchandise permitted to be sold in this district.
- n. Professional, business, or industrial offices, not including the manufacture or storage of goods on the premises.
- o. Recreational Facilities, General Commercial
- p. Gasoline service stations, subject to the requirements of Section 13.04
- q. Off-street parking as a principal use.
- r. Advertising signs subject to the requirements of Section 13.023

2. Conditional Permitted Uses

- a. Any other retail business, commercial or service establishment determined by the Board of Appeals to be of the same general character as those permitted in B through R above, but not including any uses first listed as permitted in the I-1 District.

Adult Establishments / Materials

1. No person shall cause or permit the establishment of an adult entertainment business within one (1) thousand feet of any single-, two- or multi-family dwelling, church, park, preschool, school, or cemetery nor within one (1) thousand feet of another adult entertainment business. For purposes of this Resolution, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building within which the adult entertainment is located to the nearest property line of the premises of a single-, two- or multi-family dwelling, church, park, preschool or school, or other adult business.
2. The purposes of this section are to prevent crime, protect the township's retail trade, maintain property values, and generally to project and preserve the quality of the township's neighborhoods, community life and commercial districts and not to suppress First Amendments rights of free speech.
3. Each above subsection as well as the Adult Entertainment Establishments / Materials definitions related to this section are an independent part thereof and the holding of any section of this Regulation to be unconstitutional, void, beyond the authority of Prospect Township or legally ineffective for any reason shall not affect the validity or constitutionality of any other section of this Resolution.

3. Accessory Permitted Uses

- a. Signs, as regulated by Section 13.022
- b. Off-street parking as required by Section 13.09
- c. Other Accessory uses as defined in Chapter 2.

11.03 Area and Dimensional Standards

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.*

2. Minimum Side and Rear Yards

- a. For side and rear yards which abut a Business or industrial district - no minimum side or rear yard is required.
- b. For side and rear yards which abut a Residential District or Agricultural District, the width of the side yard and depth of the rear yard shall be the height of the building wall parallel with the side or rear lot line. However, no side yard width or rear yard depth shall be less than twenty (20) feet.

* Measure from the center of the Right-of-Way.

Chapter 12

“I-1” Industrial District

12.01 Purpose

In furtherance of a general policy of fostering a diversity of urban activities and a stable tax base in the township, it is intended that provision be made for varied types of industrial uses at appropriate locations where they will be compatible with other uses in adjoining districts. It is intended further that, within the I-1 District, locational requirements and development standards shall be such as to reduce to a practical minimum the objectionable effects which certain types of industry might have upon one another and upon other uses permitted in adjoining non-industrial districts.

12.02 Use Regulations

1. Principal Permitted Uses

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

1. Agriculture

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

Restaurants

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

Administrative offices

Gasoline service stations

Engineering, architectural, account, legal, and similar professional services

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

Private employment agencies

Vocational and technical schools, public or private

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

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

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

Pharmaceutical preparations and drugs

4. The manufacture of finished products from previously prepared materials, such as:

Canvas	Fur	Plastics
Cloth	Glass	Shell
Cork	Leather	Textiles
Felt	Paper	Tobacco
Fibers	Precious or	Wire

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

Cosmetics, toiletries, and perfume

Electric appliances, instruments, components, and accessories

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

Office equipment and supplies and computing and accounting machines

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

Wood products, including furniture, cabinet work and similar products

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

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

The casting of metals

Welding, machining, and other metal working processes, but excluding punch presses and stamping operations having over twenty (20) tons rated capacity.

7. Non-manufacturing activities as follows:

Operational equipment of public utilities and communication networks such as electrical receiving and transforming stations radio, microwave or television transmission or receiving towers, and public utility substations.

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

Warehousing, refrigerated and general storage

Building materials sales and storage, not including sawmills, planing

mills, or the mixing of cement, bituminous or asphaltic concrete

Building contractors equipment yards

Crematories

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

Laundries and dry cleaning establishments

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

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

Advertising signs, as controlled by Section 13.023

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

Fuel, ice dealers

Animal hospitals and fur animal farms

Off-street parking as a principal use

Public Uses

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

A. The following uses:

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

Punch presses and stamping operations having over twenty (20) tons rated capacity

The processing or manufacturing of food products

Railroad maintenance facilities and marshaling yards

Sawmills, mixing of cement, bituminous or asphaltic concrete

Topsoil removal (see Section 13.06)

Workshops for the repair of industrial machines and equipment, the use of which are not otherwise permitted in this District.

B. The following uses, with restrictions and requirements as indicated hereunder:

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

Stone quarries and sand and gravel pits, subject to the provision of Section 13.07

C. The following uses, which shall not be located within one thousand (1000)

feet of any Residential District:

Slaughter houses or stock yards
 Incineration, reduction or storage of garbage, offal or rancid fats
 Sanitary landfill
 Manufacture of explosives, ammunition, fireworks or matches
 Refining or processing of crude petroleum
 Bulk storage of flammable liquids
 Airports

- D. Any other commercial or industrial use not listed but determined by the Board of Appeals to be of the same general character as those listed as principal permit uses.

3. Accessory Permitted Uses

- A. Signs, as regulated by Chapter 13.022
- B. Off-street parking and loading, as required by Section 13.09
- C. Any customarily incidental to the principal permitted use, including dwellings used as quarters of watchmen or caretakers.

12.03 Area and Dimensional Standards

All structures shall comply with the dimensional requirements set hereunder:

12.031 Minimum Front Yard Depth

Minimum front yard depth shall be the height of the building, but not less than ninety (90) feet.*

12.032 Minimum Side and Rear Yards

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

- A. For side and rear yards which abut a Business or Industrial District - no minimum side or rear yard is required.
- B. For side and rear yards which abut a Residential District or Agriculture District, the width of the side yard and depth of the rear yard shall be the height of the building wall parallel or most nearly parallel with the side or rear yard depth shall be less than twenty-five (25) feet.

* Measured from the center of the Right-of-Way.

Chapter 13

Special Use Regulations

13.01 Exceptions to Application of Area Dimension Standards

13.011 Planned Development Projects

In the case of Planned Development Projects area and dimensional standards shall be as set forth in Chapter 14 for the type of development involved.

13.012 Exceptions to Lot Width and Area Requirements

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

13.013 Front Yard Exceptions and Modifications

A. Exceptions For Existing Alignment

Where the average of existing front yard depths for lots located on the same side of the street within one hundred (100) feet of both sides of a lot in question is greater or less than the required front yard specified in this Chapter, such average of depths shall be required to exceed one hundred and five (105) feet in depth, and shall not be less than forty (40) feet, both measured from the center of the road.

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

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

B. Front yards Required in Non-Residence Districts Along Residence District Boundary Lines.

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

13.014 Side Yard Exceptions, Application and Adjustments

A. Side yard exceptions for Narrow Lots

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

B. Side Street Side Yard

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

C. Adjustments for Irregular Side yards

Where the side wall of a building is not parallel with side lot line or where the side yard has an irregular width due to the broken alignment of the side wall or side lot line, the side setback may be averaged in order to meet the minimum side yard required. However, at no point shall the side yard be less than five (5) feet.

13.015 Rear Yard Exceptions of Shallow Lots

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

13.016 Uses and Projections Permitted in Yards

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

- A. Off-street loading and parking space in required front yards in an Industrial District, to within fifteen (15) feet of the Right of Way, except where located within the same block as a Residential District and fronting on the same street.
- B. Fuel pumps in required front yards in connection with conforming service station, to within twenty (20) feet of the right of way, and complying with the requirements of Section 13.04 relating to equipment for outdoor servicing of vehicles.
- C. Required or permitted fences, walls, and landscaping shall conform to the following locational and maximum height limitations, except as otherwise specified elsewhere in the Code:

Yard	Location	Maximum Height (ft.)
Rear	If within ten (10) feet of side or rear lot line	6'
	If ten (10) feet or more from side or rear lot line	10'
Side	At any location	6'
Front	At any location if solid or opaque	3½'
	At any location if the fence wall or landscaping can be easily seen through such as a chain link fence	6'

- D. Eaves, cornices, window sills, and belt course may project into any yard a distance not to exceed three (3) feet.

13.017 Dangerous, Exotic, and Wild Animals

- A. No person shall own, harbor, keep or breed any **Dangerous Exotic Animals(s)**, or **Dangerous Wild Animal(s)**, within Prospect Township, Marion County, Ohio.
- B. **“Dangerous Exotic Animals”** shall be defined as any animal, amphibian, reptile, mammal, bird or fowl which is carnivorous, venomous or possesses other characteristics which may constitute a danger to human life and is not indigenous to the State of Ohio.
- C. **“Dangerous Wild Animals”** shall be defined as any animal, amphibian, reptile, mammal, bird or fowl which is carnivorous, venomous, or possesses other characteristics which may constitute a danger to human life and generally lives in its original, nature state and habitat and is not normally domesticated.

13.02 Sign Regulations

13.021 General Provisions

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

13.0211 Traffic Hazards

No sign shall be erected in such a manner as to obstruct free and clear vision or at any where, by reason of position, shape or color it may interfere with obstruct the view of or be confused with any authorized traffic sign, signal, or device, or which makes use of the words “stop”, “look” “danger” or other words, phrase or symbol in such manner as to interfere with signs shall not be of such brightness as to constitute a hazard to pedestrians or vehicular traffic. No rotating beam, beacon, or flashing illumination resembling an official traffic control or emergency light shall be used to attract attention of users

of the street be permitted unless it is an integral and functional part of the sign as herein defined.

13.0212 Exempted Signs

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

- A. Signs relating to the agricultural operations of a particular farm. Signs relating to general commercial products not produced on the farm are not exempt.
- B. Governmental signs for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public utility companies for the purpose of safety.
- C. Flags, emblems, and insignia of any governmental agency.
- D. Commemorative plaques place by recognized historical agencies
- E. Signs within a stadium, open-air theater, shopping center, arena or other use which signs can be viewed only by person within such stadium, open air theater, shopping center, arena or other use.

13.0213 Prohibited Signs

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

13.0214 Non-conformance

A. General Provisions

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

B. Advertising Signs

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

C. Accessory Signs not in Conformance with Section 13.022

Any non-conforming accessory sign which is altered, relocated, removed or damaged to more than one-half (½) of its replacement value shall not be reinstalled repaired or replaced unless it is made to comply with the provisions of this Section.

13.0215 Sign Responsibility, Maintenance and Removal

A. Owners Responsibility

1. The owner of any sign and owner of the premises on which it is located shall be responsible for keeping it in repair and in proper state of preservation.
2. The owner of any sign and the owner of the premises on which it is located shall be responsible for the removal of such sign if and when it is abandoned or becomes no longer functional. Such removal shall include the complete blocking out of painted wall signs, such removal shall be carried out within a period of time as follows:

Permanent signs: thirty (30) days

Temporary signs: fourteen (14) days

B. Enforcement

In the case of non-compliance with the provisions of A-1 and A-2 hereinbefore, the Zoning inspector shall notify, in writing the owner of the abandoned or non-functional sign in question or the owner of the premises on which such sign is located. If such order is not complied with within thirty (30) days after the date of such order, the Zoning Inspector shall remove such sign at the expense of the owner of the real estate.

13.0216 Location of Signs

- A. No part of any sign shall project beyond the property or street right-of-way line.
- B. No sign shall be located in a required front yard except certain accessory identification signs, as follows:
 1. Bulletin boards and warning and directional signs, which shall be located no less than twelve (12) feet from the street right-of-way line if in a required front yard.

2. Identification signs which are integral part of a permitted gate way structure at the entrance to a subdivision group housing development or industrial park.
3. Free standing identification signs complying with other requirements therefor.
4. Temporary real estate or construction signs, no less than twelve (12) feet from the street right-of-way

13.022 Accessory Signs

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

13.0221 Accessory Signs in Agricultural and Residential Districts

A. Identification Signs

1. A home occupation or a professional office in a home, where permitted may have one unlighted sign, not more than four (4) square feet in area.
2. A development of town houses, multi-family dwellings, or an apartment hotel, where permitted, may have one illuminated sign for each frontage on a public street, of any permitted signs shall be one (1) square foot per face for each dwelling unit, provided that no single sign shall exceed thirty-two (32) square feet on one face.
3. Any public or semi-public building, park or other open areas may have one (1) illuminated sign for each frontage on a public street, of any permitted structural type except a roof sign. The total area of any sign shall not exceed twenty (20) square feet per face.
4. Any other permitted non-residential use may have one (1) illuminated sign of any structural type except a roof sign totaling no more than sixteen (16) square feet per face.

B. Bulletin Boards

One (1) bulletin board for each frontage on a public street shall be permitted, which shall not exceed sixteen (16) square feet in area per face. Such bulletin board may be of the wall, projecting or free standing type.

C. Temporary Signs

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

- A. For a single lot or building - 6 sq. ft. per face
- B. For a new subdivision or housing development - 4 sq. ft. per lot or dwelling unit with a maximum size of 100 sq. ft.

C. Directional Signs

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

13.0222 Accessory Signs in Commercial and Industrial Districts

A. Identification Signs

1. Service Stations
 - A. Two (2) free standing illuminated signs shall be permitted, with no more than fifty (50) square feet per face.
 - B. One (1) wall illuminated sign for each street front, with no more than thirty-two (32) square feet of area.

2. Other Commercial uses

Two (2) illuminated signs for each frontage on a street, of all structural types, shall be permitted, with a maximum area on all signs and faces of four (4) square feet per foot of frontage on all streets, but not more than three hundred (300) square feet total sign area.

3. Industrial Uses

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

B. Bulletin Boards

One (1) illuminated bulletin board for each frontage on a

street shall be permitted having a maximum area of twenty (20) square feet per face.

C. Temporary Signs

1. One unlighted real estate sign, as defined in Chapter 2, may be located facing each street frontage, with total sign are limited as follows:
 - A. Advertising commercial properties - 12 sq. ft. per face
 - B. Advertising industrial properties - 50 sq. ft. per face

D. Directional Signs

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

13.0223

Maximum Height of Accessory Signs

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

- A. No wall sign shall project above the top of the wall on which it is located
- B. No projecting sign shall extend above the top of the building on which it is located.
- C. The maximum height of free standing signs shall be the height of the principal building or thirty-five (35) feet, whichever is greater
- D. Roof signs shall not exceed fifteen (15) feet higher than the roof of the building to which the sign is attached at the point of mounting.
- E. Awning, Canopy, or Marquee Signs shall not extend vertically above the limits of the awning, canopy, or marquee to which attached. Such signs may extend vertically below such limits provided that there shall be a minimum vertical clearance of ten (10) feet above the grade beneath them.

13.0224

Illumination

Where illuminated signs are permitted in Residential Districts, the sources of light shall be wholly enclosed within the sign structure behind any face of the sign, which face shall be of translucent material which totally obscures the light source. No flood lighted

signs shall be permitted in any Residential District.

13.023 Advertising Signs

13.0231 General Provisions

An advertising sign shall be deemed to be a principal use, and shall comply with the use limitations and the yard requirements for principal uses in the district in which it is to be located. In addition, any such sign shall comply with the requirements set forth in this Section and Section 13.021.

13.0232 Standard for Advertising Signs

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

A. Number of Signs

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

B. Structural Types Permitted

Only free standing advertising signs may be permitted.

C. Area and Dimension

1. The maximum total area of all faces of any sign structure shall be two thousand (2000) square feet per face.

13.03 Home Occupations

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

- A. There shall be a maximum of one non-resident employee engaged in the home occupation.
- B. No mechanical equipment shall be installed or used which will create excessive noise, interference with radio or television transmission or reception.
- C. No articles produced off the premises may be stored outside.
- D. The space devoted to such home occupation may not exceed twenty-five (25) percent of the gross floor area of the principal building.

- E. No goods shall be displayed, and there shall be no external evidence of the home occupation conducted on the premises except one identification sign which shall be unlighted and no more than (4) square feet in area as provided for Section 13.0221.
- F. All other applicable sections of this resolution shall apply including Section 13.10. Off-street parking and loading requirements, for the specific Home Occupation involved.

13.04 Automobile Sales, Service and Repair: Drive-in Establishments and Parking Lots

13.041 For any such use involving the open air parking, storage, display, sale or servicing of automotive vehicles or involving drive-in or drive-through establishments the area devoted to such open air use shall comply with the following:

- A. Surfacing and drainage shall be provided in the manner specified in Section 13.0924 for off-street parking areas.

13.042 Automobile Service Stations, Repair Garages, Sales Establishments, and Parking Lots

Automobile Service Stations, repair garages, sales establishments and parking lots shall comply with the following requirements and limitations:

<u>Facility or Service</u>	<u>Minimum Distance from Line of a Lot in a Residence District</u>
Vehicular entrance or exit	25 ft.
Equipment for outdoor servicing	25 ft.
Repair services (tire change and repair, brake adjustment and repair, lubricating, body washing, minor repair or adjustment)	25 ft. unless within an enclosed building
Motor or body repair, where permitted	Must be within an enclosed building
Outdoor storage, parking or display of goods and parking lots	25 ft.

13.043 Drive-In and Drive-Through Establishments

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

<u>Facility or Service</u>	<u>Minimum Distance from Adjoining Line of a Lot in Residence District</u>	<u>Amount of Space Required</u>
Vehicular entrance	25 ft.	-
Equipment or vehicular stand for dispensing service, and all access driveway spacing	25 ft.	-
Driveway or other space on the lot for vehicles waiting for service at drive-through establishments	-	Adequate to accommodate 3 or more vehicles for each drive-through window or lane

13.05 Private Swimming Pools (also see Section 13.12 - Water Impoundments)

No private below ground swimming pool shall be allowed in Residential District except as an accessory use, and unless it complies with the following conditions and requirements:

- A. The pool is intended and used primarily for the enjoyment of the occupants of the principal use of the property on which it is located.
- B. It may not be closer than ten (10) feet to any lot line on which it is located.
- C. All swimming pools, or property upon which such pools are located, shall be walled or fenced to prevent uncontrolled access by individuals from the street or from adjacent properties. Such fence or wall shall not be less than five (5) feet in height and shall be maintained in good condition with a gate and lock. Wading pools with a maximum depth potential of eighteen (18) inches, shall be exempt from this requirement.
- D. The pool, together with any structure related thereto, shall comply with the requirements for accessory structures set forth for the district in which it is located.

13.06 Excavation of Top Soil

Top soil excavation operations shall ne permitted only with prior approval from the Board of Zoning Appeals. To grant such approval the Board shall find that:

1. A plan is submitted which shows the area which the soil removal is to take place.
2. The operator agrees to restore the area in a manner as determined by the County Agricultural Agent. The Board may require a bond as it deems necessary to assume the proper restoration of the excavated area.
3. The excavation operation will not be conducted closer than 30 feet from a Residential District or a lot used for Residential purposes.
4. The operation will be completed within one year.

13.07 Mineral Extraction, Storage and Processing

13.071 Purpose

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

13.072 Establishment of Boundaries or Limits

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

13.073 Dimension Requirements

- A. The removal of clay or overburden to a depth not exceeding six feet may be conducted to no less than 30 feet from a Residential District, or 40 feet from an existing Residence, provided the operation is conducted over a temporary period not exceed (12) months and operation of equipment is limited to the extractions process. Temporary operational roads shall not be closer than 200 feet to any Residential District.
- B. Other mineral extraction and processing shall not be conducted closer than 500 feet from any existing residence or Residential District nor closer than 200 feet from any structure used for human occupancy.

13.074 Disposal of Building and Structures

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

13.075 Application

- A. At the time of a request for a permit for mineral extraction purposes the operator shall file with the Zoning Inspector a detailed map of at least 200 feet to the inch scale, which clearly shows areas to be mined and the location of adjacent properties, roads and natural features. The operator shall submit information on the anticipated depth of excavations and on depth and probable effect on the existing water table.
- B. The operator shall also file with the Board a detailed plan of 200 feet to the inch or larger scale for the restoration of the area to be mined which shall include the anticipated future use if the restored land, the proposed final topography indicated by contour lines no greater interval than five (5) feet.

13.076 Rehabilitation of Site

- A. All earthen banks shall be left with a slope no greater than two feet horizontal to one foot vertical; all rock banks may be left at a one to one slope. Where minimizing of slopes to this degree is not feasible, as determined by the Board, a fence four feet high shall be erected by the extraction operator to serve as a protection to persons.
- B. The type and number per acre of trees, shrubs, ground cover, or legumes to be planned shall be determined in consultation with County Agricultural Extension Agent.
- C. The location of future roads, drives, drainage courses, or other improvements or changes contemplated shall be shown as determined in consultation with the Marion County Regional Planning Commission.
- D. The operator of a long-term mineral extraction operation involving an area in excess of 100 acres shall be required to restore areas within 500 feet of a residential district within a period of one year from the date of completion of the extraction operations.

- E. The operator may be required to file with the Township Trustees a bond, payable to the Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. Whether the operator shall be required to post bond shall be based on demonstrated past performance in fulfilling restoration provisions in this Resolution.. In extraction purposes shall range between \$100 and \$1,000, depending upon the type and extent of restoration required, except that the maximum amount of the bond shall not exceed \$50,000. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.

13.08 Petroleum Drilling and Productions

13.081 Purpose

The purpose of this Section is to allow a local review of proposed drilling operations without requiring the applicant to duplicate requirements set by the State of Ohio.

13.082 Application

An application for a use permit shall be filed with the Zoning Inspector and shall include an application form and a survey and other information as required by Chapter 1509, Ohio Revised Code. The Zoning Inspector shall issue a permit if a permit from the State has been granted.

13.083 Standards

The standards shall be the same as those required by the State of Ohio under Chapter 1509, Ohio Revised Code.

13.09 Off-Street Parking and Loading Standards

13.091 Purpose

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

13.092 Off-street Parking Spaces Required

13.0921 Application of Requirements

In all districts, in connection with any use there shall be provided, at the time any building or structure is erected or enlarged or increased in capacity, off-street parking spaces in accordance with the schedule set forth in Section 13.0922 hereunder. It shall be the intent that the following required parking spaces be used in connection with the building for which they are required. When units of measurement determining the number of any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one parking space.

13.0922 Schedule of Parking Spaces Required

<u>Type of Use</u>	<u>Number of Parking Spaces</u>
A. <u>Uses not listed</u>	Requirements for most nearly similar use specifically listed, as determined by the Board of Appeals
B. <u>Residential</u> Dwellings, all types Rooming houses and elderly housing	2 spaces for each dwelling unit 1 space for each sleeping room or 1 for each paying occupant which ever is greater
C. <u>Public and Institutional</u> Administrative Offices of Govt. Schools Places of worship	1 for each 200 sq. ft. of floor space 1 for each 10 classroom seats 1 for each 5 seats in sanctuary
D. <u>Amusements and Assembly</u> Sports arenas and stadiums, auditoriums, theaters, and places of assembly with fixed seats Dance halls, lodge halls, exhibition halls, skating rinks, swimming pools and places of assembly without fixed seats	1 for each 5 seats 1 for each 100 sq. ft. of floor area used for the purpose listed
E. <u>Services</u> Medical and dental offices and clinics Barber shops and beauty parlors Hotels, motels, and tourist homes Laundry and dry cleaning pickup Business and Professional offices Restaurants of following types: Indoor service only Including curb services Providing primarily carry out services Bars, Taverns, and night clubs	1 for each 100 sq. ft. of floor area 3 per operator 1 for each living or sleeping units 1 for each 100 sq. ft. of floor area 1 for each 200 sq. ft. of floor area 1 for each 100 sq. ft. of floor area 1 for each 100 sq. ft. of floor area in addition to curb service stalls provided 1 for each 30 sq. ft. of floor area 1 for each 100 sq. ft. of floor area
F. <u>Retail Sales</u> Furniture and household appliance stores and repair shops Retail stores and shops not elsewhere specified including general merchandise	First 1800 sq. ft. of floor area; 3 spaces. Any additional floor space; 1 space for each 400 sq. ft. First 1500 sq. ft. of floor area; 3 spaces. Any additional floor area: 1 space for each 150 sq. ft.

Table Continued	
<u>Type of Use</u>	<u>Number of Parking Spaces</u>
G. <u>General Commercial and Industrial</u>	
Automobile or machinery sales or service	1 for each 800 sq. ft. of floor area
Commercial Service laboratories machine shops and similar establishments	1 for each 600 sq. ft. of floor area or 1 for each 2 employees maximum shift, whichever is greater
Wholesale establishments and warehouses	1 for each 3000 sq. ft. of floor area or 1 for each 2 employees on maximum shift whichever is greater

13.0923 Application of Schedule

Expansion of or Change in Existing Use. A building existing lawfully at the time this Zoning Resolution became effective, but which does not conform with the off-street parking requirements in Section 13.0922 may be occupied by the existing use with out such facilities being made available. However, any parking spaces that may be provided shall be in hereof and, if the existing building is altered so that there is an increase in the number of dwelling units, seating capacity, or floor area, or if the use is changed to a use requiring more off-street parking spaces, then off-street parking facilities shall be provided at least equal to the number of spaces required for the entire building or use in accord with the schedule as set forth in 13.0922 hereon and in accord with the development standards of Section 13.0924.

13.0924 Development Standards for Off-Street Parking Space

- A. Required off-street parking facilities shall be located on the same lot as the structure or use served, except that a parking facility providing the sum of parking spaces required for several uses may be provided contiguous to and in common with the several structures and uses served.
- B. Parking areas may be located in any required yard except as follows:
 1. In the required front yard in a Residence District.
 2. In the required front yard in a Non-residence District which is located on a block which includes both Residential and Non-residential Districts along the same side of the street.
- C. A parking space for one (1) vehicle shall provide shall provide for a rectangular area having dimensions of not less than ten (10) feet by twenty (20) feet.

- D. Access. There shall be adequate provision for ingress to and egress from parking spaces. Where a parking area does not abut on a public street or alley, there shall be provided an access drive not less than eight (8) feet in width in the case of a dwelling and not less than eighteen feet in width in all other cases, providing where provided in connection with a use permitted in a Residence District, such access drive shall not be located in any Residence District.
- E. Screening and Landscaping. Off-street parking areas for more than five (5) vehicles shall be effectively screened on each side which adjoins or faces premises situated in any Residence District, by a solid fence, wall or hedge, which shall not be less than five (5) feet or more than eight (8) feet in height and shall be maintained in good condition without any advertising thereon.
- F. For every parking area having more than five (5) spaces, a plan shall be submitted to the Zoning Inspector, showing that such parking area will comply with the forgoing requirements and will be well drained and shall have a dust-free surface.

13.093 Off-street Loading Space Required

13.0931 Requirements

In any district there shall be provided and maintained off-street loading space in connection with every building or part thereof hereafter erected which is to be occupied by any commercial or industrial use. For any such use off-street loading space shall be provided as specified in Section 13.0932 hereunder.

13.0932 Schedule of Loading Spaces Required

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

13.0933 Application of Schedule

- A. Joint Loading Space. Owners or occupants of several establishments or buildings not separated by street may jointly provide the required off-street loading space, provided (1) that no loading dock shall be more than two hundred (200) feet distance from the service door of the building it is intended to serve and (2) that the gross area of all the establishments or buildings to be served by such joint loading facility shall be used to determine the required number of loading spaces.
- B. Expansion of Existing Use. A building existing lawfully at the time this Zoning Resolution became effective, but which does not comply with the required off-street loading requirements set forth in Section 13.0932 may be occupied by the existing use without such facilities being made available. However, any new loading space which may be provided shall be in accord with the development standards set forth in Section 13.0934. If the existing building is expanded so then off-street loading space shall be provided at least equal to the required number of spaces for the entire building or use in accordance with the schedule set forth in Section 13.0932 and such spaces shall conform with the development standards in Section 13.0934.

13.0934 Development Standards for Off-street Loading Space

- A. Each loading space shall not be less than ten (10) feet in width, fifty (50) feet in length and fourteen (14) feet in vertical clearance, provided that, if it is shown that the building or establishment in question is not and will not be served by trucking vehicles more than thirty-five (35) feet in length of such serving vehicles, but in no case to be less than twenty-five (25) feet.
- B. Subject to limitations set forth in Section 13.01 loading spaces may occupy all or any part of any required yard.
- C. No loading space shall be located closer than twenty-five (25) feet to any lot in any Residence District unless wholly within a completely enclosed building or unless separated from such Residence District lot by a wall, solid fence, or hedge not less than six (6) feet in height.
- D. Access to Loading Areas. Every loading area shall have vehicular access to and from a public street or alley.

13.10 Mobile Homes

13.101 Mobile Homes in an Agricultural District

Within an agricultural district mobile homes are conditionally permitted on individual lots provided the following requirements are met and the old mobile home must be removed within (60) days:

1. The mobile home shall be placed on a permanent concrete foundation.
2. The skirting around the mobile home must be metal or vinyl and must be flush with all sides of the mobile home.
3. The tongue (if detachable) and wheels shall be removed.
4. All other requirements contained in this resolution are met such as minimum yard dimensions, minimum lot sizes, accessory uses, etc.
5. All manufactured homes built prior to January 1, 1995 must also meet all requirements of Section 13.14.

13.102 Mobile Homes in a Residential District

Mobile Home within the R-1 Residential District

- A. Within the R-1 District, mobile homes shall be permitted only in approved mobile home parks as described in Section 13.103 (except that existing individual mobile homes may be replaced by new mobile homes as provided for in Section 5.044 and mobile homes may be used as temporary residences as provided for in Section 10.02

B. Mobile Homes within the R-2 Residential District

Individual mobile homes, as conditionally permitted in the R-2 Residential District, must meet the following requirements and the old mobile home must be removed within sixty (60) days:

1. The mobile home shall be placed on a permanent concrete foundation.
2. The skirting around the mobile home must be metal or vinyl and must be flush with all sides of the mobile home.
3. The tongue (if detachable) and wheels shall be removed.
4. All other requirements contained in this Resolution are met such as minimum yard dimensions, minimum lot sizes, accessory uses, etc.
5. All manufactured homes built prior to January 1, 1995 must also meet all requirements of Section 13.14.

Mobile home parks within the R-2 District must meet the requirements of Section 13.103.

13.103 Mobile Home Parks

13.1031 Application

The owner of a tract of land ten (10) acres or more in area, located within a Residential District may submit a plan for the development and use of such tract as a mobile home park under the provisions of this Section.

13.104 Development Standards

13.1041 Ohio Department of Health

All Mobile Home Parks shall meet the requirements of the Ohio Sanitary Code adopted by the Ohio Department of Health under the authority of the Ohio Revised Code Section 3733.02.

13.1042 Subdivision Regulations

All Mobile Home Parks shall meet the requirements of the Subdivision Regulations for Marion County and the City of Marion under the authority of the Ohio Revised Code Section 711 (explained in O.A.G. 72-020). Review procedure shall be in accord with Section 14.0142.

13.1043 Board of Zoning Appeals

All applications and plans for Mobile Home Parks shall be reviewed by the Board of Zoning Appeals. In reviewing such application and plans for a Mobile Home Park the Board shall determine whether the following requirements are met:

1. The proposed park is ten (10) acres or more in size.
2. The park will be located to assure maximum compatibility with other types of residential development.
3. The park will not be detrimental to the neighborhood.
4. The front yard depth for the park as a whole is at least eighty (80) feet.
5. The minimum floor area of any mobile home used as a dwelling shall be four hundred ninety (490) square feet.
6. The mobile homes within the park shall be limited to single family occupancy, not including transient or vacationing

families or persons.

13.1044 Board of Zoning Appeals Approval

If after review of the application and plans for a Mobile Home Park, the Board finds that all requirements have been met, the Board may grant approval. Such approval may, however, be conditioned on the compliance with Sections 13.1041 and 13.1042 .

13.11 Public Utilities (Towers)

1. Any public utility tower shall be a minimum of one thousand (1,000) feet from any Residential District Boundary.
2. Telecommunications or cellular communications towers shall be a minimum of one thousand (1,000) feet from any residential dwelling unit.
3. Telecommunications or cellular towers shall be a minimum of five thousand, two hundred and eighty (5,280) feet from any public or private airport.
4. Telecommunications or cellular communications towers shall be a minimum of one and one-half (1 1/2) tower heights (including base height if applicable) from any building, roads, alleys, utility liens, etc.
5. Any site where a communications or cellular tower is constructed, shall be landscaped and maintained in keeping with the decor of the area in which the tower is located.

13.12 Water Impoundments:

All water impoundments such as ponds, lakes or swimming pools (see Section 13.05) shall be constructed and developed in compliance with the following standards:

1. No impoundment shall be located closer than twenty-five (25) feet to the right-of-way or fifty-five (55) feet to the centerline of any adjacent improved road.
2. No impoundment shall be located in a front yard of any district except on issuance of a Conditional Use Permit, issued by the Prospect Township Board of Zoning Appeals, or as a part of an approved plan of development or an approved subdivision plat.

13.13 Visible Detractions From Property Appearance

The following shall apply in all districts:

1. Any items such as trucks, tractors, cars, mowers, busses, farm or construction equipment, ect., parts of such which because of age, or broken or partly worn out condition is no longer in original use, but is maintained for a possible future use or for removal of parts, for use on other equipment, if not stored in a building shall be located in an area which would not be visible so as not to detract from the general

appearance of property or where questionable objectionable complaints could be issued by neighboring property owners.

2. The storage of trash, material for recycling, or waste materials, including, but not limited to discarded household goods, discarded commercial products, industrial by-products and other similar materials shall not be visible from the property line on which such materials are being stored or placed otherwise. All such materials shall be housed in an appropriate container or enclosure, excepting trash that is properly placed in an appropriate enclosed container at an assigned location for regularly scheduled trash pick-up. In all cases, there shall be full compliance with applicable zoning district standards.
3. There shall be no more than one (1) wrecked, unlicensed or otherwise inoperable automobile allowed for one (1) dwelling unit. Such automobile may be stored only for a period not to exceed sixty (60) days per year and such parking or storage space shall be enclosed by structure, fence or otherwise protected so that the automobile cannot be entered upon or seen from an adjacent lot or street.
4. On January 26, 2004, Prospect Township adopted a resolution to further regulate the storage of junk motor vehicles in all districts, which may be applied in conjunction with the above or alone. This resolution is pursuant to and under the authority of the O.R.C. 505.173, a copy which is found at the end of this book.

13.14 Minimum Residential Dwelling Unit Requirements

All single-family, and two-family dwelling units must meet the following requirements, which shall be construed to be the minimum building requirements.

Manufactured homes which have a manufacture date of January 1, 1995, or later must meet the following requirements:

1. Minimum building width of twenty-four (24) feet at the narrowest point, exclusive of breezeways, porches, terraces and garages or attachments.
2. Minimum building length of twenty-four (24) feet at the narrowest point, exclusive of breezeways, porches, terraces and garages or attachments.
3. The minimum floor area for a single or two-family dwelling unit shall be twelve (1,200) hundred square feet per family if the residential structure has one story, and fifteen (1,500) hundred square feet per family if the residential structures has more than one story.
4. All dwelling units must be affixed to permanent foundation and connected to appropriate utilities (water, sewer, electric, etc.)
5. All dwelling units must have a pitched roof (HUD approved for manufactured homes), conventional siding, and six (6) inch minimum eave overhang including appropriate guttering.

13.15 Temporary Living Space

Accessory Buildings / Accessory Uses:

A manufactured home can be used as an accessory building if it is located on the same lot as an existing dwelling and is used as 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 a temporary living space during the construction of a new, permanent dwelling unit.

Requirements for Accessory Manufactured Homes or Recreational Vehicles used As Temporary Living Spaces.

1. All accessory manufactured homes shall comply with the Marion County Health Department regulations regarding sanitary sewage disposal and water Supply.
2. No accessory manufactured home shall be used as a rental unit for the general public.
3. A permit for a temporary living space in an accessory manufactured home will be issued for a period of one (1) year.
4. An extension beyond one (1) year may be granted only by the Board of Zoning Appeals. The Board must specify a time period for any extension.
5. All accessory manufactured homes shall be located in the rear yard behind the principal dwelling or the proposed location of the principal dwelling unit.
6. All manufactured homes shall have skirting along the perimeter of the unit.
7. Upon expiration of the Zoning Permit the accessory manufactured home shall be immediately removed from the property.

Chapter 14

Planned Unit Development

14.01 Purpose and Requirements

14.011 Purpose

The purpose of this chapter is to provide latitude and flexibility within this Resolution in order to promote innovative and progressive forms of development. Such types of development, by virtue of their design, provide benefits and amenities which justify deviations from the normal development standards. The benefits of these types of development might include; a maximum choice of living environments by providing a variety of housing and building types; a more useful pattern of open space; more convenience in the location of commercial uses; a development pattern which preserves and utilizes natural topography, scenic areas and natural drainage patterns and a more efficient development through shorter streets and utility lines.

14.012 General Provisions

Because of the special characteristics of Planned Unit Developments, special provisions governing the development of land for this purpose are required and contained in Section 14.013 through 14.024. Subjects not covered by this chapter shall be governed by the respective provisions found elsewhere in this Resolution.

14.0121 PUD District

A Planned Unit Development District may be applied to any existing non-agricultural district. Upon approval of a Planned Development Project, in accordance with the provisions of this chapter, the Official Zoning Map shall be amended for the area involved so that the District name includes the notation "PUD".

14.013 Basic Requirements

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

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

14.014 Development Standards

14.0141 Minimum Project Area

The gross area of a tract of land to be developed as a Planned Unit Development shall be at least fifteen (15) acres.

14.0142 Uses Permitted

Compatible Residential, Commercial, Industrial, Public and Semi-public uses may be combined in PUD Districts provided that the proposed locations of uses will not adversely affect adjacent property, public health, safety and general welfare.

The amount of land devoted to commercial and/or industrial use shall be determined by the Zoning Commission and approved by the Township Trustees.

14.0143 Project Ownership

The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be a public or private corporation.

14.0144 Common Open Spaces

A minimum of twenty (20) percent of the land developed as a PUD shall be reserved for common open space and recreational facilities. The required amount of common open space land reserved shall be held in cooperative ownership by owners of the project area for the use of each individual who buys property within the development or, may be dedicated to Prospect Township and retained by common open space. If accepted by prospect township the responsibility for the maintenance of all open space shall be specified by the developer before approval of the Final Development Plan.

14.0145 Minimum Lot Sizes

Within an approved Planned Unit Development, the lot area per dwelling unit may be reduced by not more than twenty-five (25) percent of the minimum lot area required in the Residential District Regulations.

14.0146 Parking

Off-street parking, loading and service areas shall be provided in accordance with Chapter 13 of this Resolution. However, off-street parking and loading areas shall not be permitted within fifteen (15) feet of any residential use.

14.0147 Utility Requirements

All planned development projects shall be served by either a central sewage system or central water system.

14.0148 Parking

Off-street parking, loading and service areas shall be provided in accordance with Chapter 13 of this Resolution. However, off-street parking and loading areas shall not be permitted within fifteen (15) feet of any residential use.

14.0149 Arraignment of Commercial Uses

Planned Unit Developments which include commercial uses, commercial buildings, and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations. Screens or fences shall be provided on the perimeter of the commercial areas which abut residential areas

14.01491 Arraignment of Industrial Uses

Planned Unit Development may include industrial uses if it can be shown that the development results in a more efficient and desirable use of land.

Industrial uses and parcels shall be developed in a park-like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas, docks, and outdoor storage of raw materials or products.

Industrial uses within a Planned Unit Development shall have a minimum of a forty (40) foot side yard and fifty (50) foot rear yard if located adjacent to any residential use. All intervening spaces between the right-of-way line and building line and intervening spaces between buildings, drives, parking areas, and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

14.01492 Future Expansion

All areas within a Planned Unit Development designed for future expansion of any use or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Zoning Commission and/or Township Trustees.

14.02 Procedure for Approval of PUD District

14.021 Preliminary Development Plan

The developer of Planned Unit Development may, if he or she desires, submit to the Chairman of the Zoning Commission a preliminary Development Plan. The purpose of this optional plan is to familiarize the developer with the provisions, standards, and requirements of this chapter prior to detailed engineering work. Upon receipt of a preliminary plan, the Zoning Commission shall hold a meeting within thirty (30) days. At this meeting, the Commission shall review the plan and provide recommendations to the developer regarding the final development plan.

14.022 Final Development Plan

An application for approval of a Final Development Plan shall be filed with the Chairman of the Zoning Commission. Each application shall be signed by the developer attesting to the truth and exactness of all information supplied. The Final Development Plan shall include all information which the Zoning Commission deems necessary including:

1. A survey of the development site showing property lines, area topography and existing features of the site.
2. The locations and sizes of lots, locations, and uses of structures.
3. A schedule for the development of structures to be constructed and a description of the building designs.
4. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, waste disposal, and street improvements.
5. Landscaping plans.
6. Deed restrictions, protective covenants, and other legal statements to be used to control the use, development and maintenance of the land.

14.023 Subdivisions

The developer of a proposed planned development project shall consult with the local County Planning Commission to determine if the project is a subdivision. If the project is a subdivision under the provisions of Chapter 711, Revised Code of Ohio, the project shall be submitted and reviewed as a subdivision, in a manner set forth in the Subdivision Regulations. In such case, any approval of the planned development under the provisions of this Zoning Resolution shall be tentative, and shall be revoked if a final subdivision plan is not submitted and approved within one (1) year after such tentative zoning approval.

14.024 Action on a Final Development Plan by the Zoning Commission and Township Trustees

In its review of an action on any final application for a planned development project, the Zoning Commission and Township Trustees shall follow the procedure set forth in Section 17.03 of this Resolution for amendment to the zoning map, including posting of notices, request for report from the Regional Planning Commission, public hearings and action by the Township Trustees. If the approved development is not installed in accordance with the plans and requirements of this Chapter within four (4) years after the date of approval, such approval shall become null and void.

Chapter 15

Zoning Commission

15.01 Organization, Staff Services, and General Procedures

15.011 Organization

The Zoning Commission shall be composed of five (5) members, appointed by the Township Trustees, who shall be residents of the unincorporated territory of Prospect Township. The terms of all members shall be of such length and so arranged that the term of one (1) member will expire each year. Each members shall serve until his successor is appointed and qualified. Members of the Commission shall be removable for non-performance of duty, misconduct in office, or other cause as set forth in Section 519.04 of the Revised Code of Ohio. Vacancies shall be filled by appointments made by the Township Trustees and shall be for the unexpired term.

15.012 Staff Services

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

15.013 General Procedures

The Commission shall organize and adopt rules to govern its activities in accordance with this Resolution. Meetings of the Commission shall be held once each month, unless there are no matters to be considered. The time of the regular monthly meetings shall be specified in the rules. Special meetings may be called by the Chairman, or in his absence by the Vice-Chairman. All meetings of the Commission shall be open to the public.

The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the Township Trustees and shall be a public record. Three (3) members of the Commission shall constitute a quorum.

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

15.02 Power and Duties

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

- 15.022 The Zoning Commission shall review all proposed amendments to this Resolution and make recommendation to the Board of Township Trustees as specified in Section 19.03.
- 15.023 The Zoning Commission shall review all planned development projects and make recommendations to the Board of Township Trustees as provided for in Chapter 14.
- 15.024 The Zoning Commission shall have all other responsibilities designated to it by this Resolution and Ohio Law.

Chapter 16

Board of Zoning Appeals

16.01 Establishment, Staff Service, and General Procedures

16.011 Establishment

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

16.012 Staff Services

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

16.013 General Procedure

The Board shall organize and adopt rules to govern its activities. In accordance with this Resolution, meetings of the Board shall be held once each month, unless there are no matters to be considered. The time of the regular monthly meeting shall be specified in the rules. The Chairman, or in his absence the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the Office of the Township Trustees and shall be a public record.

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

In the absence of three (3) members, one (1) member shall be a quorum for the purpose of establishing a date and time for the continuance of this meeting. After this is accomplished, and the date is clarified to all present, the member or both

members present, whichever is the case, shall adjourn the meeting.

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

16.02 Applications and Appeals

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

16.021 Filing Application

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

16.022 Filing Appeals

An appeal to said Board from any ruling of the Zoning Inspector, or other administrative officer administering any portion of this Resolution may be taken by any property owner or tenant, or by an governmental officer, department, board, or bureau affected.

Appeals to the Board shall be taken within twenty (20) days after a decision of the Zoning Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken, or in lieu thereof certified copies of said papers.

16.023 Hearings; Date and Notices

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

Each application or appeal shall be accompanied by a check, payable to Prospect Township or a cash payment of the amount as set forth in Section 18.025. The

Secretary shall not accept an application or appeal until such payment is received.

16.024 Adjournment of Hearing

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

16.025 Decisions of the Board

The Board shall decide all applications and appeals within thirty-five (35) days after completion of the hearing thereon, and such decision shall become effective upon adoption by the Board. The Board's action shall be by resolution, stating the reasons therefore, and setting forth the findings of the Board as to compliance or non-compliance of the application or appeal with the requirements therefor in this Resolution.

A certified copy of the Board's decision shall be transmitted to the applicant or appellant. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board. After the Board approves any application or appeal there shall be no further hearings upon such case. However, when the Board has denied an application or appeal that is filed within one (1) year of the date of the Board's decision the Secretary shall not schedule any hearing until the Board has received the application or appeal and decided that there is new matter, evidence of facts to be heard by the Board

16.026 Stay of Proceedings

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

16.03 Powers of the Board

16.031 Interpretation of the Zoning Resolution

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

16.0311 In case there is question as to the intended meaning of any provision of the zoning text, the Board may interpret its meaning.

- 16.0312 Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board, after notice of public hearing to the owners of the property, shall interpret the map in such a way as to carry out the intent and purpose of this Resolution for the particular section or district in question. In case of any question as to location of any boundary line between zoning districts, an application or interpretation of the Zoning Map may be made to the Board and a determination may be made by said Board by following the procedure established in Section 16.02.

16.032 Original Jurisdiction Applications for Exceptions and Conditional Uses

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

16.033 Appeals for Variances

The Board may authorize upon appeal in specific cases, filed as herein before provided, such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest, however, nothing herein contained shall be constructed as authorizing the Board of Zoning Appeals to effect changes in the zoning map or to add to the uses permitted in any zoning district. In order to grant a variance, this Board must find:

1. That there are special circumstances or conditions, fully described in the Board's decision, applying to the land or building for which the variance is sought, which circumstances or conditions are such that the strict application of the provisions of this Resolution would result in practical difficulty and unnecessary hardship and deprive the applicant of the reasonable use of 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. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Board, in determining its findings shall take into account the number of persons residing or working in such buildings or upon such land and traffic conditions

in the vicinity.

3. That the condition or situation of the specific piece of property, or the intended use of said property, for which the variance is sought - one or the other or in combination – is not of so general or recurrent a nature as to make reasonably practicable the formulation as a part of this Resolution of a general regulation for such condition or situation.
4. That the variance as granted by the Board is the minimum variance that will accomplish the reasonable use of the subject land or building.

16.034 General Powers

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

16.04 Expiration of Permits for Exceptions, Conditional Uses and Variances

Every permit or variation of the application of the literal provisions of this Resolution allowed or granted, as provided in this Chapter shall expire and be of no force or effect after the expiration of two (2) years from the date thereof, unless

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

Chapter 17

Administration

17.01 Duties of the Zoning Inspector

17.011 Office of the Zoning Inspector

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

17.012 Applications; Zoning Permits

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

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

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

17.013 Occupancy or Use Permits

17.0131 Occupancy Permits; Where Zoning Permit Issued

Upon completion of the work for which a Zoning Permit has been issued in accordance with Section 17.012 the holder of the permit shall notify the Zoning Inspector of such completion. The Zoning Inspector shall grant such holder an Occupancy Permit if the work has been performed in accordance with the application for the Zoning Permit and such conditions, if any, as may have been required by the Zoning Inspector when the Zoning Permit was issued.

17.0132 Occupancy Permits; Where no Zoning Permit Required

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

17.0133 Temporary Occupancy Permits

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

17.014 Action on Applications; Time Limit

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

17.015 Zoning Permits; Time Limit

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

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

17.02 Fees

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

17.03 Amendments

It shall be the policy of the Prospect Township Government to consider this Zoning Resolution, together with its Zoning District Maps, to be subject to amendment from time to time, in order to recognize changing conditions of land use and development, and to utilize improved practices in zoning. The Resolution will be regarded as a flexible means of encouraging good development and use of land in Prospect Township. To these ends, the Township Trustees, Prospect Township Zoning Commission, property owners or lessees of property may initiate amendments. The procedure for such proposed amendments shall be set forth in the Ohio Revised Code, Section 519.12.