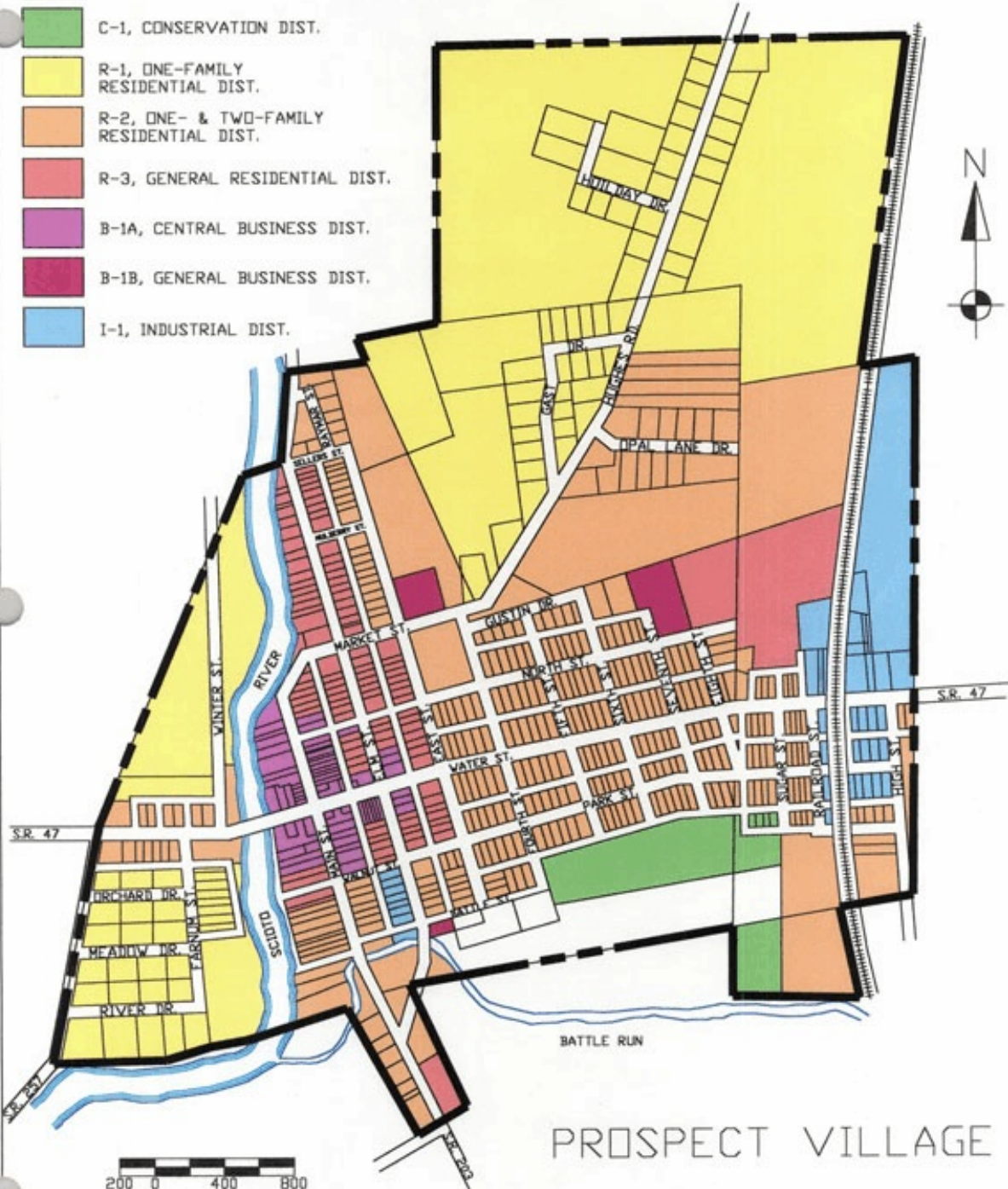


*Prospect Village*  
*Zoning Ordinance*

Amended: April, 2004

**LEGEND**

- A-1, AGRICULTURAL DIST.
- C-1, CONSERVATION DIST.
- R-1, ONE-FAMILY RESIDENTIAL DIST.
- R-2, ONE- & TWO-FAMILY RESIDENTIAL DIST.
- R-3, GENERAL RESIDENTIAL DIST.
- B-1A, CENTRAL BUSINESS DIST.
- B-1B, GENERAL BUSINESS DIST.
- I-1, INDUSTRIAL DIST.



PROSPECT VILLAGE  
ZONING MAP

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# CHAPTER 1

## JURISDICTION AND PURPOSE

### 1.01 Area of Jurisdiction

The provisions of this code shall apply to the incorporated area of the Village of Prospect. If after adoption of this code any surrounding unincorporated area becomes part of the village, that area shall retain its existing zoning classification as given by the Township Trustees until reviewed and classified by amendment.

### 1.02 Purpose

In addition to and in support of the general purpose of zoning as set forth in Section 713.06, Revised Code of Ohio, this code is adopted for the following purposes:

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

## CHAPTER 2

### DEFINITIONS

#### 2.01 Definitions

For the purposes of this Code, certain terms are herewith 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 shall have meanings as defined hereunder.

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, provided that any such building or structure is erected at the same time or after, the construction of the principal building.

2. Accessory Use.

A use subordinate to the principal use of a building or premises, and customarily incidental thereto.

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 of an existing business.

Adult Entertainment Business.

Shall be defined as a business or enterprise which presents material or performances (1): whose dominant 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 phono graphic 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, phono graphic 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.

4. Animal Raising, Specialized.

The use of land and building for the commercial raising, care and sale of fur-bearing animals such as foxes, mink, rabbits, dogs and domestic pets; also the stabling or care of horses and other animals and birds as an enterprise other than an accessory to agricultural use, as herein defined.

5. Alley.

A public right-of-way not more than thirty (30) feet in width, providing only a secondary means of vehicular access to abutting property.

6. Apartment.

A dwelling unit located in an apartment building.

7. Apartment, "O-Bedroom".

An apartment or dwelling unit consisting of not more than one (1) habitable room, together with kitchenette and sanitary facilities; synonymous with "efficiency apartment".

8. Apartment Buildings.

Any building housing three (3) or more apartments or dwelling units, provided said units are the principal use of the building.

9. Apartment Hotel.

- a. A building or portion thereof containing three (3) or more dwelling units or individual guest rooms or suites or guest rooms not for the use of transients, or
- b. An apartment building in which all or most of the dwelling units are provided with main service.

10. Automobile or Trailer Sales Area.

An open area used for display, sale or rental of new or used motor vehicles or trailers in operable condition, and where only incidental repair work is done.

11. Automotive Wrecking.

The dismantling or wrecking of used motor vehicles mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

12. Basement.

A story the floor of which is more than one half (1/2) of its story height below the average level of the adjoining ground. Any story which is not a basement story shall be counted as a story for purposes of height, yard or other open space measurement.

13. Board.

The Prospect Village Board of Zoning Appeals.

14. Board 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").

15. Building.

Any structure having a roof supported by columns or walls used for shelter or enclosure of persons animals or property.

16. Building, Height of.

The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or the deck line of a mansard roof or the mean height level between eaves and ridge for gable, hip or gable roof.

17. 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 clearly parallel to the lot line or other building to which the dimension or

distance is measured.

18. Building Wall.

For the purpose of computing required yard dimension or distance between building, the building wall includes such wall or parts thereof which is most nearly parallel with the lot line or other building wall to which the dimension or distance is measured.

19. Commission, Planning.

The Prospect Village Planning Commission.

20. Comprehensive Plan.

The Comprehensive Plan for Marion County or parts thereof, as and when adopted or amended by the Prospect Village Planning Commission.

21. 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 Code for such use within the District involved, or
- b. In case the use in question is not listed as either permitted or prohibited in the District involved, and the Board is specifically authorized to determine whether an unlisted use is similar to others listed as permitted. Such favorable determination may not be made in the case of a use which is first listed as permitted or as prohibited in a less restricted District.

22. Court.

An open uncovered and unoccupied space, other than a yard or open space between two separate buildings, which is surrounded wholly or in part by the exterior walls of a building.

23. Court, Inner.

A court surrounded on all sides by the exterior walls of a building.

24. Court, Outer.

A court having at least one (1) side open to a street, yard or other permanent open space.

25. Density Residential.

A measurement of the intensity of residential use, measured in terms of the number of dwelling units per net acre of land occupied, excluding streets, alleys and all land not used directly for residential purposes.

26. District, Zoning.

A portion of the land within the Village of Prospect within which certain uniform regulations and requirements of various combinations thereof all under the provisions of this Code.

27. Drive-in Establishment.

Any commercial establishment such as a carwash, bank or restaurant, which relies for its principal source of customers or contents 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.

28. Drive-through Establishment.

A drive-in establishment in which the vehicles are kept in line waiting for service.

29. 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 herein.

30. Dwelling, Fixed.

A dwelling permanently fixed to the ground, which shall not include mobile homes.

31. Dwelling, Mobile.

A mobile home; a moveable or portable structure designed and constructed to be towed as a unit or units on its or their own chassis and running gear, whether or not the tow has been removed on the public streets or highways and designed,

constructed and equipped with the necessary service connection for human occupancy and habitation as a permanent residence for one (1) or more persons whether resting on wheels, jacks or other supports. This definition shall not include a travel or vacation vehicle, either self-propelled or non-self-propelled as separately defined.

32. Dwelling Modular.

A fixed dwelling comprising one or more preassembled or partially preassembled modules or units, built using the same type of materials used in conventional or on-site construction, without integral chassis, brought to the building site by temporary means of transport, assembled and permanently anchored to the ground. A mobile home, as defined herein, shall not be deemed to be a modular unit or a modular dwelling

33. 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.

34. Dwelling, Single Family.

A building designed for and used exclusively for residence purposes by one family or housekeeping unit.

35. Dwelling.

Seasonal. A summer cottage, winter lodge or similar lodging occupied less than six (6) months during a year.

36. Dwelling.

Town House. A building consisting of a series of three (3) or more attached or semi-detached dwelling units, each with a ground floor and a separate entrance, whether maintained in a single ownership, separate ownership, or condominium. In order to conform with this Code a town house shall comply with the following:

- a. Have a maximum of eight (8) dwelling units in a single building
- b. Have a minimum of sixteen(16) feet of width from each dwelling unit
- c. Have privately occupied lot area in accordance with Section 15.0 which shall apply to all town houses.



37. Dwelling, Two Family.

A building designed for and used exclusively by two families or housekeeping units.

38. Dwelling Unit.

One or more rooms designed for intended for or used as a residence by one family with facilities for cooking therein.

39. Family.

A person living alone or two or more persons living together as a single housekeeping unit, in a dwelling unit.

40. Filling Station. See “Service Station”.

41. Floor Area.

The measurement of floor area for purposes required by this Code 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 stores having more than ninety (90) inches of headroom, which are accessible by a fixed stairway elevator or escalator, and which may be made usable for the intended occupancy. For residential uses, the floor area of uninhabitable basements, cellars, garages, accessory building attics, breeze ways, and unenclosed porches shall be excluded.

42. Floor Area Ratio.

The ratio of total floor area on all floors of a building to the total lot area.

43. 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.

44. Garage, Public.

A building or portion thereof, designed or used for equipping, servicing repairing, hiring, renting, selling or storing self-propelled vehicles.

45. Home Occupation.

An occupation which is carried on in the home in a Residential District, provided it

is incidental to the residential use, and meets the requirements of Section 13 of this Code.

46. Hospital.

An institution providing health services primarily for in patient medical or surgical care of the sick or injured and including related facilities such as laboratories, outpatient 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.

47. Hotel, Motel.

A building or buildings containing guest rooms to be occupied primarily by transients who are lodged with or without meal service.

48. Junk Yard. See "Scrap Yard".

49. Land Use Plan.

The Land Use Plan for Marion County, as adopted and amended by the Prospect Village Planning Commission.

50. 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").

51. 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 Code and having frontage on a public street.

52. Lot Area.

The computed lot area within the lot lines.

53. 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.

54. Lot Interior.

A lot other than a corner lot

55. Lot Depth.

The mean horizontal distance between the front and rear lot lines, measured at right angles to the street line.

56. Lot Width.

The mean horizontal distance across the lot between side lot lines measured at right angles to the lot depth provided that the minimum lot widths required by this Code shall be so measured at a distance from the front lot line equal to the required depth of the front yard.

57. Lot Lines.

The property or street right-of-way lines bounding a lot.

58. Lot Line, Front.

The lot line separating the lot from the right-of-way line of the principal street on which the lot abuts.

59. Lot Line, Rear.

The lot line opposite and most distance from the front lot line.

60. Lot Line, Side.

Any lot line other than a front or rear lot line. A side lot line of a corner lot, separating a lot from a street, is called a side street lot line. A side lot line separating a lot from another lot is called an interior lot line.

61. Lot of Record.

A lot 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.

62. Motel. See "Hotel".63. Mobile Home. See "Dwelling Mobile".64. Modular Home. See "Dwelling, Modular".65. Net Acreage.

The area of land, in acres, within the lines of a lot, (See also definition for Density, Residential).

66. Non-conforming Structure.

A building or structure, lawfully existing at the time of the effective date of this Code, that does not conform to the provisions of this code as to lot area, yard or building height requirements for the zoning district in which it is located.

67. 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 Code that does not conform to the use regulations for the zoning district in which it is located.

68. Opaqueness.

The degree to which a wall, fence, structure or landscape planting is solid or impenetrable to light or vision in a generally uniform pattern over its surface.

69. Open Space.

This term, as used in this Code, is intended to refer to front, side or rear yards adjoining buildings, or to other land space not occupied by building, required or provided to afford light, ventilation, visibility and other requirements for a healthful environment.

70. Parking Area or Lot.

An open area, other than a street or other public way, used for the parking of motor vehicles.

71. 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 Code.

72. 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 Code and for the use appointed for.

73. Permit Use. See “Permit, Occupancy”74. Permit, Zoning.

Any permit which authorizes the construction or alteration of building or structures in accordance with this Zoning Code.

75. Planned Development Projects.

A. Fixed Dwelling Development. See definition, Section 15.022.

B. Mobile Home Park.

A parcel of land in single ownership, developed and operated for occupancy by mobile homes as permanent residences, in accordance with the requirements set forth in Section 15.03 of this Code.

76. Principal Building.

A building or structure in which is conducted the principal use of the lot on which it is situated.

77. Principal Use.

The primary or chief purpose for which a lot or structure is used.

78. Public Uses.

All lands, other than streets and highway, owned by and officially designed 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.

79. Public Utility Facilities.

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

80. Public Utility Sub-Station.

Buildings or structures serving as distribution or service centers for only a section of a community Including such uses as water pumping stations water storage tanks, transformer stations, telephone exchanges, rail or bus waiting shelters and similar uses.

81. 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.

82. 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.

83. Recreation Facilities General Commercial.

Recreation areas and facilities open to the public established and operated for profit, including commercial golf courses, swimming pools, ice skating rinks, riding stables, race tracks, amusement parks, carnivals and similar commercial enterprises.

84. Residence. See "Dwelling".

85. Road. See "Street"

86. 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").

87. School.

A building used for the purpose of elementary or secondary education which meets the requirements of the compulsory education laws of the State of Ohio, and not providing residential accommodations for students.

88. Scrap Yard.

A place where discarded or salvaged materials are brought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards house wrecking yards, used lumber yards and place or yards for storage of house wrecking and structural steel materials and equipment. For the purposes of this Code two (2) or more unlicensed autos on a lot shall constitute a scrap yard and be subject to the provisions and regulations of a scrap yard.

89. Semi Public Uses.

Land owned by a nonprofit 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.

90. Service Station.

Buildings or premises, or portions thereof, arranged or designed to be used for the retail sale of all gasoline or other products for the propulsion or lubrication of motor

vehicles including facilities for changing and repairing of tires or batteries, polishing, greasing, washing, or minor servicing 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.

91. Shopping Center.

A group of buildings and accessory open spaces devoted to permitted commercial uses which (a) is under one ownership with separate establishments rented or leased; (b) has common parking facilities for all establishments occupying the center; and (c) has no lot lines drawn between establishments.

92. Sign.

Any writing, numerals, pictorial representation, illustration, decoration, emblem, symbol, trademark, flag, banner, pennant, streamers, or any other fixtures or object of similar character which:

- a. Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building, column or other structure, or any portable device and is used to announce, direct attention to, or advertise, and
- b. Is visible from any street, alley, park, or other public area.

93. Sign, Area of.

The entire area within a single continuous parameter 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.

94. Sign, Accessory.

A sign which relates solely to the building or premises on which it is located, in any manner indicated by the definitions here under for functional types of accessory sign.



95. 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 structures or a portion thereof located on such lot or tract of land.

f. Temporary Sign Construction.

A temporary sign indicating the names of architects, engineers, contractors and similar persons or firms involved in the design or construction of a structure or project.

g. Warning Sign.

Any sign indicating a situation which is dangerous or potentially dangerous.

96. 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.

e. Wall Sign.

A sign which is erected against or painted upon the wall of any building, with the exposed face thereof in a plane parallel with the plane of said wall.

97. 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.

98. Sign Face.

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

99. Sign, Flashing.

Any illuminated sign on which the artificial light or any part thereof has conspicuous

or intermittent variation in intensity or color.

100. 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.

101. Sign, Illuminated.

A sign which is illuminated by an artificial source of light.

102. Sign Moving.

Any sign or part thereof which rotates, revolves or otherwise is in motion.

103. Sign Structure.

The supports, uprights, bracing or framework for signs.

104. Slaughter House.

A building used for the slaughtering of animals and the scalding, dressing, butchering and storage of animal carcasses, but not including the rendering, smoking, curing, or other processing of meat, fat, bones, offal, blood or other by-products.

105. Story.

That portion of a building between the upper surface of any floor and the upper surface of the floor above, or any portion of a building between the topmost floor and the roof having a usable floor area equal to at least fifty (50) percent of the usable floor area of the floor immediately below it.

106. Story First.

The lowest story or ground story of a building which is not defined as a basement.

107. Street.

A public right-of-way (30) feet or more in width which existed prior to the time of the effective date of this Code or is accepted by the Village of Prospect or County of Marion after the effective date of this Code. The term "street" shall include avenue,

circle, road, parkway, boulevard, highway, thoroughfare or any other similar term. The “street” as it is defined above normally incorporates not only the pavement surface but curbs, lawn strips, sidewalks, lighting, and drainage facilities, etc., or room for future provisions of these facilities where not provided at present.

108. Street, Principal.

The street adjoining the front lot lines.

109. 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.

110. Structure.

Any constructed or erected material or combination of materials the use of which require location on the ground including but not limited to, buildings, stadia, radio towers, sheds, storage bins, swimming pools walls and fences.

111. Structural Alteration.

Any change in the structural members of a building, such as walls, floors, columns, beams or girders.

112. Subdivision Regulations.

The Subdivision Regulation for the Village of Prospect if adopted by the Village of Prospect.

113. Tourist Home.

A building or part thereof, other than a hotel, motel boarding house, lodging house, or rooming house, where lodging is provided for transients by a resident family in its home for compensation.

114. Township House. See "Dwelling, Town House".

115. 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 for eating accommodations for persons while

traveling or vacationing. Any portable vehicle providing such accommodations having a usable length of forty-five (45) feet or less shall be included within this definition and shall not be defined as a mobile home.

116. 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 Code.

117. 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.

118. 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.

119. Yard, Side.

The open space extending from the front yard to the rear yard between the nearest side lot line and a building.

120. Zoning District; Zoning Use District; Use district.

These terms are synonymous with each other. See "District, Zoning".

## CHAPTER 3

### LEGAL PROVISIONS

#### 3.01 Minimum Requirements and Conflict

In the interpretation of the provision of this Code, 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 Code differs or conflicts with the provision of any other ordinance, statute, law, or regulation, the most stringent requirement shall apply.

#### 3.02 Conformance Required

Except as provided in this Code, no land, building structure or premises shall change use, and no building or structure or part thereof shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulation herein specified for the District in which it is located.

#### 3.03 Separability

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

#### 3.04 Pending Applications

Nothing contained in this Code 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 awfully could have been granted before the effective date of this Code provided that construction is begun no later than six (6) months after the effective date of this Code and is carried on to completion in a reasonable manner and without unnecessary delay.

#### 3.05 Violations, Penalties

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land, in violation of any of the provisions of this Code or any amendment thereto. Any violation of the provision of this Code 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 (100) dollars, or imprisonment for not more than thirty (30) days, or both and in addition the payment of all costs and expenses, involved in the case.

Each day such violation continues after receipt of a violation notice, may be considered a separate offense. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

## CHAPTER 4

### NONCONFORMING USES AND STRUCTURES

#### 4.01 Intent

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

#### 4.02 Non-conformance of Use

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

##### 4.021 Change of Use

No non-conforming use may be changed to another non-conforming use except by approval of the Board of Zoning Appeals in accordance with Section 18.032 of this Code. Such change of use shall only be changed to a use of the same class or more restrictive class as the previous non-conforming use.

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

##### 4.022 Abandonment

No building, structure or premises where a non-conforming use has ceased or one (1) or more years shall again be put to a non-conforming use.

#### 4.03 Structural Non-conformance

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

##### 4.031 Structural Alteration Extension or Repair

Non-conforming structure may be altered, extended or repaired without prior approval of the Board of Zoning Appeals provided that such alteration, extension or



repair does not increase the degree of the nonconformity. For example:

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

#### 4.032 Expansion of Use

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

#### 4.04 Repairing Damaged Buildings

A non-conforming building or a building occupied by a non-conforming use which is damaged or destroyed by fire, flood, winds, act of God, or other cause beyond the control of the owner may be repaired or reconstructed and the non-conforming use, if any, may be continued. provided that such repair or reconstruction is commenced within a period of one year and diligently prosecuted to completion.

## CHAPTER 5

### ZONING DISTRICTS AND ZONING DISTRICT MAP

#### 5.01 Zoning Districts

##### 5.011 Zoning District Classification

The Village is hereby divided into districts under four general categories, All parts of the Village shall be designated on the Zoning District Map as being located in one of the following Zoning Districts:

#### OPEN SPACE DISTRICTS

"FP" Flood Plain District  
"FP-1" Flood way Zone  
"FP-2" Flood way Fringe Zone

"C-1" Conservation District  
"A-1" Agricultural District

#### RESIDENTIAL DISTRICTS

"R-1" One-Family Residence District  
"R-2" One-and Two-Family Residence District  
"R-3" General Residence District

#### BUSINESS DISTRICTS

"B-1A" Business District  
"B-1B" Business District

#### INDUSTRIAL DISTRICT

"I-1" Industrial District

##### 5.012 Degree of Restrictiveness

Whenever, in this Code the order of Districts as to degree of restrictiveness is referred to the order shall be as listed herein before, with the "FP" District being the most restricted, and the "I-1" District being least restricted.

#### 5.02 Adoption of Zoning District Map as Part of Ordinance

The boundaries of Zoning Districts as set forth in this Code are hereby established as shown on the map entitled "Official Zoning District Map of the Village of Prospect, Ohio", as dated and certified by the Mayor of Prospect and attested by the Clerk of the Prospect Village Council. This Official Zoning District Map and all notations, references and other matters thereon are hereby made a part of this Code. This Official Zoning District Map shall be and remain on file in the Office of the Clerk of the Prospect Village Council, and a copy shall be and remain on file in the office of the Zoning Inspector.

#### 5.03 Determination of District Boundaries

Except where referenced and noted on the Zoning District Map by a clearly designated line and/or written dimensions, the District boundary lines are intended to follow property lines, lot lines or the centerline of streets, alleys or streams as they existed at the time of adoption of this Code or the extension of such lines provided however, that where a boundary line is shown as adjoining a railroad right-of-way, it shall unless otherwise fixed, be construed 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 lines, government survey line or other permanent and legally established line. The Zoning Inspector shall interpret the location of boundary lines as shown on the Zoning District Map. When the Zoning Inspectors interpretation is questioned, the boundary lines shall be determined by the Board of Zoning Appeals as prescribed in Chapter 18.

#### 5.04 Vacation of Streets, Alleys or Other Public Ways

Whenever any street, alley or other public way is vacated by official action as provide 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 regulation of the extended District or Districts, except that utility rights-of-way or easements shall not be affected by such action.

## CHAPTER 6

### GENERAL ZONING DISTRICT PROVISIONS

#### 6.01 Street Frontage Required for All Lots

Except as permitted by other provisions of this Code, each use of land shall be located on a lot, as defined in Chapter 2, which lot shall have frontage on a street.

#### 6.02 Required Lot Area or Other Open Space Cannot Be Reduced

No lot, yard, parking area or other open space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required by this Code. No part of a yard parking area or other 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 15 for Planned Development Projects.

#### 6.03 General Zoning District Regulations

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

#### 6.04 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.

## CHAPTER 7

### “FP” FLOOD PLAIN DISTRICTS

#### 7.01 Purpose

Provision pertaining to the use and development of lands subject to periodic flooding are provided to encourage development and use of such lands in a manner to reduce the periods of flooding and to promote the public, health, safety and general welfare. To further this, the Flood Plain District may be used as a regular Zoning District, by itself not in addition to any other district, or it may be used as a Special District in addition to any of the other Zoning Districts as established in Chapter 5 with the regulations of both districts applying.

1. “FP” FLOOD WAY ZONE - the flow-way necessary to preserve the natural capacity of the channel for flood water.
2. “FP-2” FLOOD WAY FRINGE ZONE - the low-lying area on either side of the Flood way Zone where flooding is of sufficient frequency to require proofing of structures against flood loss, normally the one hundred (100) year flood plain.

#### 7.02 Use Regulations

##### 7.021 Uses in the Flood way Zone

1. Principal Permitted Uses  
None
2. Conditional Permitted Uses (Subject to approval by the Board of Appeals)  
Agriculture  
Recreational uses (non-structural)  
Parking Lots  
Water control structures  
Sand and gravel and mineral extraction (See Section 1.08)
3. Accessory Permitted Uses and Structures  
Structures or uses accessory to the above may be permitted if:
  - A. Structures are not intended for human habitation

- B. Structures with have a low flood damage potential
- C. Structures or stockpile of materials with be constructed and placed so as to offer a minimal obstruction to flow of flood waters.
- D. Structures will be firmly anchored to prevent flotation.
- E. Service facilities within these structures, such as electrical heating equipment, will be at or above the flood protection elevation for the site or adequately-flood proofed.

4. Prohibited Uses and Structures

All uses or structures with a high flood damage potential or that with materials obstruct flood flows.

Storage of potentially hazardous materials which is subject to flooding may become buoyant, flammable, explosive or may be injurious to human, animal, or plant life.

Dwellings, schools, places of general assembly and institutions for human care. Other uses that are likely to cause pollution of waters, as defined in Ohio Law.

7.022 Uses In the Flood way Fringe Zone

1. Principal Permitted Uses

Agriculture

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

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

All uses permitted in the Flood Way Zone recreation facilities seasonal Dwellings

Public Utility Facilities,

All conditional uses permitted in any underlying zoning district, if not elsewhere prohibited, meeting all development standards.

3. Accessory Permitted Uses and Structures

Structures or uses accessory to the above uses.

#### 4. Prohibited Uses and Structures

All uses or structures with a high flood damage potential or that will unduly restrict the capacity of the channels or flood ways. Storage of potentially hazardous materials which if subject to flooding may become buoyant, flammable, explosive or may be injurious to human, animal or plant life.

Other uses that are likely to cause pollution of waters, as defined in Ohio Law.

#### 7.03 Development Standards

All structures within the Flood way Fringe Zone shall conform to the following standards.

- A. The lowest floor (including basement) shall be elevated to or above the flood protection elevation and
- 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 only by special permit.

#### 7.04 Establishment of Zone Boundaries

- 7.041 The boundaries of the Flood way and the Flood way Fringe Zones shall be based on data provide by reports and records of the U.S. Army Corps of Engineers, the U. S. Geological Survey, The Ohio Division of Water, or other official agency.
- 7.042 For areas subject to flooding but for which there is no other applicable data, the Marion County Regional Planning Commission may be asked to supply such data, together with appropriate recommendations for the guidance of the Prospect Village Planning Commission.
- 7.043 In the absence of a Flood Plain boundary as set forth hereinbefore as such boundary may apply to any parcel of land for which a zoning application has been made, it shall be the duty of the Zoning Inspector to refer such application to the Planning Commission for decision. It then shall be the duty of said Commission to establish said boundary as it applies to such parcel of land, and render a decision as to the compliance or non-compliance of the proposed use with the regulations set forth hereinbefore.



#### 7.05 Warning And Disclaimer of Responsibility

The degree of flood protection required by this Code Is considered reasonable for regulatory purposes. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Code does not imply that areas outside the Flood Plain District boundaries or land uses permitted within such district will be free from flooding or flood damages. This Code shall not create liability on the part of the Village of Prospect or any officer or employee thereof for any flood damages that result from reliance on this Code or any administrative decision lawfully made thereunder.

## CHAPTER 8

### "C-1" CONSERVATION DISTRICT

#### 8.01 Purpose

Areas possessing natural resources, the preservation and wise use of which take precedence over other urban uses which might otherwise encroach upon or destroy such resources. The type of resource which the land possesses will determine the uses which should be permitted on such land, and in some instances the probability that such land later should be changed to a certain other use classification at the time when there is a legitimate public need for the specific resource which the land possesses. It shall be the intent of the Village Government to administer this Zoning Code in such a manner as to encourage the development of resources in the Conservation District as follows:

<u>Resource</u>	<u>Best Use</u>	<u>Future Zoning District</u>
1. Woodland, streams and water bodies having scenic or-other recreational value.	Public Recreation	Continue to "C-1"
2. Sand, gravel, limestone, oil, gas, and other mineral deposits.	Controlled Extraction	Continue In "C-1" or change to "I-1"
3. Flood Plain or areas requiring special drainage treatment	See provisions Chapter 7	Leave to "C-1" or change to or add "FP"

#### 8.02 Use Regulations

##### 1. Principal Uses

Agriculture  
Public Uses  
Recreation Facilities, private  
Public Utility Substations (See Section 6.11)

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

Specialized animal raising and care  
Sand and gravel extraction (see Section 16.11)

Recreation facilities, Limited Commercial Recreation Facilities, General Commercial provided that the use is primarily an outdoor activity, besides meeting conditions of Sec.18.032

Mineral extraction (see Section 16.08)

Petroleum drilling and extraction (see Section 16.09)

Topsoil removal (see Section 16.06)

Single Family dwellings (not including mobile homes)

Seasonal dwellings

Sanitary Land fills

Public Utility Facilities

### 3. Accessory Permitted Uses and Buildings

Private garages - conditional

Swimming pools, garden houses, tool houses, playhouses - conditional

Living quarters of persons employed on the premises

Boarders and roomers (limited to 2)

Home Occupations - conditional (see Section 16.a3)

Required off street parking space

Stables (not part of a farm)

Roadside stands on farms

Other accessory uses as defined in Chapter 2

Signs, Accessory (See Section 16.022 )

Temporary buildings

## 8.03 Area And Dimensional Standards

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

	<u>Minimum Lot Size</u>		<u>Minimum Yard Dimensions</u>			<u>Maximum Bldg. Height</u>		<u>Maximum Coverage of lot</u>
	Area (Acres)	Frontage (Feet)	Front (Feet)	Side (Feet)	Rear (Feet)	(Feet)	(Stories)	(Percent)
Dwellings	2	200	50	25	50	30	2 ½	-
Schools	5	200	50	25	50	30	2 ½	10
All other uses	2	200	50	25	50	30	2 ½	20

## CHAPTER 9

### “A-1” AGRICULTURAL DISTRICT

#### 9.01 Purpose

Land which is level or gently rolling, is well drained or capable of being drained, possesses productive soil characteristics and is best preserved for and used for agricultural purposes.

#### 9.02 Use Regulations

##### 1. Principal Permitted Uses

Agriculture  
Public Uses  
Recreation facilities, private  
Semi-public uses  
Single-family dwellings (not including mobile homes)  
Public utility Substations (See Section 16.11)

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

Airports  
Advertising signs (see Section 16.023)  
Specialized animal raising and care  
Veterinary clinic or hospital  
Sand and gravel extraction (see Section 16.08)  
Recreation Facilities, Limited Commercial  
Tourist camps, motels, inns and other dining places  
Mineral extraction (see Section 16.08)  
Petroleum drilling and extraction (see Section 16.09)  
Topsoil removal (see Section 16.06)  
Seasonal dwellings  
Cemeteries  
Penal and correctional institutions  
Sanitary Land fills  
Public Utility Facilities

##### 3. Accessory Permitted Uses and Buildings

Private garages  
Swimming pools, garden houses, tool houses, play houses  
Living quarters of persons employed on the premises  
Boarders and roomers (limited to 2)

Home Occupations (see Section 16.03)  
 Required off street parking space  
 Stables (not part of a farm)  
 Roadside stands on farms  
 Other accessory uses as defined in Chapter 2  
 Signs, Accessory (see Section 16.022)  
 Temporary buildings

### 9.03 Area and Dimensional Standards

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

	<u>Minimum Lot Size</u>		<u>Minimum Yard Dimension</u>			<u>Maximum Bldg. Height</u>		<u>Maximum Coverage of Lot</u>
	Area (Acres)	Frontage (Feet)	Front (Feet)	Side (Feet)	Rear (Feet)	(Feet)	(Stories)	(Percent)
Dwellings	2	200	50	25	50	30	2 ½	-
Schools	5	200	50	25	50	30	2 ½	10
All other uses	2	200	50	25	50	30	2 ½	20

### 9.04 Dwellings on Farms

More than five (5) permanent dwelling units may be located on a farm, to be occupied only by families or persons engaged in the operation of the same farm. Ownership of the sites on which such dwellings are located shall not be transferred as separate parcels except in accordance with the standards set forth in this Code and with any Subdivision Regulations which may be adopted when they become effective.

## CHAPTER 10

### “R-1” ONE-FAMILY RESIDENCE DISTRICT

#### 10.01 Purpose

Areas where one family residential development is desirable at densities made possible by the presence of or possible provision of a public sewer system, but where high density development is not desired.

#### 10.02 Use Regulations

##### 1. Principal Permitted Uses

Agriculture  
Single-family dwellings (but not including mobile dwelling or homes)  
Public Uses  
Semi-public uses

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

Nursery schools and day nurseries  
Sanitariums, convalescent homes and rest homes  
Cemeteries  
Recreation Facilities, private  
Public Utility Sub-stations (See Section 16.11)

##### 3. Planned Development Projects (Subject to approval by Planning Commission)

Fixed Dwelling Developments

##### 4. Accessory Permitted Uses and Buildings

Private garages  
Swimming pools, garden houses, tool houses, playhouses  
Home Occupations (See Section 16.03)  
Accessory signs (See Section 16.022)  
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:

	<u>Minimum Lot Size</u>		<u>Lot Area Per Dwelling Unit</u> (Sq. Feet)	<u>Minimum Yard Dimensions</u>			<u>Maximum Bldg. Height</u>		<u>Maximum Coverage of Lot</u> (Percent)
	Area (Sq. Ft.)	Frontage (Feet)		Front (Feet)	Side (Feet)	Rear (Feet)	(Feet)	(Stories)	
Single Family Dwellings									
-without both public sewer and water	25,000	100	25,000	30	8/20*	50	30	2 ½	-
-with either public sewer or water	11,250	75	11,250	30	8/20*	35	30	2 ½	-
Schools	5 acres	200	-	50	25	50	30	2 ½	10
Hospitals	2 acres	200	-	50	25	50	30	2 ½	20
All other areas	Sufficient to comply with yard and parking requirements			40	20	40	30	2 ½	20

\* Least width side yard / Sum of both side yards.

### 10.04 Requirements for Accessory Structures

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

- A. The height of such accessory building shall not exceed fifteen (15) feet and the distance of such buildings from other separate buildings on the same lot shall be at least six (6) feet, except that a breeze-way, at least six (6) feet in length, may connect an accessory building with a principal building.
- B. The height of all accessory fences, wall or hedges shall comply with the requirements of Section 16.01 for such fences.

- C. No accessory building in a rear yard shall be less than three (3) feet from an interior side lot line or a rear lot line. If the side or rear lot line abuts an alley, and if the accessory building is to have a door, doors, or opening facing the alley, then on that side the accessory building shall not be less than 10 feet from the alley.
- D. Coverage of a rear yard by accessory buildings shall not exceed twenty five (25) percent.



## CHAPTER 11

### "R-2" ONE AND TWO FAMILY RESIDENCE DISTRICT

#### 11.01 Purpose

Areas where one and two family residential development is desirable at densities made possible by the presence of or possible provision of a public sewer supply.

#### 11.02 Use Regulations

##### 1. Principal Permitted Uses

Agriculture  
Single-Family Dwelling (but not including mobile dwellings)  
Two-Family Dwellings  
Public Uses  
Semi Public Uses

##### 2. Conditional Permitted Uses

Nursery schools and day nurseries  
Sanitariums, convalescent homes and rest homes  
Cemeteries  
Recreation Facilities, private  
Public Utility Sub-stations (See Section 16.11)

##### 3. Planned Development Projects (Subject to Approval by Planning Commission)

Fixed Dwelling Developments  
Mobile Home Parks

##### 4. Accessory Permitted Uses and Buildings

Private Garages  
Swamping Pools, Garden Houses, Tool Houses, Playhouses  
Boarders and Roomers  
Home Occupation (See Section 16.03)  
Living Quarters for Persons Employed on the Premises  
Accessory Signs (See Section 16.022)  
Other Accessory Uses as Defined in Chapter 2

### 11.03 Area and Dimensional Standards

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

	<u>Minimum Lot Size</u>		<u>Lot Area Per Dwelling Unit</u> (Sq. Feet)	<u>Minimum Yard Dimensions</u>			<u>Maximum Bldg. Height</u> (Feet) (Stories)		<u>Maximum Coverage of Lot</u> (Percent)
	Area (Sq. Ft.)	Frontage (Feet)		Front (Feet)	Side (Feet)	Rear (Feet)			
Singl- Family Dwellings									
-without both public sewer and water	20,700	90	20,700	30	8/20*	50	30	2 ½	-
-with either public sewer or water	7,500	60	7,500	20	6/15*	30	30	2 ½	-
Two-Family Dwellings									
-without both public sewer and water	35,000	140	17,500	30	8/20*	50	30	2 ½	-
-with either public sewer or water	13,000	100	6,750	20	6/15*	30	30	2 ½	-
Schools	5 acres	200	-	50	25	50	30	2 ½	10
Hospitals	2 acres	200	-	50	25	50	30	2 ½	20
All other uses	Sufficient to comply with yard and parking requirements			40	20	40	30	2 ½	20

\* Least width side yard / Sum of both side yards.

### 11.04 Requirements for Accessory Structures

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

accessory structures shall be subject to the require set forth in the following paragraphs.

- A. The height of such accessory building shall not exceed fifteen (15) feet and the distance of such buildings from other separate buildings on the same lot shall be at least six (6) feet, except that a breeze-way, at least six (6) feet in length, may connect an accessory building with a principal building.
- B. The height of all accessory fences, wall or hedges shall comply with the requirements of Section 16.01 for such fences.
- C. No accessory building tn a rear yard shall be less than three (3) feet from an interior side lot line or a rear lot line. If the side or rear lot line abuts an alley, and if the accessory building is to have a door, doors, or opening facing the alley then on that side the accessory building shall not be less than 10 feet from the alley.
- D. Coverage of a rear yard by accessory building shall not exceed twenty-five (25) percent.

## CHAPTER 12

### "R-3" GENERAL RESIDENCE DISTRICT

#### 12.01 Purpose

Areas where It Is desirable to encourage a variety of single family, two family and multi-family dwellings, because of locations near shopping centers, places of employment or education Institutions. Such zoning districts shall not be designated except at locations where either a public sewer or water supply can be provided to high density residential developments at the time of their construction.

#### 12.02 Use of Regulations

##### 1. Principal Permitted Uses

Agriculture  
Single-family dwellings (but not including mobile homes)  
Two-family dwellings  
Town houses  
Multi-family dwellings  
Public uses  
Semi-public uses

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

Nursery schools and day nurseries  
Sanitariums, convalescent homes and rest homes  
Rooming, boarding or lodging houses  
Private clubs, lodges fraternity and sorority houses  
Funeral Home or Mortuary  
Cemeteries adjacent to or in extension of existing cemeteries  
Recreation facilities, Private.  
Public Utility Sub-stations (see Section 16.11)

Business, professional and industrial offices in building having the external appearance of residential structures, not including the manufacture, sale or storage of goods, and located on a street that the Board of Appeals judges adequate to easily handle any additional traffic

3. Planned Development Projects (Subject to approval by Planning Commission)

Fixed dwelling developments  
Mobile Home Parks

4. Accessory Permitted Uses and Buildings

Private garages  
Swimming pools, garden houses, tool houses, playhouses  
boarders and roomers  
Home occupations (16.03)  
Living quarters for persons employed on the premises  
Accessory signs {see Section 16.022)  
Other Accessory uses as defined in Chapter 2

12.03 Area Dimension Standards

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

	<u>Minimum Lot Size</u>		<u>Lot Area Per Dwelling Unit</u>		<u>Minimum Yard Dimensions</u>			<u>Maximum Bldg. Height</u>		<u>Maximum Coverage of Lot</u>
	Area (Sq. Ft.)	Frontage (Feet)	No. Bedrms	Sq. Ft.	Front (Feet)	Side (Feet)	Rear (Feet)	(Feet)	(Stories)	(Percent)
Dwellings (Public sewer or water required for all)										
Single Family	7,500	60	any	7,500	20	6/15 *	30	30	2 ½	-
Two Family	12,000	80	any	6,000	20	8/20 *	30	30	2 ½	-
Multi-Family	As needed to comply with lot area and yard requirements		0	2,000	30	15**	40	40	3	-
			1	2,500	30	15**	40	40	3	-
			2	3,000	30	15*	40	40	3	-
			3*	3,500	30	15*	40	40	3	-
Schools	5 acres	200	-	-	50	25	50	30	2 ½	10
Hospitals	2 acres	200	-	-	50	25	50	30	2 ½	20
All other uses	Sufficient to comply with yard & parking requirements		-	-	35	20	40	30	2 ½	20

\* Least width side yard/Sum of both side yards.

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

### 12.031 Courts of Multiple Family Dwellings

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

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

### 12.04 Requirements for Accessory Structures

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

- A. The height of such accessory building shall not exceed fifteen (15) feet and the distance of such building from other separate building on the same lot shall be at least six (6) feet, except that a breeze way, at least six (6) feet in length, may connect an accessory building with a principal building.
- B. The height of all accessory fences, wall or hedges shall comply with the requirements of Section 16.01 for such fences.
- C. No accessory building in a rear yard shall be less than three (3) feet from an interior side lot line or a rear lot line. If the side or rear lot line abut an alley, and if the accessory building is to have a door, doors, or opening facing the alley, then on that side the accessory building shall not be less than 10 feet from the alley.
- D. Coverage of a rear yard by accessory buildings shall not exceed twenty-five (25) percent.

## CHAPTER 13

### "B-1" BUSINESS DISTRICT

#### 13.01 Purpose

Intended to provide for varied types of commercial uses at locations near intersections of thoroughfares or in or near the Central Business District.;

B-1A Central Business District  
B-1B General Business District

Permitted uses are identical for both districts. The main distinction is in area and dimensional standards found Section 13.03.

#### 13.02 Use Regulations

##### 1. Principal Permitted Uses (B-1A, B-1B)

- A. Agriculture
- B. Non-residential uses of the types permitted in Residential Districts as follows:
  - Public and parochial schools
  - Churches and offices of civic, religious and charitable organizations
  - Private clubs, lodges, fraternity and sorority houses
- C. Dwelling units of the types permitted and as regulated in the R-3 District, provide that the first floor on the side fronting on the street shall be primarily used for business purposes.
- D. Lodging, including hotels, motels and apartment hotels
- E. Any retail business whose principal activity is the sale of new or used merchandise or antiques. Such retail business may include a workshop for servicing or repair of goods sold on the premises which shall not occupy more than fifty (50) percent of the total usable floor area of the establishments.
- F. 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  
 Physical culture establishments  
 Dry cleaning and laundry pick up services  
 Self service laundry and dry cleaning  
 Household appliance repair  
 Funeral Home or Mortuary

- G. Commercially operated vocational schools, not including the use of equipment or machinery first listed as permitted in the I-I District.
- H. Restaurants, tea rooms, cafes and other establishment serving food, beverages, or both, including drive-in facilities complying with the requirements of Section 16.04. Facilities serving or selling alcoholic beverages shall not be within 500 feet of a school defined in Chapter 2.
- I. 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.
- J. Banks and other lending and financial establishment including drive-in facilities complying with the requirements of section 16.04.
- K. 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 industrial or road building machines or similar large machines.  
 Duplicating, addressing, blue printing, photocopying, electro-static reproduction, film processing, mailing and mail listing services  
 Locksmith, gunsmith  
 Shoe shine and shoe repair shop, hat cleaning and blocking  
 Tailor or dressmaking shop
- L. Drive-in establishments which related to the sale of goods or services permitted in this District, including drive-in theaters. Such establishments shall comply with the requirements of Section 16.04.



- M. Rental of autos, trucks, trailers, and home gardening and repair tools.
  - N. Food locker plant, including the cutting and packaging of meat, fowl, fish or game, sale at retail, delivery of Individual home orders, renting of individual lockers or home customer storage thereof, but excluding the slaughtering or eviscerating thereof.
  - O. Repair services related to goods or merchandise permitted to be sold in this District.
  - P. Offices of professional, business or Industrial firms, not including the manufacture or storage of goods on the premises.
  - Q. Recreation Facilities, General Commercial
  - R. Gasoline Service Station, subject to compliance with the requirements of Section 16.04.
  - S. Off-street parking as a principal-use.
  - T. Advertising signs, as controlled by Section 16.023.
2. Conditional Permitted Uses (B-1A, B-1B) (Subject to approval by Board of Appeals)
- A. Public Utility Sub-stations (see Section 16.11)
  - B. Any other retail business or commercial-l service establishment determined by the Board of Appeals to be of the same general character as those permitted in C through S above, but not including any uses first listed as permitted in the I-I District.
  - C. 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 village'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 16.022
  - B. Off-street parking as required by Section 16.10
  - C. Any use customarily incidental to the principal permitted use.

### 13.03 Area and Dimensional Standards

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

#### 13.031 Minimum Front Yard Depth

B-1A- No regular front yard setback shall be required. However, if in the Flood way Fringe Zone' the requirements of Section 7.03 must be met unless they are waived by special permit.

B-1B- Minimal front yard depth shall be the height of the building, but not less than 30 feet.

#### 13.032 Minimum Side and Rear Yards (B-1A. and B-1B.)

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

A. Yard adjoining a lot line in a Business or Industrial District

No side yard or rear yard is required, but a use serviced from the side or rear shall have access thereto for loading and unloading in accordance with Section 16.10. However, If in a Flood way Fringe Zone, Section 7.03 also applies.

B. Yards adjoining a lot line of a Residential District shall be as follows

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

$$\frac{\text{Height of Wall} + \text{Length of Wall}}{5} = \text{Width or Depth of Yard}$$

Provided, however, that no side yard width shall be less than 10 feet and no rear yard depth shall be less than 10 feet. in addition, if in the Flood way Fringe Zone, Section 7.03 also applies.

13.033 Maximum Height Limits

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

## CHAPTER 14

### "I-1" INDUSTRIAL DISTRICT

#### 14.01 Purpose

In furtherance of a general policy of fostering a diversify of urban activities and a stable tax base to the Village, 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, vocational requirements and development standards shall be such as to reduce to a practical minimum the objectionable effects. with certain types of industry might have upon one another and upon other uses permitted in adjoining non-industrial districts.

#### 14.02 Use Regulations

##### 1. Principal Permitted Uses

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

1. Agriculture
2. Commercial establishments associated with or Intended to serve the industrial establishments or their employees as follows:

Restaurants

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

Gasoline service stations

Engineering, architectural, account, legal 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	Textile
Felt	Paper	Tobacco
Fibers	Precious or semi precious metals or stone	wire

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

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 other office and artists supplies, miscellaneous notions, signs and advertising displays.

Office equipment and supplies and computing and accounting machines

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

Wood products, including furniture, cabinet work and similar products

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 light weight non-ferrous metals

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

The shaping of sheet metal in the manufacture of air conditioning refrigeration and heating equipment and office furniture, but excluding the stamping of automobile bodies and fenders and other units of similar size.

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

Public Utility Substation

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

Warehousing, refrigerate and general storage

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

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

Building contractors equipment yards

Crematories

Research testing laboratories

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 16.023

Hay, grain, feed and fertilizer, storage and sale

Fuel and ice dealers

Animal hospitals and fur animal farms

Off-street parking as a principal use

B. The following uses shall be permitted in I-1 District only if the same shall be two hundred (200) feet or more from any Residential District.

1. Topsoil removal (See Section 16.06)

2. Any other use except:

A. Uses listed hereunder as Conditional Permitted Uses which may be permitted only upon approval of the Board of Zoning Appeals.

B. Uses listed as Principal Permitted Uses or as Conditional Permitted Uses in any Residential or Business District which shall be prohibited. Uses specifically listed in Part A hereinbefore as permitted in the I-I District shall be permitted even though listed

in another District as well.

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

A. The following uses not allowed as principal permitted uses above.

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

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

Stamping of automobile bodies) fenders, and other types of units of similar size.

The processing or manufacture of food products.

Railroad maintenance facilities and marshaling yards.

Bulk storage of flammable liquids exceeding 25,900 gallons.

Sawmills and planing mills, mixing of cement, bituminous or asphaltic concrete.

Workshop 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:

Scrap yards, junk yards 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 provisions of Section 16.08.

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.

Manufacture of explosives, ammunition, fire works or matches

Refining or processing of crude petroleum

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 permitted uses in A and B.

3. Accessory Permitted Uses

- A. Signs, as regulated by Section 16.022
- B. Off street parking and loading, as required by Section 16.10 C. Any use customarily incidental to the principal permitted use, including dwellings used as quarters for watchmen or caretakers.

14.03 Area and Dimensional Standards

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

14.031 Minimum Front Yard Depth

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

14.032 Minimum Side and Rear Yards

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

A. Yard adjoining a lot line in a Business or Industrial District

No side yard or rear yard is required, but a use serviced from the side or rear shall have access thereto for loading and unloading in accordance with Section 16.10.

B. Yards adjoining a lot line of a Residential District

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

**Height of Wall + Length of Wall = Width or Depth of Yard**

**3**

Provided, however, that no side yard width or rear yard depth shall be less than 25 feet.



14.033 Maximum Height Limits

None, provided that the front, side and rear yard requirements are met.

## CHAPTER 15

### PLANNED DEVELOPMENT PROJECTS

#### 15.01 Purpose and General Procedures

##### 15.011 Purpose

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

##### 15.012 General Procedure and Requirements

Subject to the procedures and limitations set forth below in Section 15.013 and 15.014 planned development projects may be approved in use districts as set forth in this chapter.

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

##### 15.013 Basic Requirements

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

1. Shall be in conformity with the Comprehensive Plan or portion thereof as it may apply;
2. Shall be consistent in all respects with the purposes and intent of this Zoning Code,
3. Will advance the general welfare of the village, and

4. Will provide, through desirable arrangement and design, benefit which justify the deviations from development standards which otherwise could apply.

#### 15.014 Application Procedures for all Planned Projects

##### 15.0141 Zoning Application Procedure

- A. All applications for planned development projects shall be submitted to the Planning Commission, which shall investigate and ascertain that the plans for any such project comply with the conditions set forth in this chapter. The Commission shall specify in its By-laws the plans and other information which shall accompany each application. A report of its findings and recommendations shall be prepared and acted upon by the Commission. Such report shall constitute a recommendation to the Village Council, for action as set forth hereunder.
- B. In Its review of and action on any application for a planned development project, the Village Council shall follow the procedure set forth in the Ohio Statutes for an amendment to the Zoning Map, including posting of notices, request for report from the Regional Planning Commission, and hearings and action by the Village Council. However, approval of a planned development project shall not, of itself, constitute an amendment of the Zoning District in which the tract is located. If the approved development is not installed in accordance with plans and requirements of this Chapter within four (4) years after date of approval, such approval shall become null and void.

##### 15.0142 Subdivision Procedure

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

## 15.02 Fixed Dwelling Development

### 15.021 Purpose

Within the scope of the general purposes of Planning Development Projects as set forth in Section 15.01 the purpose of this Section is as follows:

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

### 15.022 Definition of Fixed Dwelling Development

- A. Fixed Dwelling Development is defined as a group of two (2) or more dwelling structures, together with other permitted uses, on a parcel of land not less than five (5) acres in area in single ownership, with not less than three hundred (300) feet of frontage on a public street, which frontage shall serve as the principal means of access to the property. In complying with the foregoing definition, single ownership shall be construed to include the following:
  1. A person, partnership or corporation.
  2. An association of property owners, legally bound to one another to carry out the provisions of this Chapter for development and operation of a Fixed Dwelling Development, likewise legally bound to execute the agreements as provided for in Section 15.0231.
  3. The owner's association of a condominium project, established under the provisions of Ohio Revised Code 5311, which has the power to execute the agreements as provided for in Section 15.0231.

### 15.023 Procedures and Requirements

#### 15.0231 Application

Following procedures specified in Section 15.01 for all Planned Development Projects, the owners of a tract of land in any Residential

District meeting the minimum requirements of this Section may submit to the Planning Commission a plan for the development and use of such tract for residential purposes. Such plan shall be accompanied by a written agreements in a form acceptable to the Village Solicitor, on behalf of the owner, his successor and assigns as follows:

- A. That the proposed development, as shown on the plan and as set forth in specification, will be completed in every detail - within such time period as may be agreed upon by the Planning Commission, and
- B. That all land and improvements intended for the common use of all residents, including drives, walks, parking areas, recreation facilities and equipment and all landscaped or other common open space will be maintained in perpetuity, including such servicing as may be required for the use of such land improvements, and
- C. That no future changes in the development shall be made which would encroach upon the land used to comply with the requirements of this Chapter as to density, open space, yards, courts vehicular access, automobile parking, building coverage or other outdoor requirements, and
- D. That all spaces for private drive, utility lines and similar purposes shall be open at all times for access by publically employed personnel and equipment for police and fire protection, for inspection of utility systems and for any other public purpose.

15.0232 Review by the Planning Commission

In addition to the general requirements set forth in Section 15.0231, the Commission shall base its action on a finding that the plans for a proposed residential project comply with the following sections:

15.022	Definition of Fixed Dwelling Development
15.024	Uses Permitted
15.025	Development Standards
15.0142	Subdivision Procedure if applicable

#### 15.024 Uses Permitted

The uses permitted in a Fixed Dwelling Development shall be those listed in the Chapter for the Residence District in which the project is located.

#### 15.025 Development Standards

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

##### 15.0251 Maximum Average Density of Development

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

##### 15.0252 Application of Density Requirements

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

##### 15.0253 Minimum Privately Occupied Lot Area

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

##### 15.0254 Assignment of Open Spaces to Required Uses

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

A. Privately occupied open space

Where privately occupied lot area is required by Section 15.0253, any privately occupied lot area not occupied by the dwelling unit, shall be considered as required private open space. Such open space shall be located adjoining such dwelling units.

B. All open space not assigned to private occupancy as set forth in Part A above shall be assigned to the common use of all residents of the development, with such use assured in perpetuity as provided for in Section 15.0231. Assignment and development of such open spaces shall be as follows:

- (1) Access driveways as required to comply with Section 15.0258
- (2) Off street parking space as required for dwellings in Section 15-0259
- (3) Landscaped areas, comprising not less than ten (10) percent of all common open space required by this Chapter, may include the following:
  - (a) Pedestrian access walkways
  - (b) Children play areas
  - (c) General landscaped areas, flower gardens and areas for passive recreation.
  - (d) Swimming pools, including accompanying accessory structures, and areas of organized sports.
  - (e) Any other areas suitable for the common enjoyment of the residents.

15.0255 Minimum Open Space Dimensions and Allocation

A. Minimum Dimensions

The minimum dimensions of open spaces to a Fixed Dwelling

Development shall be as set forth in the following table:

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

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

Major open space - 1.5  
Secondary open space- 3

B. Application of Open Space Requirements.

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

(1) Spaces Adjoining Dwellings

(a) General

Around every principal building there shall be a minimum required open space, unobstructed by any other building, which shall be provided in the amount and in the manner specified hereunder.



(b) Overlapping of Open Space

The open space allocated to any principal building may overlap the open space allocated to any other principal building except in the space-required between any principal building and any property line of the development.

(c) Arrangement of Open Spaces

Opposite one longer wall of each principal building there shall be a wider major open space, as set forth in the preceding table. Opposite the other walls of the building the secondary open spaces may be smaller, as set forth in the preceding table. In the case of a square building any one of the equal walls may be considered as the one (1) longer side.

(2) Adjustment for Irregular Open Spaces

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

15.0256 Maximum Area Covered by Buildings

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

<u>Residential Districts and Dwelling Types</u>	<u>Maximum Coverage by Buildings</u>
Single Family Dwellings in R-1 and R-2 and R-3 Districts	20 percent
Two- Family and Multi-Family Dwellings in R-2 and R-3 Districts	30 percent

15.0257 Maximum Height of Buildings

The maximum height of buildings in any Fixed Dwelling Development shall be the same as required for each Residential District.

15.0258 Vehicular Access and Public Streets

- A. Every residential structure in a Fixed Dwelling Development shall be within two hundred (200) feet of a hard surfaced access drive no less than twenty (20) feet wide or a parking lot connected with such a drive. In addition, every dwelling or ground floor dwelling unit shall be directly accessible to service and emergency vehicles.
- B. Where the Marion County Plan for Major Highways and Thoroughfares shows a major traffic artery traversing or adjoining the proposed Fixed Dwelling Development, or where a public street is deemed necessary under any officially adopted Subdivision Regulations to serve general traffic needs, such public street shall be dedicated and improved in accordance with the standards set forth in the Subdivision Regulations or as determined by the Village Council. In all other respects, private drives may be used to provide vehicular access to dwelling sites. Where private drives are used, the space they occupy may be counted as a part of the required recreation space.
- C. Private drives shall be paved to a width of no less than twenty (20) feet, no part of which shall be used for the parking of vehicles.

15.0259 Off street Parking

Off street parking space shall be provided in accordance with the requirements of Section 16.10 except that such parking may be provided in group garages or parking lots within one hundred fifty (150) feet of the dwelling units to be served. Curb Identified parking bays or courts may be permitted within a street right-of-way, but not within the required roadway or sidewalk space. Such parking shall be permitted only along streets internal to the Project, and not along a dedicated street or major thoroughfare serving other uses. Such off street parking space may be counted as part of the net area in calculating density, but shall not be counted as part of required recreation space.

15.0260 Drainage

The entire tract shall be provided with storm water drainage. Standards shall be as provided for in the Subdivision Regulations if in effect, or should be such as is decided to be acceptable to the Village Council.

15.03 Mobile Home Parks

15.031 Purpose

Within the scope of the general purpose of Planning Development Projects as set forth in Section 15.01, the purpose of this Section is to recognize the increasing demand for the mobile home park type of residential area, and to provide for the appropriate development of such parks. It is intended to provide locational requirements and development standards which will lead to the development of stable and desirable mobile home parks, compatible with other uses in the vicinity.

15.032 Procedures and Requirements

15.0321 Application

Following general procedure specified in Section 15.01, the owner of a tract of land ten (10) acres or more in area, located in an R-2 or R-3 District may submit a plan for the development use of such tract as a Mobile Home Park under the provisions of this Section. Such a plan shall be accompanied by a written agreement, in a form acceptable to the Village Solicitor, on behalf of the owner, his successor and assigns, as follows:

- A. That the fixed installations in the proposed development as shown on the plans and as set forth in the specifications, will be completed within such time period as may be agreed upon by the Commission, and
- B. That all land and improvements intended for the common use of all residents, including drives, walks, parking areas; recreation facilities and equipment and all landscaped and other common open space will be maintained for as long as such Mobile Home Park is in existence, including such servicing as may be required for the use of such land and improvements and

- C. That no future changes in the Mobile Home Park shall be made which would encroach upon any land used to comply with the requirements of this Section as to density, open space yards vehicular access or parking, and
- D. That all spaces for private drives, utility lines and similar purposes shall be open at all times for access by publically employed personnel and equipment for police and fire protection for inspection of utility systems and other public purposes, and
- E. That tenant occupancy regulations acceptable to the Commission and the Marion County Board of Health, shall be posted on the premises and enforced at all times.

15.0322 Review by Planning Commission

In addition to the basic requirements for all Planned Development Projects, as set forth in Section 16.01, the Commission shall base its action on a finding that the plans for the proposed Mobile Home Park comply with the following sections:

Chapter 2 Definition of Mobile Home Park  
 15.033 Uses Permitted  
 15.034 Locational Requirements  
 15.035 Development Standards  
 15.014 Subdivision Procedure if applicable

Such findings shall be included in the report of the Commission as provided for in Section 15.0141 and the Village Council shall not approve any mobile home park proposal which does not conform with the foregoing requirements.

15.0323 Use Permits; Revocation for Cause

If at any time after issuance of the original zoning use permit, an annual permit by the Marion County Board of Health, the Ohio Board of Health, or the Ohio Environmental Protection Agency is identified the zoning use permit shall be revoked and the Mobile Home Park designation shall be removed from the records as they pertain to the tract of land involved.

### 15.033 Uses Permitted

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

#### Principal Uses

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

#### Accessory Uses

Home occupations, as limited by Section 16.03  
A permanent dwelling for one (1) family, office and maintenance facilities for the operator of the Mobile Home Park.  
Facilities for recreation, childrens' nursery, kindergarten, laundry, postal boxes or other similar- services for the occupants.  
Off street parking lots or garages.  
Off street parking area for recreation vehicles such as boats and travel trailers.

### 15.034 Locational Requirements

In addition to the requirements set forth in Section 15.0321 herein before, each Mobile Home Park shall comply with the following requirements as to location:

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

### 15.035 Development Standards

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

15.0351 General Standards, Facilities and Services

- A. Minimum Size of Park: Ten (10) acres
- B. Maximum Density of Use: Six (6) units per acre of land.
- C. Utilities Required
  - (1) Each site for an individual mobile home shall be provided with a water outlet connected to a water supply and a connection to a sanitary sewer system approved by the County Board of Health, the Ohio Department of Health, and the Ohio Environmental Protection Agency.
  - (2) The park shall be provided with adequate fire hydrants as determined by the Fire Chief.
  - (3) The entire tract shall be provided with storm water drainage as provided for in the Subdivision Regulations, or if these are not in effect, as determined by the Village Council.
- D. General Dimensions

Dimensions relating to the Mobile Home Park Tract as a whole shall be as follows:

  - (1) Minimum tract width at the abutting public street: 300 feet.
  - (2) Minimum front yard depth: 50 feet
  - (3) Distance between each mobile home site and interior property lines of the tract, fifty (50) feet.
- E. Private Drives and Public Streets
  - (1) Where the Marion County Plan for Major Highways and Thoroughfares shows a major traffic artery traversing or adjoining the proposed mobile home park, or where a public street is deemed necessary under any officially adopted Subdivision Regulations

to serve general traffic needs, such public streets shall be dedicated and improved in accordance with standards set forth in the Subdivision Regulations or as determined by the Village Council. In all other respects, private drives may be used to provide vehicular access to mobile home sites. Where private drives are used, the space they occupy may be counted as a part of the pet area in complying with density limits, but may not be counted as a part of the required recreation space.

- (2) Where private drives are provided they shall be paved for width of not less than twenty four (24) feet, no part of which shall be used for the parking of vehicles, Such pavement shall be constructed of not less than six (6) inches of impervious pavement material on a prepared subgrade.

F. Off street Parking

- (1) Off street parking, at the rate of two (2) spaces per mobile home site, shall be provided, in a manner set forth in Section 16.10 except that such parking may be provided in group garages or parking lots within one hundred fifty (150) feet of the mobile home sites to be served. Curb indented parking bays or courts may be provided along private drives provided that such parking does not occupy any of the required street or side walk space. Curb indented parking bays or courts are not permitted along public streets. Such off street parking space may be counted as part of the net area in calculating density; but may not be counted as part of the required recreation area.
- (2) Off street parking for boats and recreation trailers shall be provided in special storage areas and storage of boats or recreation trailers shall not be permitted on mobile home sites; In drives or recreation areas.

G. Screening and Landscaping

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

including the following:

- (1) An effective opaque screen of plants or wall six (6) to fifteen (15) feet high obscuring view of the park from adjoining properties.
  - (2) Lawn, covering all areas not specifically requiring other surfacing.
  - (3) Trees, Intended to provide shade for the mobile home sites.
  - (4) Shrubs or other materials to provide reasonable separation of mobile home sites.
- H. Recreation Space: A safe, usable recreation area shall be provided occupying not less than ten (10) percent of the tract.

15.0352 Mobile Home Site Standards

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

- A. Minimum size of site: Each site shall have not less than three thousand five hundred (3500) square feet of area, shall be not less than fifty (50) feet in width, and shall abut on a street or access drive for not less than fifteen (15) feet.
- B. Minimum size of stand: Each mobile home site shall be provided with a stand having minimum dimensions equal to those of any mobile home to be placed on the stand provided that the minimum width shall be twelve (12) feet. No part of such stand shall be less than five (5) feet from the boundary of the mobile home site. The stand shall be constructed of a minimum of six (6) inches of compacted gravel or its equivalent in other pavement material.
- C. Minimum Floor Area: Any mobile home used as a dwelling on the premises shall have a minimum floor area of four hundred eighty (480) square feet.
- D. Outdoor Living Area: Each mobile home site shall be provided with a paved outdoor living area of not less than one hundred



eighty (180) square feet. Such area shall be paved with not less than four (4) inches of Portland Cement or other rigid impervious paving material, and shall be connected to common walks by a similarly paved walk of not less than two (2) feet in width.

## CHAPTER 16

### SPECIAL USE REGULATIONS

#### 16.01 Exception to Application of Area Dimension Standards

##### 16.011 Planned Development Projects

In the case of Planned Development Projects area and dimensional standards shall be as set forth in Chapter 15 for the type of development involved.

##### 16.012 Exceptions to Lot Width and Area Requirements

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

##### 16.013 Front Yard Exception and Modifications

###### A. Exceptions for Existing

Alignment. in a Residential District, where the average of existing front yard depths for lots located on the same side of the street within one hundred (100) feet of both sides of a lot in question is greater or less than the required front yard specified In this Chapter' such average of depths shall be the required depth for such lot, provided that no front yard shall be required to exceed fifty (50) feet Tn depth, and shall not be less than ten (10) feet.

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

- (1) A lot which is only partially within one hundred (100) feet of the lot in question shall be included in the average if any part of the principal building thereon is located within said one hundred (100) 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 requirement set forth for such district or the requirement set forth for the Residential District in such block, whichever is greater.

16.014 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 Code in any Residence District if the owner of record does not own any adjacent property, one and one half (1 1/2) inches may be deducted from the required least width of side yard and three (3) inches from the required sum of widths for each foot by which the lot is narrower than the required width. Such deductions shall not apply to buildings higher than two (2) stories. In no case shall any side yard be narrower than three (3) feet.

B. Side Street Side Yard

Any corner lot in a Residential District having an abutting interior lot fronting on its side street shall have a minimum required side yard on the side street equal to the required front yard depth of the District in which it is located; provided, however that this requirement shall not be applied to a lot which was of record at the time this Code became effective so as to reduce the buildable 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 the side lot line or where the side yard has an irregular width due to broken alignment of side wall or side lot line, the side yard shall be such that its total area is equal to the side yard area which would result in the required least width were applied to a building of equal length and height having an unbroken wall parallel with an unbroken side lot line, provided that such side yard shall at no point be narrower than one half (1/2) of the required least width or three (3) feet, whichever is greater.

### 16.015 Rear Yard Exceptions of Shallow Lots

For a lot which was of record at the time this Code became effective, which lot is in a Residence District and has a 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.

### 16.016 Uses and Projections Permitted in Yards

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

- A. Off street loading and parking space in required front yards in an Industrial District, to within fifteen (15) feet of the street line, except where located within the same block as a Residential District and fronting on the same street.
- B. Fuel pumps in required front yards in connection with a conforming service station, to within twenty-(20) feet of the street line, and complying with the requirements of Section 16.04 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:

<u>YARD</u>	<u>LOCATION</u>	<u>MAXIMUM HEIGHT IN FEET</u>
Rear	If within ten (10) feet of side or rear lot line	6
	If ten (10) feet or more from side of rear lot line	10
Side	At any location	6
Front	At any location	3

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

### 16.017 Height Limit Exceptions

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

## 16.02 Sign Regulations

### 16.021 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 subsections, the following provisions shall apply to signs of all types.

#### 16.0211 Traffic Hazards

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

#### 16.0212 Exempted Signs

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

- A. Governmental signs for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs and signs of public utility companies for the purpose of safety.
- B. Flags, emblems and insignia of any governmental agency.
- C. Commemorative plaques placed by recognized historical agencies.
- D. Signs within a stadium, open-air theater, shopping center, arena or other use which signs can be viewed only by persons within such stadium, open air theater, shopping center, arena or other use.

16.0213 Prohibited Signs

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

16.0214 Non-conformance

A. General Provisions

Any sign erected prior to the enactment of this Code 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 sign.

B. Advertising Signs

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

C. Accessory Signs for Non-conforming Uses

Any use which is non-conforming in the district in which it is located shall be permitted one (1) square foot of accessory sign area for each two hundred fifty (250) square feet of total

area. In all other respects except area, such accessory sign or signs shall conform with the schedule of standards set forth in Section 16.022 for the district in which it is located.

D. Accessory signs not in conformance with Section 16.022

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

16.0215 Sign Responsibility, Maintenance and Removal

A. Owner's Responsibility

(1) The owner of any sign and the owner of the premises on which it is located shall be responsible for keeping it in repair and in proper state of preservation.

(2) The owner of any sign and the owner of the premises on which it is located shall be responsible for the removal of such sign if and when 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.

16.0216 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 an integral part of a permitted gateway structure at the entrance to a subdivision, group housing development or Industrial park.
  3. Free standing identification signs in service stations complying with other requirements therefor.
  4. Temporary real estate or construction signs, no less than twelve (12) feet from the street right-of-way line.

#### 16.022 Accessory Signs

Accessory signs as defined tn 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 tn Chapter 2.

#### 16.0221 Accessory Signs in Open Space and Residential Districts

##### A. Identification Signs

1. A home occupation or a professional office tn a home, where permitted, may have one unlighted wall sign, not more than two (2) square feet in area.
2. A development of town houses, multi-family dwellings or an apartment hotel, where permitted, may have one illuminated sign for each frontage on a public street, of any permitted structural type except a roof sign. The total area of all such signs shall be one (1) square foot per face for each dwelling unit, provided that no single sign shall exceed thirty two (32) square feet on one face.



3. Any public or semi-public building, park or other open area may have one (1) illuminated sign for each frontage on a public street, of any permitted structural type except a roof sign. The total area of any one sign shall not exceed twenty (20) square feet per face.
4. 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 on one face. 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 group housing development - 4sq. ft. per lot or dwelling unit with a maximum size of 100 sq.ft.
2. One unlighted construction sign as defined tn Chapter 2, of any structural type, may be located on a construction site, not exceeding total of thirty-two (32) square feet n area on all faces.

D. Directional Signs

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

16.0222 Accessory Signs in Commercial and Industrial DistrictsA. Identification Signs1. 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 linear foot of frontage on all streets, but not more than three hundred (300) square feet total.

3. Industrial Uses

One (1) illuminated sign for each frontage on a street, of all structural types, shall be-permitted, with a maximum total area of eight (8) square feet.

B. Bulletin Boards

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

C. Temporary Signs

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

	<u>Square Feet Per Face</u>
(a) Advertising commercial properties	12
(b) Advertising industrial properties	50

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

D. Directional Signs

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

16.0223 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 maximum building height for principal uses in the district in which the sign is located.

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

- D. Roof Signs shall not exceed the maximum permitted height of buildings in the zoning district in which they are located and shall not exceed twenty-five (25) feet higher than the roof of the building to which the sign is attached at the point of mounting.
- E. Awning Canopy or Marquee Signs shall not extend vertically above the limits of the awning, canopy or marquee to which attached. Such signs may extend vertically below such limits

provided that there shall be a minimum vertical clearance of ten (10) feet above the grade beneath them.

16.0224 Illumination

Where illuminated signs are permitted in Residential District, 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 obscure the light source. No flood lighted moving or flashing signs shall be permitted in any Residential District.

16.023 Advertising Signs

16.0231 General Provisions

An advertising sign shall be deemed to be a principal use, and shall comply with the use limitations and the yard and building height requirements for principal uses in the district in which it is located. In addition, any such sign shall comply with the requirements set forth in this Section and Section 16.021.

16.0232 Standards for Advertising Signs

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

A. Number of Signs

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

B. Structural Types Permitted

Only free standing advertising signs may be permitted.

C. Area and Dimension

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

2. The maximum height of a sign shall be the maximum building height for other principal uses in the district in which the sign is located.

### 16.03 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 may be only one non-resident employee engaged in the home occupation.
- B. No articles produced off the premises may be sold.
- C. No articles produced off the premises may be stored outside.
- D. No mechanical equipment shall be installed or used which will create excessive noise, interference with radio or television transmission or reception, or will be a public nuisance.
- E. The space devoted to such home occupation may not exceed twenty-five (25) percent of the gross floor area of the principal building.
- F. No goods shall be displayed, and there shall be no external evidence of the home occupation conducted on the premises except one identification wall sign which shall be unlighted and no more than two (2) square feet in area as provided for in Section 16.0221.
- G. All other applicable sections of this resolution shall apply including Section 16.10, Off-street Parking and Loading Requirements, for the specific Home Occupation involved.

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

16.041 For all uses listed hereunder in Section 16.042 and 16.0439 the following requirements shall apply:

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

1. All lighting for night use or for security shall be so arranged that no source of light will be directly objectionably visible from any lot within

two hundred feet in a Residence District.

2. Surfacing and drainage shall be provided in the manner specified in Section 16.104 for off-street parking areas.

16.042 Automobile Service Stations, Repair Garages, Sales Establishments and Parking Lots:

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

Facility or Service	Minimum Distance from line of a lot in a Residence District
Vehicular entrance or exit	25 feet
Equipment for outdoor servicing of vehicles  <u>Repair Services</u> Tire changes and repair brake adjustment and repair, lubrication, body washing, minor repair or adjustment  Motor or body repair, where permitted	25 ft. unless separate from any Residence District lot by a solid fence, wall or hedge no less than 5 ft. or more than 8 ft. in height.  25 ft. unless within an enclosed building or separated from any Residence District, lot by a solid fence, wall or hedge no less than 5 ft. or more than 8 ft. in height.  Must be within an enclosed building
Outdoor storage, parking or display of goods and parking lots	25 ft. unless within an enclosed building or separated from any Residence District, lot by a solid fence, wall or hedge no less than 5 ft. or more than 8 ft. in height.

16.043 Drive-In and Drive-Through Establishments

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

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

16.05 Private Swimming Pools

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

- A. The pool is intended and used primarily for the enjoyment of the occupants of the principal use of the property on which it is located:
- B. It may not be closer than ten (10) feet to any lot line of the lot on which it is located.
- C. The pool shall be completely enclosed by a lockable wall or fence at least forty-eight (48) inches in height, of sufficient density so as to prevent small children from entering.
- 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.

#### 16.06 Topsoil Removal

Excavation of topsoil to a depth of not more than three (3) feet shall be permitted in the "C-I" or "A-I" Districts with Board of Appeals approval and in the "I-I" District, provided the operator submits a plan showing the area in which the soil removal is to take place and the manner in which the area is to be restored upon completion of the excavation operation. Removal of topsoil shall not be conducted closer than thirty (30) feet to a Residential District and excavation operation within five hundred (500) feet of a Residential District shall be completed within one (1) year after commencement of such operation. Upon completion of operation, all excavated areas shall be adequately restored and suitably planed in a manner as determined by the County Agricultural Extension Agent. In cases where the Board has jurisdiction as set forth hereinbefore, it may require bond as it deems necessary to assure proper restoration of the excavated area.

#### 16.07 Excavation of Fill for Highway Construction

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

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

## 16.08 Mineral Extraction, Storage And Processing

### 16.081 Purpose

Provision pertaining to the extraction of stone, sand, gravel and other mineral resources are provided to allow the removal of these important resources in a manner appropriate to the best uses of adjacent lands and to rehabilitate the excavated area to promote the public health, safety and general welfare. In any district of the Village where mineral extraction is permitted as a conditional use, such use shall be subject to approval by the Board of Appeals.

### 16.082 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.

### 16.083 Standards for Development, Operation and Rehabilitation

#### 16.0831 Processing Plants

All additions to existing mineral processing plants and all new mineral processing plants shall employ recognized equipment of the industry in question to minimize objectionable elements or conditions adversely affecting the surrounding properties. Operation of the equipment shall comply with the standards promulgated by the industry.

#### 16.0832 Dimension Requirements

- A. Mineral extraction involving the removal of clay or overburden to a depth not exceeding six feet may be conducted to no less than 30 feet of a Residential District, provided the operation is conducted over a temporary period not to exceed twelve (12) months and operation of equipment is limited to the extraction process. Temporary 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 any Residential District nor closer than 200 feet from any



structure used for human occupancy.

16.0833 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.

16.0834 Application

- A. At the time of a request for a permit for mineral extraction purposes the operator shall file with the Zoning Inspector a retailed 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 of the restored land, the proposed final topography indicated by contour lines of no greater interval than five (5) feet.

16.0835 Rehabilitation of Site

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

volving 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 Village Clerk a bond, payable to the Village and conditioned on the faithful performance of all requirements contained in the approved restoration plan. Whether the operator shall be required to cost bond shall be based on demonstrated financial responsibility and the operator's demonstrated past performance in fulfilling restoration provisions in this Code. In the event a bond is required, the rate per acre of property to be used for extraction purposes shall range between \$100 and \$1,000, depending upon the type and extent of restoration required, except that the maximum amount of the bond shall not exceed \$50,000. The bond shall be released upon written certification of the Zoning Inspector that the restoration is completed and in compliance with the restoration plan.

#### 16.09 Petroleum Drilling And Production

All petroleum drilling and production shall comply with the requirements specified in Chapter 15.09 Ohio Revised Code, and with relevant Prospect Village ordinances.

#### 16.10 Off-street Parking and Loading Standards

##### 16.101 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.

##### 16.102 Off-street Parking Spaces Required except in Central Business District

###### 16.1021 Application of Requirements.

In all districts, except the Central Business District (B-IA) in connection with any use there shall be provided, at the time any building or structure is erected or enlarged or increased Incapacity, off-street parking spaces in accordance with the schedule set forth in Section 16.1022 hereunder. It shall be the intent that the following required parking spaces be used in connection with the building for which they are required. When units of measurement determining the number of required parking spaces result in requirement of fractional

space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one half (1/2) shall require (1) one parking space.

16.1022 Schedule of Parking Spaces Required

<u>TYPE OF USE</u>	<u>NUMBER OF PARKING SPACES</u>
A. USES NOT LISTED	Requirements for most nearly similar use specifically listed as determined by the Board of Appeals
B. RESIDENTIAL  Dwelling, all types Rooming houses and elderly housing	2 spaces for each dwelling unit. 1 for each sleeping room or 1 for each paying occupant, whichever is greater
C. PUBLIC AND INSTITUTIONAL  Administrative Office of Government Schools Places of worship Hospitals Libraries, Museums, Art Galleries	1 for each 200 sq. ft. of floor area 1 for each 10 classrooms 1 for each 5 seats in sanctuary 1 ½ for each bed 1 for each 400 sq. ft. floor area
D. AMUSEMENTS AND ASSEMBLY  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. st. of floor area used for the purpose listed
E. SERVICES  Funeral homes, mortuaries Medical and dental offices and clinics Sanitariums, convalescent homes, homes for aged and children Barber shops and beauty parlors Hotel, motels and tourist homes Laundry and dry cleaning pickup Banks Business and Professional offices Restaurants, of following types: -Indoor service only -Including curb services  Providing primarily carry out service Bars, taverns and night clubs	1 for each 75 sq. ft. of floor area devoted to parlors 1 for each 100 sq. ft. of floor area in rooms and waiting rooms 1 for each 4 beds 3 per operator 1 for each living or sleeping units 1 for each 100 sq. ft. of floor area 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. RETAIL SALES  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 space: 1 space for each 150 sq. ft.
G. GENERAL COMMERCIAL AND INDUSTRIAL  Automobile or machinery sales and service garage Commercial service laboratories machine shops and similar establishments Manufacturing plants  Wholesale establishments and warehouses	1 for each 800 sq. ft. of floor area 1 for each 600 sq. ft. of floor area or 1 for each 2 employees on maximum shift whichever is greater 1 for each 1200 sq. ft. of floor area or 1 each 2 employees on maximum shift, whichever is greater 1 for each 3000 sq. ft. of floor area or 1 for each 2 employees on maximum shift whichever is greater

### 16.1023 Application of Schedule

- A. Floor Area Defined. For purposes of applying the requirements of divisions C through G of Section 16.1022, "Floor Area" shall mean the gross floor area used or Intended to be used by tenants, or for services to the public or customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for display or sales of merchandise. It shall not include areas used principally for non-public purposes, such as storage, incidental repair) processing or packaging of merchandise, for show windows, for office incidental to the management or maintenance of stores or buildings, for toilet or rest rooms, for utilities or for dressing rooms, fitting or alteration rooms and hallways.
- B. Expansion of or Change in Existing Use. A building existing lawfully at the time this Zoning Code became effective, but which does not conform with the off-street parking requirements in Section 16.1022 may be occupied by the existing use without such facilities being made available. However, any parking spaces that may be provide shall be in accord with the development standards set forth in Section 16.1024 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 16.1022 hereof and in accord with the development standards of Section 16.1024

### 16.1024 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 provide contiguous to and in common with the several structure and uses served.
- B. Parking areas may be located in any required yard except as follows:
  - 1. In the required front yard in a Residence District.
  - 2. In a required front yard in any Non-Residence District adjoining a Residence District with limitations as defined in the Non-Residence District.

- C. A parking space for one (1) vehicle shall provide for a rectangular area having dimensions of not less than ten (10) feet by twenty (20) feet.
- D. Access. There shall be adequate provision for Ingress to and egress from parking spaces. Where a parking 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 (18) feet in width in all other cases, providing satisfactory access to the parking areas required herein Except where provided In connection with a use permitted in a Residence District, such access drive shall not be located in any Residence District.
- E. Screening and Landscaping. Off-street parking areas for more than five (5) vehicles shall be effectively screened on each side which adjoins or faces premises situated in any Residence District, by a solid fence, wall or hedge, which shall be not less than five (5) feet or more than eight (8) feet in height and shall be maintained in good condition without any advertising thereon.
- F. For every parking area having more than five (5) spaces, a plan shall be submitted to the Zoning Inspector, showing that such parking area will comply with the-foregoing requirements and will be well drained and shall have a dust-free surface.

### 16.103 Off-street Loading Space Required

#### 16.1031 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 16.1032.

16.1032 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 to 19,999	one
20,000 to 39,999	two
40,000 to 64,999	three
65,000 to 100,000	four
Each additional 100,000 sq. ft. of fraction thereof	one additional space

16.1033 Application of Schedule

- A. Joint Loading Space. Owners or occupants of several establishments or buildings not separated by a street may jointly provide the required off-street loading space, provided (1) that no loading dock shall be more than two hundred (200) feet distance from the service door of the building it is intended to serve and (2) that the gross area of all the establishments or building to be served by such joint loading facility shall be used to determine the required number of loading spaces.
- B. Expansion of Existing Use. A building existing lawfully at the time this Zoning Code became effective, but which does not comply with the off-street loading requirements set forth in Section 16.1032 may be occupied by the existing use without such facilities being made available. However, any loading space which may be provided shall be in accord with the development standards set forth in Section 16.1034. If the existing building is expanded so that there is an increase in the square feet of floor area so used, then off-street loading space shall be provided at least equal to the required number of spaces for the entire building or use in accordance with the schedule set forth in Section 16.1032 and such spaces shall conform with the development standards in Section 16.1034.

16.1034 Development Standards for Off-street Loading Space

- A. Each loading space shall not be less than ten (10) feet in width, fifty (50) feet in length and fourteen (14) feet in vertical clearance, provided that, if it is shown that the building or

establishment in question is not and will not be served by trucking vehicles more than thirty-five (35) feet in length the Board of Appeals may grant an exception reducing log the required length of loading space to a length no less than the maximum length of such servicing vehicles, but in no case to be less than twenty-five (25) feet.

- B. Subject to imitations set forth in Section 16.01, 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.

## 16.11 Public Utility Substations

### 16.111 Public Utility Sub Stations in Residential and Business Districts

Where permitted in Residential and Business Districts upon approval by the Board of Appeal's public utility substations-shall comply with the following standards:

- (1) No storage yard shall be permitted in connection therewith.
- (2) The structure shall be permitted only in a rear yard of a lot, except it may be reviewed and approved as a conditional use in another yard by the Board of Appeals.
- (3) For a utility substation located in or adjacent to any Residential District, ail buildings and structures shall be completely surrounded by an opaque wall or fence no less than ten (10) feet in height, except that the Board of Appeals may waive the requirement for a wall or fence in the case of completely enclosed, tiding which the Board finds to be in harmony with the character of the surrounding neighborhood. All parts of the lot outside such wall, fence or building shall be suitably landscaped and properly maintained.

### 16.112 Public Utility Substations tn Industrial Districts

Public Utility Substations located in Industrial Districts and not adjoining any other

district shall not be subject to the foregoing standards, but shall comply with the development standards for other principal uses in such Industrial Districts.

#### 16.12 Water Impoundments

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

1. No impoundment shall be located closed then 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 Village Board of Zoning Appeals, or as a part of an approved plan of development or an approved subdivision plat.
3. All swimming pools, or property upon which such polls 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.

#### 16.13 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 February 2, 2004, Prospect Village 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.

#### 16.14 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 17

### PLANNING COMMISSION

#### 17.01 Organization, Staff Services and General Procedures

##### 17.011 Organization

The Planning Commission shall have five (5) members consisting of the mayor, one member of the legislative authority to be elected thereby for the remainder of his term as such member of the legislative authority, and three citizens of the village to be appointed by the mayor for terms of six years each, except that the term of one of the members of the first commission shall be for four years and one for two years. Vacancies, occurring otherwise than by expiration of term, shall be filled in the same manner as the original appointments and shall be for the unexpired term. All members shall serve without compensation.

##### 17.012 Staff Services

The Mayor shall appoint the secretary of the Commission, and the secretary shall prepare and distribute notices of meeting, keep minutes of meetings and prepare resolutions and other documents relating to the work of the Commission. The Zoning Inspector or his designated representative shall attend all Commission meetings if possible.

##### 17.013 General Procedures

The Commission shall organize and adopt rules to govern its activities, in accordance with this Code. Meeting of the Commission shall be held once each month and at such additional times as the Commission may determine. The time of the regular monthly meetings shall be specified in the rules. Special meeting 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 promptly in the Village Council Chambers and shall be public record. Three (3) members of the Commission shall constitute a quorum.

The Commission may call upon the Village departments for assistance through proper authority in the 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.

17.02 Power and Duties

- 17.021 The Planning Commission may initiate proposed amendments to this Code.
- 17.022 The Planning Commission shall review all proposed amendments to this Code and make recommendation to the Village Council as specified in Section 19.03.
- 17.023 The Planning Commission shall review all Planned Development Projects and make recommendations to the Village Council as provided for in Chapter 15.
- 17.024 The Planning commission shall have all other responsibilities designated to this by this Code and Ohio Law.

## CHAPTER 18

### BOARD OF ZONING APPEALS

#### 18.01 Establishment, Staff Service and General Procedures

##### 18.011 Establishment

A Board of zoning Appeals is hereby created and established. Such Board shall consist of five (5) members, the Chairman of the Village Planning Commission and four (4) members appointed by the Mayor, all of who shall be residents of the Village of Prospect, Ohio. The terms of the appointive members shall be four (4) years and shall be so arranged that the term of one (1) member will expire each year. Vacancies, occurring otherwise than by expiration of term, shall be filled in the same manner as original appointments and shall be for the unexpired term. Members of the Board shall serve without compensation.

##### 18.012 Staff Services

The Mayor shall appoint the Secretary of the Board, and the Secretary shall prepare and distribute notices of meetings, keep minutes of meeting 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 if possible.

##### 18.013 General Procedures

The Board shall organize and adopt rules to govern its activities, in accordance with this Code. The Chairman of the Village Planning Commission shall be the Chairman of the Board. Meeting of the Board shall be held once each month and at such additional times as the Board may determine. The time of the regular monthly meeting shall be specified in the rules. The Chairman, or in his absence the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meeting 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 Village Council Chambers and shall be a public record.

A quorum shall consist of the following one(1) member shall be a quorum for the purpose of establishing a date and time for the continuance of the 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.

Three (3) members of the Board shall constitute a quorum to conduct all other 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 any applicant in any matter of which the Board has original jurisdiction under this Code, or to grant any variance from the requirements stipulated in this Code.

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

## 18.02 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 provision of the Code involved, and shall set forth exactly the interpretation that is claimed the use for which special exception is sought, a clear description of the land involved, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

### 18.021 Filing Application

An application to the Board, in cases in which it has original jurisdiction under the provision 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.

### 18.022 Filing Appeals

An appeal to said Board from any ruling of the Zoning Inspector, or other administrative officer administering any portion of this Code may be taken by any property owner or tenant, or by any governmental officer department, board or bureau affected. Appeals to the Board shall be taken within twenty (20) days after a decision of the Zoning Inspector by filing a notice of appeal with the Secretary, in a form approved by the Board, specifying the grounds therefor. The Zoning Inspector shall forth with 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.

### 18.023 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 registered or certified Mail at least ten (10) days prior to the day of such hearing upon the applicant or the appellant, and to such other persons as the Board may specify in its rules and regulations. Such notices, if by mail, shall be addressed to the last known address of the parties to be notified. Deposit of such notice in the U.S. mail shall constitute service of notice. The Secretary of the Board shall also publish notice of such hearing in a news paper of general circulation in Prospect Village at least seven 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 the Treasurer of the Village of Prospect, or a cash payment of the amounts as set forth in Section 19.025. The Secretary shall not accept an application or appeal until such payment is received.

#### 18.024 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 seems proper to be served upon such other property owners as it decides may logically be concerned with said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides.

#### 18.025 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 Code. 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 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.

### 18.026 Stay of Proceedings

An appeal shall stay all proceedings to the furtherance of the action appealed from, unless the Zoning Inspector certified 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 harm 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 by the Zoning Inspector or by judicial proceedings.

(\* As of the original date of adoption, the address was 139 N. Main Street, Prospect, Oh.)

### 18.03 Powers of the Board

#### 18.031 Interpretation of the Zoning Resolution

Upon appeal from a decision by the Zoning Inspector, the Board shall have the power to decide any question involving the interpretation of the Zoning Text or Map as follows:

18.0311 In case there is question as to the intended meaning of any provision of the Zoning Text, the Board may interpret its meaning as it applies to a particular property.

18.0312 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 Code for the particular section or district in question. In case of any question as to the location of any boundary lines between zoning districts, an application or interpretation of the Zoning Map may be made to the Board and a determination shall be made by said Board by following the procedure established in Section 18.02

#### 18.032 Original Jurisdiction Applications for Exception and Conditional Uses

The Board shall have original jurisdiction and may hear and decide, in accordance with the provisions of this Code, applications, filed as provided, for special exceptions, conditional uses, or for decisions upon other special questions on which the Board is authorized by this Code 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 with the proposed use and development. Before authorizing a use as a special exception or conditional

use, the Board shall determine whether the proposed exception or use would be hazardous) harmful, noxious, offensive or a nuisance to the surrounding neighborhood. Upon authority tng a conditional use of except in the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Code for the particular conditional use or exception, as the Board shall deem necessary for the protection of adjacent properties and the public interest.

### 18.033 Appeals for Variances

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

1. That there are special circumstances or conditions, fully described in the Board's decision, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this Code would result tn practical difficulty and unnecessary hardship and deprive the applicant of the reasonable use of the and or building.
2. That the granting of the variance will be in harmony with the general purpose and intent of this Code 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 Code of 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.



#### 18.034 General Powers

In exercising Its powers, the Board, in conformity with the provision of statute and this Code, may reverse or affirm, wholly or part of may modify the order, requirements, decision or determination appealed from, and may make such order, requirements, decision or determination as In Its judgment 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 Code.

#### 18.04 Expiration of Permits for Exceptions, Conditional Uses and Variances

Every permit or variation of the application of the literal provision of this Code allowed or granted, as provide in this Chapter shall expire and be of no force or effect after the expiation of six (6) months 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 19

### ADMINISTRATION

#### 19.01 Duties of the Zoning Inspector

##### 19.011 Office of the Zoning Inspector

There is hereby established the Office of Village Zoning Inspector. The Zoning inspector shall be appointed by the Mayor and shall receive such compensation as the Village Council shall provide. It shall be the duty of the Zoning Inspector to enforce the provision of this Code and keep records of all applications for zoning permits and the action taken thereon. All departments, officials and employees of the Village vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Code and shall issue no license or permit for any use building or purpose in conflict with the provisions of this Code. Any permit or license issued in conflict with the provisions of this Code shall be null and void.

##### 19.012 Application; Zoning Permits

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

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 the provisions of this Code.

19.013 Occupancy or Use Permits

19.0131 Occupancy Permits: Where Zoning Permit Issued

Upon completion of the work for which a Zoning permit has been issued in accordance with Section 19.012 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.

19.0132 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 Code, 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 Code; and, if so, the Occupancy Permit shall be granted.

19.0133 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.

19.014 Action on Applications; Time Limit

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

### 19.015 Zoning Permits; Time Limit

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

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 thereon.

### 19.02 Fees

Except as otherwise indicated in this Code, there shall be a fee for the issuance of any required permit or for the acceptance and processing of any appeal, application or other matter coming before the Board of Zoning Appeals and Planning Commission, in accordance with the following schedules:

#### 19.021 Zoning Permits

For any Zoning Permit for construction, extension,, addition to structural remodeling the Zoning Permit fee shall be as follows:

<u>Improvement having a contract price or estimated cost as follows:</u>	<u>Fee</u>
\$1,000 or less	\$5.00
More than \$1,000	\$5.00 plus \$1.00 per 1,000 or fraction thereof.
Maximum Zoning permit fee	\$275.00

#### 19.022 Occupancy Permit

In case where a Zoning Permit has been Issued no fee shall be charged for the Issuance of an Occupancy Permit which pertains thereto. In all other cases the fee for the Issuance of an Occupancy Permit shall be \$10.00

#### 19.023 Sign Permit

Fees for all types of signs, except temporary, shall be \$10.00. Fees for temporary signs shall be \$5.00.

#### 19.024 Tax Exempt Property

The fees set forth for a Zoning Permit or Occupancy or Sign Permit shall not be charged when the applicant furnishes proof to the satisfaction of the Zoning Inspector that the subject property has a tax exempt status.

### 19.025 Matters Coming Before Board of Zoning Appeals

Fees for matters coming before the Board of Zoning Appeals shall be as follows:

Matters	Fee
Appeal for Variance or Application for Special Exception or Conditional Use	\$20.00
Interpretation of Zoning Ordinance or Map: (1) Appeal from decision of Zoning Appeals over-rules the Zoning Inspector, said fee will be refunded. (2) Request initiated by the Village Government	\$20.00 No fee
Application for change in or extension of non-conforming use	\$20.00
All other matter coming before the Board of Zoning Appeals	\$20.00

### 19.026 Matters Coming Before the Planning Commission Fees

Matters coming before the Planning Commission shall be as follows:

Matters	Fee
Application for a Planned Development Project	\$50.00
Amendment to the Zoning Code: (1) Initiated by property owners or lessees of property (2) Initiated by the Village Council or the Planning Commission	\$50.00 No fee
Other matters coming before the Planning Commission	No fee

### 19.03 Amendments

It shall be the policy of the Village Government to consider this Zoning Code, 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. This Code will be regarded as a flexible means of encouraging good development and use of land in the Village.

To these ends, the Village Council, the Village Planning Commission, property owners or lessees of property may initiate amendments. The procedure for such proposed amendments shall be as set forth in the Ohio Revised Code, Section 713.12.

The following is a copy of Section 713.12, Ohio Revised Code, as it existed January 1975. 713.12 Notice and hearing on Municipal Zoning measures; approval of legislative authority. Before any ordinance, measure, regulation, or amendments thereto authorized by sections 713.07 to 713.11, inclusive of the Revised Code, may be passed the legislative authority of the municipal corporation shall hold a public hearing thereon, and shall give at least thirty days notice of the time and place thereof in a newspaper of general circulation in the municipal corporation. If the ordinance, measure, or regulation intends to re-zone or re-

district ten or..less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the clerk of the legislative authority, by first class mail, at least twenty days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from such parcel or parcels, to the addresses of such owners appearing on the county auditor's current tax list or the treasurer's mailing list and to such other list or lists that may be specified by the legislative authority. The failure of delivery of such notice shall not invalidate any such ordinance, measure, or regulation. During such thirty days the text or copy of the text of such ordinance; measure, or regulation, together with the maps or plans, or Copies thereof, forming part of or referred to in such ordinance, measure, or regulation and the maps, plans and reports submitted by the planning commission, board, or officer shall be on file, for public examination, in the office of the clerk of the legislative authority or in such other office as is designated by the legislative authority. No such ordinance, measure, or regulation which violates, differs from, or departs from the plan or report submitted by the commission, board, or officer shall take effect unless passed or approved by not less than three fourths of the membership of the legislative authority. No ordinance, measure, or regulation which is in accordance with the recommendation, plan, or report submitted by the commission, board, or officer shall be deemed to pass or take effect without the concurrence of at least a majority of the members elected to the legislative authority.