

# THORN

## TOWNSHIP

PERRY COUNTY, OHIO

ZONING RESOLUTION

*(As of October 11, 2017)*

**Adopted:**

**November 5, 1991**

**Amended:**

**July 10, 1992**

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**January 1, 2005**

**April 23, 2008**

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**October 11, 2017**

**THORN TOWNSHIP ZONING RESOLUTION**  
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# PART ONE

## AUTHORIZATION AND ENFORCEMENT

### Article I. AUTHORIZATION AND PURPOSE

#### *Article I.1 - Title*

This Resolution shall be known and may be cited as the

#### **Zoning Resolution of Thorn Township, Perry County, Ohio**

Unless otherwise provided herein or by the law or implication required, the same rules of construction, definition, and application shall govern the interpretation of the Resolution as those governing the interpretation of the Ohio Revised Code.

#### *Article I.2 - Purpose*

The Board of Township Trustees hereby find it necessarily, advisable and beneficial to the residents of Thorn Township to provide for the division of the unincorporated area of the Township into districts or zones. This Zoning Resolution is adopted to promote and protect the public health, safety, and general welfare by the following:

- regulating the use of land areas and the construction, restoration and/or alteration of buildings and uses therein
- restricting the area dimensions of land, yards and open spaces so as to secure adequate light, air and safety from fire and other dangers
- controlling the bulk, height, density, and location of buildings
- protecting and preserving existing natural resources.
- assuring the orderly growth and development of lands,

All as permitted by the provisions of Chapter 519 of the Ohio Revised Code.

#### *Article I.3 - Applicability and Limitations*

Subject to the limitations specified in Section 519.211 of the Ohio Revised Code, the regulations set forth in this Zoning Resolution shall be applicable to all buildings, structures, uses and lands of any private individual or entity, or any political subdivision, district taxing unit or bond-issuing authority, located within the unincorporated area of Thorn Township, Perry County, Ohio.

#### *Article I.4 - Interpretation and Consistency*

The provisions of this Resolution shall be held to be as the minimum requirements, and shall apply uniformly to each class or kind of building, structure or land. Where the provisions of this Resolution impose greater restrictions upon buildings, structures, uses or land, than required by other codes, laws, ordinances, or restrictive covenants running with the land, the regulations of this Resolution

shall govern. Conversely, these regulations shall not be deemed or construed to repeal, amend, modify, alter or change any other law, resolution or regulation of Thorn Township, or part thereof, not specifically repealed, amended, modified, altered or changed herein

*Article 1.5 - Separability*

The invalidation of any clause, sentence, paragraph, or section of this Resolution by a court of competent jurisdiction shall not affect the validity of the remainder of this Resolution either in whole or in part.

## Article II. DEFINITIONS

### *Article II.1 - Interpretation*

For the purpose of this Zoning Resolution, certain terms and words are to be defined as found in this Article. Words and terms not specifically defined carry their customarily understood meanings. Words used in the present tense include the future tense. The singular form shall include plural and plural shall include singular. The word "shall" is intended to be mandatory. "Occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied".

Particular terms directly related to particular topics may be defined within the specific sections of the Resolution where those general requirements are found.

### *Article II.2 - Definitions*

**"Accessory use"** means a use subordinate, secondary, incidental to, and customary in connection with the principal building or use and located on the same lot as the principal building or use.

**"Accessory building"** or "accessory structure" means a building or structure occupied by an accessory use.

**"Administrative and business offices"** means offices which carry on no retail trade with the public and maintain no stock of goods for sale to customers.

**"Building"** means a structure with one (1) or more floors and a roof supported by columns or walls, used or intended to be used for shelter or enclosure of persons, animals and/or property.

**"Height of building"** means the vertical distance from the ground level at the front entrance of the building to the highest point of the roof.

**"Building line"** means the front yard setback line established by this Zoning Resolution, generally parallel with and measured perpendicularly from the front lot line, defining the limits of a front yard in which no building or structure may be located.

**"Business services"** means any profit-making activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.

**"Cemetery"** means land used or intended to be used for the burial of human or animal dead.

**"Clinic, Human"** means an establishment where patients who are not lodged overnight are admitted for examination and/or treatment by a physician or group of physicians.

**"Conditional use"** means an uncommon or infrequent use which may be permitted in specific zoning districts subject to compliance with certain standards, explicit conditions, and the granting of a conditional use permit as specified in Article VIII of this Resolution.

**"Development"** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. "District" means a part, portion, zone or geographic area within Thorn Township within which certain development standards, as delineated by this Resolution, apply.

**" Dwelling" or "residence"** means any building or portion thereof which is designed or used for residential purposes, but not including a cabin, hotel, motel, rooming house, or other such accommodation used for transient occupancy.

**"Single family dwelling" or "single family residence"** means a building designed for or occupied exclusively by one family.

**"Multiple-family dwelling" or "multiple-family residence"** means a building designed or used as a residence for more than one family living independently and doing their own cooking therein.

**"Federal Emergency Management Agency (FEMA)"** means the agency with the overall responsibility for administering the National Flood Insurance Program.

**"Flood" or "flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

**"Flood Insurance Rate Map (FIRM)"** means one or more official maps on which the Federal Emergency Management Agency has delineated the areas of special flood hazards within Thorn Township and/or Perry County.

**"Frontage" or "lot frontage"** means the distance of that portion of the lot that directly abuts the street, and has direct access thereto.

**"Group Residential Facility"** means a community facility, licensed and/or authorized by the State of Ohio, which provides rehabilitative or rehabilitative services in a residential setting. There are two (2) classes of group residential facilities:

**"Class I group residential facility"** means any state, federal or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a place for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A facility contains more than five (5) residents, exclusive of staff. A Class I Type B facility contains five (5) or fewer residents, exclusive of staff

**"Class II group residential facility"** means any state, federal or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for

alcohol and/or drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains more than five (5) residents, exclusive of staff. A Class II Type B facility contains five (5) or fewer residents, exclusive of staff.

**"Home occupation"** means any occupation or profession conducted primarily by immediate resident family members, which is clearly incidental and secondary to the dwelling's residential use. A home occupation must meet the standards and requirements specified in Section 25.02 of this Resolution.

**"Hospital"** means a building or structure containing beds for at least four (4) patients allowing for overnight or continuous care, diagnosis and treatment of human ailments.

**"Lot"** means a division of land separated from other divisions for purposes of sale, lease, or separate use, described on recorded subdivision plat, recorded map or by metes and bound, and includes the terms "plat" and "parcel".

**"Corner lot"** means any lot at the junction of and abutting on two (2) or more intersecting streets, where the angle of intersection is not more than 135 degrees.

**"Lot coverage"** means the ratio of enclosed ground floor area of all buildings and or pavement areas on a lot to the horizontally projected area of the lot, expressed as a percentage.

**"Rear lot line"** means that lot line which is opposite and furthest removed from the front lot line. In the case of a corner lot, the rear lot line is opposite and furthest removed from the front lot line of least dimension.

**"Side lot line"** means the lot line running from the front lot line to the rear lot line. This line is also the line dividing two (2) interior lots.

**"Lot of record"** means any lot which individually or as a part of a subdivision has been recorded in the office of the Recorder, Perry County, Ohio, as of the effective date of this Resolution.

**"Minimum area of lot"** means the area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.

**"Lot width"** is the width of a lot as measured along the front lot line that abuts a publicly dedicated and improved thoroughfare.

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

**"Manufactured Home Community"** shall mean a development constructed primarily for manufactured homes, with continuing local general management and with special facilities for common use by occupants, including such items as common recreational buildings and/or common open space.

**"Mobile Home"** shall mean a transportable, non-site-built dwelling unit designed to be used as a year-round residential dwelling, and built prior to the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. Because mobile homes, as herein defined, were not constructed to accepted standards, such mobile homes shall not be considered as a permitted or conditional use in any zoning district.

**"Modular Home"** means a non-site-built home that is certified as meeting the requirements of the State of Ohio Building Code for modular housing. For the purposes of this Resolution, once certified by the State of Ohio, modular homes shall be subject to the same standards as site-built homes.

**"Moving Sign"** means any sign that flashes, blinks, fluctuates in intensity, travels or moves.

**"Nonconforming use"** means the use of land or a building, or a portion thereof, which does not conform with the use regulations of the district in which it is situated, which use was lawful prior to the enactment of this Zoning Resolution.

**"Nursery" or "Day care center"** means a facility which temporarily assumes responsibility for more than four (4) children other than those related to the resident of the premises. Such responsibility shall consist of administering to the needs of those children during any part of a twenty-four hour day for a period of two (2) consecutive days.

**"Nursing home"** includes convalescent and extended care facilities; an establishment which specializes in providing necessary care, shelter and nursing services and services to those unable to be responsible for themselves.

**"Off-street parking space"** means any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in this Resolution.

**"Permanent foundation"** means a permanent masonry, concrete or locally approved footing or foundation that adequately transfers horizontal and vertical loads of the structure to the undisturbed ground below the frost line.

**"Permanently-sited manufactured home"** shall mean a manufactured home that meets all of the following criteria:

1. the structure is affixed to a permanent foundation as defined above and is connected to appropriate facilities, and
2. the structure, excluding any additions, has a width of at least twenty-two (22) feet at one point, a length of twenty-two (22) feet at one point, and a total living area of at least 900 square feet, excluding garages, porches and/or attachments, and
3. the structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering, and
4. the structure was manufactured after January 1, 1995, and
5. the structure is not located in a manufactured home community.

**"Person"** means any individual, corporation, company, business, partnership, association or legal entity.

**"Personal services"** means any enterprise, conducted for gain, which offers care of person or property or similar services to the general public, e.g., shoe repair, watch repair, retail dry cleaning, barber and beauty shops, and related activities.

**"Portable Signs"** means any permanent sign designed to be moved about and is not permanently attached to any part of a building or to the ground. No such sign shall be more than thirty-two square feet of area per side. All portable signs shall be placed as to not provide a hazardous condition and must meet a minimum setback of ten (10) feet.

**"Professional offices"** means the offices which engage in the providing to the general public services of a professional nature such as legal, medical, accounting, and architectural services.

**"Recreational facilities"** means public or privately-operated uses such as country clubs, golf courses, swimming pools, or other areas maintained for the purpose of providing active and passive recreation.

**"Restaurant"** means a business establishment where food and beverages are prepared and presented for human consumption on the premises.

**"Retail store"** means a store primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.

**"Right-of-way"** means a strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features required by the topography or treatment such as grade separation, landscaped areas, viaducts and bridges.

**"Similar use"** means a use not specifically listed in any of the permitted building or use classifications of any district, but which may be found analogous and added to the classification, according to the procedures and requirements of Section 11.02.05 of this Resolution.

**"Street", "road" or "thoroughfare"** means a public way for the purpose of vehicular travel, including the entire area within the right-of-way.

**"Structure"** means anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground, including among other things walls, buildings, and patios. "Structure" shall include mobile or moveable structures. "Structure" does not include fences.

**"Structural alteration"** means any change which would replace or tend to prolong the life of a supporting member of a structure, such as bearing walls, columns, beams, or girders.

**"Township"** means Thorn Township, Perry County, Ohio.

**"Use"** means the purpose for which a building is arranged, designed, or intended, or for which either land, lot, piece or parcel thereof or a building located thereon or may be occupied or maintained.

**"Variance"** means a modification from the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of action by the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

**"Yard"** means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general level of the graded lot upward.

**"Front yard"** means that portion of a lot extending across the front of the lot between the side lot lines and being the minimum horizontal distance between the street right-of-way and the front of the building or structure.

**"Rear yard"** means that portion of a lot extending across the rear of the lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear of the building or structure.

**"Side yard"** means that portion of a lot that is located between the side lot line and the nearest building or structure.

**"Zoning certificate" or "Zoning permit"** means an official statement certifying that a proposed building or use complies with all the provisions of this Zoning Resolution.

**"Zoning District"** means a portion of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Resolution.

**"Zoning District Map" or "Zoning Map"** means the map of the Township showing the locations of established zoning districts, together with all amendments subsequently adopted by the Township Trustees, and established pursuant to Section 11.02 of this Resolution.

**"Zoning Inspector"** means the enforcement officer, hired by the Board of Township Trustees, who is charged with enforcing the provisions of this Zoning Resolution.

### ***Article II.3 - Authority and Purpose***

Under some unusual circumstances, a use of property which typically affects an area more intensely than those uses permitted in the zoning district in which it is located may nonetheless be desirable and compatible with permitted uses, if that use is properly controlled and regulated. Such uses shall be listed as "conditional uses" within the respective zoning districts.



## **Article III. ADMINISTRATIVE BODIES AND THEIR DUTIES**

### ***Article III.1 - Zoning Inspector***

#### ***3.1.1 Office of Zoning Inspector Established***

The Zoning Inspector, appointed by the Board of Township Trustees, shall enforce the Zoning Resolution. All officials and/or employees of the Township shall assist the Zoning Inspector by reporting any new construction, reconstruction, or apparent violations to this Resolution.

#### ***3.1.2 Relief From Personal Liability***

The Zoning Inspector, acting in good faith and without malice in the discharge of his/her duties during enforcement of this Resolution is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts or alleged failure to act. Further, he/she shall not be held liable for the costs in any action, suit or proceeding that may be instituted against him/her as result of the enforcement of this Resolution.

#### ***3.1.3 Duties of Zoning Inspector***

For the purposes of this Resolution, the Zoning Inspector shall have the following duties:

- A. Enforce the Zoning Resolution and take all necessary steps to remedy conditions found in violation by ordering, in writing, the discontinuance of illegal uses or work in progress, and direct cases of noncompliance to the Board of Zoning Appeals or other appropriate entity for action.
- B. Issue zoning certificate(s) when the provisions of the Zoning Resolution have been met, or refuse to issue same in the event of noncompliance.
- C. Collect designated fees as, established by separate resolution, for zoning certificates, appeals, variances and conditional uses.
- D. Make and keep all records necessary and appropriate to the office including records of issuance and denial of zoning certificates and receipt of complaints of violation of the Zoning Resolution and action taken on same.
- E. Inspect any buildings or lands to determine whether any violations of the Zoning Resolution have been committed or exist.

#### ***3.1.4 Removal from Office***

The Zoning Inspector may be removed by the Township Trustees for nonperformance of duty, misconduct in office or other just cause.

### ***Article III.2 - Rural Zoning Commission***

#### ***3.2.1 Establishment***

Pursuant to Ohio Revised Code Chapter 519, there is hereby established a Rural Zoning Commission in and for Thorn Township. Such Commission shall consist of five (5) residents of the unincorporated area of the Township as appointed by the Board of Township Trustees. The terms of tenure of the members shall be as arranged by the Trustees.

### *3.2.2 Removal of Members*

Members of the Township Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other just cause by the Board of Township Trustees, and a public hearing has been held regarding such charges. In such case, a copy of such charges shall be served on such member at least ten (10) days prior to the hearing, either personally or by first class mail. At the hearing, the member shall be given the opportunity to be heard and answer all such charges.

### *3.2.3 Proceedings*

The Zoning Commission shall elect a Chairman and Secretary, and adopt rules necessary for the conduct of its affairs consistent with the provisions of this Resolution. Meetings shall be held at the call of the Chairman, and at such other times as deemed appropriate by the Commission, as determined by majority vote. All meetings 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. Such minutes shall be public record. For the purpose of taking action, the concurring vote of three (3) members of the Commission shall be required.

### *3.2.4 Powers and Duties*

For the purposes of this Resolution, the Rural Township Zoning Commission shall have the following powers and duties:

- A. Initiate amendments to this Resolution, pursuant to Article VI.
- B. Review proposed amendments to this Zoning Resolution and make recommendations to the Board of Township Trustees.

## ***Article III.3 - Board of Zoning Appeals***

### *3.3.1 Establishment*

There is hereby established a Board of Zoning Appeals, which shall have the authority as specified in Sections 519.13 through 519.15 of the Ohio Revised Code. The Board of Zoning Appeals shall consist of five (5) members appointed by the Board of Township Trustees. Every member shall be a resident of the unincorporated territory of Thorn Township, Perry County, Ohio. The terms of members shall be of such length and so arranged that the term of one member shall expire each year; however, each member shall serve until his/her successor is appointed. Vacancies shall be filled by resolution of the Board of Township Trustees for the unexpired term of the member affected.

3.3.2 *Removal of Members*

Members of the Board of Zoning Appeals shall be removable for non-performance of duty, misconduct in office, or other cause by the Board of Township Trustees, after public hearing and notification, following the procedures specified for the Zoning Commission members in Section 3.02.02 above.

3.3.3 *Proceedings*

The Board shall organize annually and elect a Chairman, and Secretary. Meetings of the Board shall be held at the call of the Chairman, and at other such times as the Board shall determine. The Board shall adopt, from time to time, such rules and regulations as it may deem necessary to implement the provisions of this Zoning Resolution All meetings of the Board shall be open to the public.

The Secretary of 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 action, all of which shall be a public record and immediately filed in the Township offices.

The Board shall have the power to subpoena witnesses, administer oaths and may require the production of documents, under such rules as it may establish.

3.3.4 *Powers and Duties*

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to effect any variation in the application of this Resolution. For the purpose of this Resolution, the Board has the following specific responsibilities:

- A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Inspector, in accordance with Article VII of this Resolution.
- B. Authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where, owing to special conditions of the land, a literal enforcement of this Resolution will result in unnecessary hardship in accordance with the provisions of Article VII of the Resolution.
- C. Interpret the boundaries of the official Zoning Map, in accordance with the provisions of this Resolution.
- D. Permit conditional uses as specified in the Official Schedule of District Regulations and under the conditions specified in Article VIII of this Resolution.
- E. Authorize the substitution or extension of nonconforming uses, as specified in

- Article V of this Resolution.
- F. Authorize extensions of time for completion of work specified in zoning certificate, in accordance with Section 4.08 of this Resolution.
  - G. Declare zoning permits void, pursuant to Section 4.09 of this Resolution.

***Article III.4 - Board of Township Trustees***

The powers and duties of the Board of Township Trustees pertaining to this Zoning Resolution are as follows:

- A. Appoint members to the Zoning Commission and Board of Zoning Appeals, and remove same pursuant to the procedures as specified in this Resolution.
- B. Initiate and/or act upon suggested amendments to the Zoning Resolution text or official Zoning District Map.
- C. Override a written recommendation of the Zoning Commission on a text or map amendment, provided such action is passed by a unanimous vote.

***Article III.5 - Powers of Zoning Inspector, Board of Zoning, Appeals, and Board of Township Trustees on Matters of Appeal***

It is the intent of this Resolution that all questions of interpretation and enforcement shall first be presented to the Zoning Inspector. Such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and recourse from the decisions of the Board of Zoning Appeals shall be only to the courts as provided by law. It is further the intent of this Resolution that the powers of the Board of Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The Board of Township Trustees shall not have the authority to override the decisions of the Board of Zoning Appeals and/or the Zoning Inspector on matters of appeal or variance.

## **Article IV. ENFORCEMENT AND PENALTY**

### ***Article IV.1 - Zoning Certificate Required***

It shall be unlawful for any owner or other person to use or to permit the use of any non- agricultural structure, building or land, or part thereof, hereafter constructed, created, erected, changed, structurally altered, converted or enlarged until a zoning certificate shall have been issued by the Zoning Inspector. Such zoning certificate shall show that such building or premises or a part thereof, and the property use thereof, are in conformity with the provisions of this Resolution. No such certificate shall be issued by the Zoning Inspector until the requirements of this Resolution have been met.

A zoning certificate is required for any of the following subject to the limitations of Section 519.211 of the Ohio Revised Code:

- A. Construction, structural alteration or enlargement of any non-agricultural building or structure, including accessory buildings.
- B. Change in use of an existing building or accessory building, except agricultural uses, to a use not listed as a permitted use in the zoning district where the building is located.
- C. Occupancy and use, excepting agricultural use, of vacant land.
- D. Change in the use of land to a use not listed as a permitted use in the zoning district where the land is located.
- E. Any alteration, expansion or other change of a lawful nonconforming use as regulated by Article V.

### ***Article IV.2 - Application for Zoning Certificate***

Three (3) copies of an application for a zoning certificate shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. At a minimum, the application shall contain the following information:

- A. Name, address, and telephone number of the applicant.
- B. Address or location of property.
- C. Existing use.
- D. Proposed use.
- E. Zoning district in which property is presently located.
- F. Plans in triplicate drawn to approximate scale, showing the actual dimensions and shape of the lot to be built upon; the dimensions and location of existing buildings of the lot, if any; and the location and dimensions of the proposed building(s) or alteration.
- G. Height of proposed buildings.
- H. An approval by the Perry County Health Department of the proposed method of water supply and for disposal of sanitary wastes prior to approval by the Zoning Inspector.
- I. Such other material and information as may be requested by the Zoning Inspector to determine conformance with, and provide for the enforcement of this Resolution.

Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a legal description of the property as recorded in the Perry County Recorder's Office, or a survey of the lot by a registered surveyor. In particular cases, the Zoning Inspector may reduce the submittal requirements for an application, when the proposed action warrants.

#### ***Article IV.3 - Approval of Zoning Certificates***

Within thirty (30) days after receipt, the application shall be either approved or disapproved by the Zoning Inspector, unless the provisions of Section 4.04 are applicable. Zoning certificates issued on the basis of plans and applications approved by the Zoning Inspector shall authorize only the use and arrangement as set forth in such approved application. All zoning certificates shall be conditional upon the commencement of work within one (1) year. One (1) copy of the application shall be returned to the applicant by the Zoning Inspector, after such copy is marked as either approved or disapproved and attested to same by the signature of the Zoning Inspector, or his/her designated agent on such copy. In the case of disapproval, the Zoning Inspector shall state on the returned plans the specific reasons for disapproval. Two (2) copies of plans, similarly marked, shall be retained by the Zoning Inspector. One (1) copy retained by the Zoning Inspector shall be forwarded to the County Auditor upon issuance of a certificate of zoning compliance along with one (1) copy of the application. Pursuant to Article VII of this Resolution, any decision of the Zoning Inspector pertaining to administrative matters of this Resolution may be appealed to the Board of Zoning Appeals.

#### ***Article IV.4 - Submission to the Director of the Department of Transportation***

Before any zoning certificate is issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of the Department of Transportation, or any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered or certified mail to the Director of the Department of Transportation. The Zoning Inspector shall not issue a zoning certificate for 120 days from the date the notice is delivered to the Director of the Department of Transportation. If the Director of the Department of Transportation notifies the Zoning Inspector that he/she shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the Zoning Certificate. If the Director of the Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or if notification of action is not received by the Zoning Inspector, the Zoning Inspector shall, if the application is in conformance with all provision of this Resolution, issue the zoning certificate.

#### ***Article IV.5 - Record of Zoning Certificates***

A record of all zoning certificates shall be kept on file in the Township offices, and copies shall be furnished upon request to any persons.

#### ***Article IV.6 - Expiration of Zoning Certificates***

If the work described in any zoning certificate has not begun within one (1) year from the date of issuance thereof, or has not been completed within two (2) years from the date of issuance thereof, said certificate shall expire; it shall be revoked by the Zoning Inspector, and written notice thereof shall be

given to the persons affected, together with notice that further work as described in the expired permit shall not proceed unless and until a new zoning certificate has been obtained or extension granted by the Board of Zoning Appeals.

#### ***Article IV.7 - Certificate of Zoning Compliance***

It shall be unlawful to use or occupy, or permit the use or occupancy of any building or premises hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the Zoning Inspector, stating that the proposed use of the building or land, as completed, conforms to the requirements of this Resolution. Such certificate of zoning compliance may be processed as an indication of final approval on the zoning certificate

#### ***Article IV.8 - Schedule of Fees, Charges and Expenses***

The Board of Township Trustees shall establish, by separate Resolution, a schedule of fees, charges, and expenses and a collection procedure for zoning permits, certificates of zoning compliance, appeals, and other matters pertaining to this Resolution. Copies of the schedule of fees shall be retained by the Zoning Inspector and posted in the Township offices, and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

#### ***Article IV.9 - Void Zoning Certificate***

The zoning certificate shall be void if any of the following conditions exist:

- A. The zoning certificate was issued contrary to the provisions of this Resolution by the Zoning Inspector.
- B. The zoning certificate was issued based upon a false statement by the applicant.
- C. The zoning certificate has been assigned or transferred.

When a zoning certificate has been declared void for any of the above reasons by the Board of Zoning Appeals pursuant to this Resolution, written notice of its revocation shall be given by certified mail to applicant, and sent to the address as it appears on the application. Such notices shall also include a statement that all work upon or use of the building, structure, or land cease unless, and until, a new zoning certificate has been issued.

#### ***Article IV.10 - Violation and Penalty***

##### ***4.10.1 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates***

Zoning certificates or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement set forth in such approved plans and applications or amendments thereto. Any use, arrangement, or construction not in conformance with that authorized shall be deemed a violation of this Resolution, and punishable as provided in Section 4.10.03.

4.10.2 *Complaints Regarding Violations*

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint, such complaint shall state fully the causes and basis thereof, and shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take such appropriate action thereon as may be necessary and provided for by this Resolution.

4.10.3 *Penalties for Violation*

Violation of the provisions of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Resolution) shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$150.00 in addition shall pay all costs and expenses involved in the case. Each day such violation continues, after receipt of violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township, the County Prosecutor, or any adjacent property owner from taking such other lawful action as is necessary to prevent or remedy any violations.



## Article V. NONCONFORMITIES

### *Article V.1 - Intent*

Within the districts established by this Resolution, or amendments hereinafter adopted, there may exist lots, structures, uses of land and structures which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Resolution or future amendments. It is the intent of this Resolution to permit these nonconformities to continue until they are removed and to permit reasonable extensions and improvements as allowed by law.

### *Article V.2 - When Permitted*

#### *5.2.1 Existing Land or Buildings*

Any use of land or buildings existing on the effective date of this Resolution may be continued, even though such use does not conform to the provisions herein, so long as such use was in conformity with the zoning resolution in effect in the Township at the time that the use or structure was established. No nonconforming building, structure, or use shall be moved, extended, enlarged, reconstructed, or structurally altered, except as specifically provided in this Resolution.

#### *5.2.2 Construction Commenced*

Any property purchased or acquired in good faith for any nonconforming use prior to the adoption of this Resolution, upon which property the work of changing, remodeling or construction of such nonconforming use has been legally commenced at the time of adoption of this Resolution, may be used for the nonconforming use for which such changing, remodeling or construction was undertaken, provided that such work is completed within one (1) year from the date of adoption of this Resolution or amendment thereto making said use nonconforming.

### *Article V.3 - Discontinuance*

A nonconforming use which has been discontinued or abandoned shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered abandoned whenever any one of the following conditions exist:

- A. When the use has been voluntarily discontinued for a period of two (2) years.
- B. When the nonconforming use has been replaced by a conforming use.

### *Article V.4 - Substitution*

The Board of Zoning Appeals may allow the nonconforming use of a building or structure to be changed to another nonconforming use of the same or of a more restricted classification.

### ***Article V.5 - Extension***

No nonconforming use or structure shall be enlarged, extended, reconstructed, or structurally altered, except as follows:

- A. The Board of Zoning Appeals may permit, on a once-only basis, a building containing a nonconforming use to be enlarged to an extent not exceeding fifty percent (50%) of the ground floor area of the existing building or structure devoted to a nonconforming use at the time of enactment of this Resolution or at the time of its amendment making the use nonconforming. The Board shall not authorize an extension which would result in a violation of provisions of this Resolution with respect to any adjoining premises, or which would occupy ground space required for meeting the yard or other requirements of this Resolution.
- B. No nonconforming building or structure shall be moved in whole or in part to any other location unless such building or structure and the yard and other open spaces provided are made to conform to all of the regulations of the district in which such building or structure is to be located.
- C. Any residential structure which is nonconforming due to the fact of its being in a non-residential zoning district may be enlarged, extended, reconstructed or structurally altered provided it meets the requirements of the adjacent or most proximate R-District.
- D. Any structure which is nonconforming due to its location or configuration on the lot, resulting in lot coverage or yards inconsistent with the requirements of the zoning district where it is located, may be enlarged, extended or structurally altered in a manner that decreases or maintains its existing degree of nonconformity, but in no case shall such structure be enlarged, extended or structurally altered in a manner that increases its degree of nonconformity.

### ***Article V.6 - Damage and/or Destruction of a Nonconforming Building or Use***

When a building or structure, the use or location of which does not conform to the provisions of this Resolution, is damaged by fire, explosion, act of God, or the public enemy, it may be restored or rebuilt and continued in such nonconforming use or location, provided that the restoration or rebuilding is commenced within six (6) months of the time of damage, that construction is completed within twenty-four (24) months, and that such restoration or rebuilding would not extend or expand the existing use beyond the parameters specified in Section 5.05.

### ***Article V.7 - Maintenance and Repair***

Nothing in this Article shall be deemed to prevent normal maintenance and repair of any nonconforming structure, or a building or structure containing a nonconforming use. Structural alterations may be made to a building or structure containing a nonconforming use as follows:

- A. when required by law.
- B. to convert to a conforming use.
- C. to improve interior livability. However, no structural alterations shall be made which would violate the provisions of Section 5.05(D) above.

*Article V.8 - Nonconforming Lots of Record*

In any district where dwellings are permitted, one (1) single-family detached dwelling may be erected on any lot of official record on the effective date of this Resolution, even though such lot does not meet the development standards of the district in which it is located, provided such lot receives the approval of the Perry County Board of Health, and further provided that the owner of such lot does not own adjacent property and did not own such property at the time this Resolution became effective (December 5, 1991).

If the owner(s) of such lot owns adjacent property, or owned such property at the time this Resolution became effective, then the owner(s) shall re-divide such property to provide for the lot area and width requirements of the district in which the lot is located. However, if the width of the lots resulting from such re-division would exceed the required lot width in the district by more than twenty percent (20%), such re-division may be made so as to provide one (1) more lot than would otherwise be permitted.

In cases where building on a nonconforming lot occurs pursuant to the requirements above, the front, side and rear yards shall be as close as possible to the prevailing standards of the district within which the lot exists. The Board of Zoning Appeals shall have the authority to determine if the yards to be utilized are consistent with this requirement.

## **Article VI. DISTRICT CHANGES AND AMENDMENTS**

### ***Article VI.1 - Intent***

This Article describes the procedures to be followed for amendment of the Zoning Resolution. If and to the extent that the provisions of this Article are inconsistent with the provisions of Section 519.12 of the Ohio Revised Code, as may be subsequently amended, the provisions of the Ohio Revised Code shall govern.

### ***Article VI.2 - Initiation of Zoning Amendments***

Amendments to this Resolution may be initiated in one of the following ways:

- A. By referral of a proposed amendment to the Township Zoning Commission by Board of Township Trustees.
- B. By the adoption of a motion by the Township Zoning Commission submitting the proposed amendment to the Board of Township Trustees.
- C. By the filing of an application by at least one (1) owner or lessee of property, or his/her designated agent, within the area proposed or affected by the said amendment.

### ***Article VI.3 - Contents of Application***

An application for amendment shall be submitted by the applicant to the Zoning Inspector and shall contain, at a minimum, the following information:

- A. Name, address, and phone number of the applicant.
- B. Proposed amendment to the text or legal description of the property affected.
- C. Present use and district.
- D. Proposed use and district.
- E. A map drawn to scale showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Inspector may require.
- F. A list of all property owners within the 200 feet, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their address as appearing on the Perry County Auditor's current tax list. The requirement for addresses may be waived when more than ten (10) parcels are proposed to be rezoned.
- G. A statement as to how the proposed amendment will impact adjacent and proximate properties.
- H. Any other information as may be requested by the Zoning Inspector to determine conformance with, and provide for enforcement of this Zoning Resolution.
- I. A fee as established by the Board of Township Trustees.

Upon receipt of the application, the Zoning Inspector shall review it for completeness. If the above requirements are met, the Zoning Inspector shall transmit the application to the Zoning Commission. The date of such transmittal shall be considered the date of filing. If the application is incomplete, the Zoning Inspector shall return it to the applicant with a listing of deficiencies.

***Article VI.4 - Submission to Regional Planning Commission***

Within five (5) days after the adoption of a motion by the Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application pursuant to Section 6.03 above, the Zoning Commission shall transmit a copy of such motion, resolution or application, together with the text and map pertaining to the case in question, to the county or regional planning commission, if there is such a commission. The planning commission may recommend the approval or denial of the proposed amendment, or some modification thereof, and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission, pursuant to Section 6.05 below.

***Article VI.5 - Public Hearing by Zoning Commission***

*6.5.1 Date of Public Hearing*

The Zoning Commission shall schedule a public hearing after adoption of their motion, transmittal of a resolution from the Board of Township Trustees, or the filing of an application pursuant to Section 6.03 above. Said hearing shall be held not less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.

*6.5.2 Notice of Public Hearing in Newspaper*

Before holding the public hearing as required, notice of such hearing shall be given by the Township Zoning Commission in at least one (1) newspaper of general circulation in the Township at least ten (10) days before the date of such hearing. The notice shall set forth the following information:

- A. The time and place of the public hearing.
- B. A statement that the hearing is being conducted by the Thorn Township Zoning Commission.
- C. A statement indicating that the proposed action is an amendment to the zoning resolution.
- D. A list of the addresses and owners of all properties to be rezoned or redistricted as they appear on the application, if applicable.
- E. The present and proposed zoning classification of the property to be rezoned or redistricted, if applicable.
- F. The time and place where the application will be available for public examination for a period of at least ten (10) days prior to the hearing.
- G. The name of the person responsible for giving notice of the public hearing.
- H. Any other information requested by the zoning commission.
- I. A statement that after the conclusion of such hearing, the matter will be referred to the Board of Township Trustees for further determination.

*6.5.3 Notice to Property Owners*

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of such hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty (20) days before the date of the hearing, to all owners of property within, contiguous to and directly across the thoroughfare from such area proposed to be rezoned or redistricted. Such notices shall be mailed to the addresses of the owners appearing on the Perry County Auditor's current tax list, as provided by the applicant in Section 6.03 (f) above. The failure to deliver such notices shall not invalidate any such amendment. The notices shall contain the same information as required of notices published in newspapers as specified in Section 6.05.02 above.

***Article VI.6 - Recommendation by Zoning Commission***

Within thirty (30) days after the hearing required in Section 6.05 above, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

***Article VI.7 - Public Hearing by the Board of Township Trustees***

Within thirty (30) days from receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such hearing shall be as specified in Section VI.5.

***Article VI.8 - Action by the Board of Township Trustees***

Within twenty (20) days after the public hearing required in Section 6.05 above, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission, or it may adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Zoning Commission, the unanimous vote of the Board of Township Trustees is required.

***Article VI.9 - Criteria***

In reviewing the proposed amendment and arriving at its decision, the Board of Township Trustees shall consider the following factors:

- A. Compatibility of the proposed amendment with the zoning and use of adjacent land, and with any land use or comprehensive plans adopted by the Township.
- B. The effect of the adoption of the proposed amendment on motor vehicle access, traffic flow, storm drainage and/or public infrastructure in the area.
- C. The effect of the adoption of the proposed amendment upon the public health, safety and general welfare of the adjacent properties and other residents of the Township.

***Article VI.10 - Effective Date and Referendum***

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30)

days after the date of adoption, unless within that thirty (30) days there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan, equal to eight percent (8%) of the total vote cast for all candidates for Governor in such area at the most recent election in which a Governor was elected, requesting the Board of Township Trustees to submit the proposed amendment to the electors of such area, for approval or rejection, at the next primary or general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take effect immediately.

## **Article VII. APPEALS AND VARIANCES**

### ***Article VII.1 - Appeals***

Any official action of the Zoning Inspector may be appealed by any person aggrieved, or by any officer of the Township affected by the decision of the Zoning Inspector. The procedures to be followed shall be as specified in Sections 519.14 through 519.15 of the Ohio Revised Code, as may be amended.

### ***Article VII.2 - Notice of Appeal***

A notice of appeal may be filed with the Clerk of the Township by any person aggrieved including a tenant, or by a governmental officer, department, board, or bureau. Such appeal shall be taken within twenty (20) days after the date of the decision, and shall be in writing, signed by the appellant, specifying the grounds of the appeal. A copy of the action by the Zoning Inspector shall be attached to the notice of appeal. Within five (5) days from the date of receipt of such appeal, the Clerk of the Township shall transmit said notice to the Board of Zoning Appeals.

### ***Article VII.3 - Action by the Board of Zoning Appeals***

Upon receipt of the notice of appeal, the Board of Zoning Appeals shall fix a reasonable time for the appeal, give ten (10) days notice in writing to parties in interest, give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in Perry County at least ten (10) days before the date of such hearing, and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney.

### ***Article VII.4 - Variances***

The Board of Zoning Appeals shall have the power to authorize, in specific cases, such variances from the provisions of this Resolution as will not be contrary to the public interest. Such variances shall be granted only in cases of special conditions, involving physical conditions of the land, whereby strict application of such provisions or requirements would result in practical difficulty and unnecessary hardship that would deprive the owner of the reasonable use of the land and buildings involved. No variance from strict application of any provision of this Resolution shall be granted by the Board unless it finds that all the following facts and conditions exist:

- A. That there are unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions specific to the land or building for which the variance is sought, and such conditions do not apply generally to land or buildings in the neighborhood or district in which the property is located.
- B. That, because of such physical conditions, there is limited possibility that the property can be developed in strict conformity with the provisions of the Zoning Resolution and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such necessary hardship has not been created by the applicant.
- D. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.



Under no circumstance shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district.

### ***Article VII.5 - Application for Variance***

Any owner, or his/her agent, may file an application to obtain a variance or appeal from the decision of the Zoning Inspector. An application for a variance shall be filed in triplicate with the clerk of the Township. The clerk shall forward such application to the Secretary of the Board of Zoning Appeals, within five (5) days from receipt of the completed application. Any incomplete application may be subject to delays in processing until such application is complete.

The application for a variance or an appeal shall contain the following information:

- A. Name, address, and phone number of the applicant.
- B. Legal description of property as recorded in Perry County Recorder's office.
- C. A map or drawing to approximate scale, showing the dimensions of the lot and any existing or proposed building.
- D. The names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Perry County Auditor's current tax list.
- E. Each application for a variance shall refer to the specific provisions of this Resolution which apply.
- F. A narrative statement explaining the following:
  - The use for which variance or appeal is sought.
  - Details of the variance or appeal that is applied for and the grounds on which it is claimed that the variance or appeal should be granted, as the case may be.
  - The specific reasons why the variance is justified, according to Section VII.4, letters A-D.

### ***Article VII.6 - Public Hearing by the Board of Zoning Appeals***

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after receipt by the Secretary of an application for a variance. Notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

### ***Article VII.7 - Action by Board of Zoning Appeals***

Within thirty (30) days after the public hearing pursuant to Section 7.06 above, the Board of Zoning Appeals shall either approve, disapprove, or approve with supplementary conditions the request for variance. In granting any variance, the Board of Zoning Appeals may prescribe appropriate and reasonable conditions. Violation of the conditions and/or safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Resolution under Section 4.10 of this Resolution.

If the application is approved, or approved with conditions, the Board of Zoning Appeals shall make a finding that the reasons set forth in the application justify the granting of the variance and will permit a reasonable use of the land, building or structure. The Board of Zoning Appeals shall transmit a written copy of its decision and findings to the Zoning Inspector, who shall forward such copy to the applicant. If the request for appeal or variance is denied, the applicant may seek relief through the Court of Common Pleas.

## **Article VIII. CONDITIONAL USES**

### ***Article VIII.1 - Authority and Purpose***

Under some unusual circumstances, a use of property which typically affects an area more intensely than those uses permitted in the zoning district in which it is located may nonetheless be desirable and compatible with permitted uses, if that use is properly controlled and regulated. Such uses shall be listed as "conditional uses" within the respective zoning districts.

The Board of Zoning Appeals may grant conditional approval for use of the land, buildings, or other structures and may allow such a use to be established where unusual circumstances exist and where the conditional use will be consistent with the general purpose and intent of this Zoning Resolution.

### ***Article VIII.2 - Application for Conditional Use***

Any person owning or having an interest in property may file an application to use such property for one of the conditional uses provided for by this Resolution in the zoning district in which the property is situated. An application for a conditional use shall be filed with the Clerk of the Township, who shall forward within five (5) days a copy to the Secretary of the Board of Zoning Appeals. At a minimum the application shall contain the following information:

- A. Name, address, and phone number of applicant.
- B. Legal description of the property as recorded in the Perry County Recorder's office.
- C. Present zoning district.
- D. Description of proposed conditional use.
- E. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this Resolution.
- F. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, light, fumes and vibration on adjoining property; and a discussion of the general compatibility with adjacent and other properties in the district.
- G. The names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Perry County Auditor's current tax list. The applicant shall also provide the addresses of all property within the above referenced boundaries.
- H. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Board.

### ***Article VIII.3 - General Standards for Conditional Uses***

In addition to the specific requirements for conditional uses as specified in the district regulations, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that such use at the proposed location meets all of the following requirements:

- A. The use is in fact a conditional use as established under the district regulations.
- B. The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- C. The use will not pose a discernible hazard to existing adjacent uses.
- D. The use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools.
- E. The use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- F. The use will be consistent with the objectives of this Zoning Resolution and any adopted comprehensive plan for the area.

***Article VIII.4 - Supplementary Conditions***

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformance with this Resolution.

***Article VIII.5 - Public Hearing by the Board of Zoning Appeals***

The Board shall hold a public hearing within thirty (30) days from the receipt of the application specified in Section 8.02. The requirements for public notice and notification of parties of interest shall be the same as for a variance, as specified in Section 7.06 of this Resolution.

***Article VIII.6 - Action by the Board of Zoning Appeals***

Within thirty (30) days after the public hearing pursuant to Section 8.05, the Board shall either approve, approve with supplementary conditions as specified in Section 8.04, or disapprove the application as presented. If the application is approved with supplementary conditions, the Board shall direct the Zoning Inspector to issue a zoning certificate listing the specific conditions listed by the Board for approval. If the application is disapproved, the applicant may seek relief through the Court of Common Pleas.

***Article VIII.7 - Expiration and Revocation of Zoning Certificate Issued Under Conditional Use Provisions***

The approval of the zoning certificate issued in accordance with Section 8.06 shall become null and void if such use is not carried out within one (1) year after date of approval. The Board may revoke the zoning certificate upon written evidence by any resident or official of the Township of violation of the Zoning Resolution and/or written terms and conditions upon which approval was based.

**Article IX. (RESERVED FOR FUTURE USE)**

**Article X. (RESERVED FOR FUTURE USE)**

**PART TWO**  
**ZONING DISTRICTS**

## Article XI. STANDARD ZONING DISTRICT REGULATIONS

### *Article XI.1 - Regulations for the Use and Development of Land or Structures*

Regulations pertaining to the use of land and/or structures and the physical development thereof within each of the zoning districts as established in Article XII, are hereby established and adopted.

### *Article XI.2 - Rules of Application*

#### *11.2.1 Identification of Uses*

Listed uses are to be defined by their customary name or identification, except as specifically defined or limited in this Resolution.

#### *11.2.2 Permitted Uses*

- A. Only a use designated as permitted shall be allowed as a matter of right in any zoning district, and any use not so designated shall be prohibited unless:
  - A permitted use may be added to a zoning district by formal amendment, in conformance with Article IV of this Resolution.
  - An unlisted use may be determined by the Board of Zoning Appeals to be a similar use, in accordance with Section 11.02.05 of this Article.
- B. In no case shall there be more than one (1) principal building used as a residence on any single lot of record.

#### *11.2.3 Accessory Uses*

An accessory use or structure is a subordinate use or structure clearly incidental and secondary to the principal permitted building or use, and located on the same lot with such principal building or use. Accessory uses or structures shall be allowed in accordance with the specific district regulations and the requirements of Article XXV of this Resolution.

#### *11.2.4 Conditional Uses*

A use designated as a conditional use shall be allowed in the zoning district where the designation occurs, when such use, its location, extent and method of development will not substantially alter the character of the vicinity or unduly interfere with or adversely impact the use of adjacent lots. To this end, the Board of Zoning Appeals shall, in addition to the development standards for the specific district, set forth additional requirements as will render the conditional use compatible with existing and future use of adjacent lots in the vicinity, in accordance with Article IX of this Resolution.



### *11.2.5 Similar Uses*

Determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of use regulations of the district and not as a variance applying to a particular situation. Any use found similar shall thereafter be considered as a permitted use in that district.

Applications for zoning permits for uses not specifically listed in the permitted building or use classifications of the zoning district, which the applicant feels qualify as a similar use under the provisions of this Section, shall be submitted to the Board of Zoning Appeals.

Within thirty (30) days after such submittal, the Board of Zoning Appeals shall determine whether the requested use is similar to those uses permitted in the specific district. In order to find that a use is similar, the Board shall find that all of the following conditions exist:

- A. Such use is not listed as a permitted or conditional use in another zoning district.
- B. Such use conforms to basic characteristics of the classification to which it is to be added and is more appropriate to it than to any other classification.
- C. Such use creates no danger to health and safety, creates no offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences, and does not create traffic congestion to an extent greater than normally resulting from use~ listed in the classification to which it is to be added.

### *11.2.6 Development Standards*

Development standards set forth shall be the minimum allowed for uses permitted in that district. If development standards are in conflict with requirements of any other lawfully adopted rule, regulation, or law, the most restrictive standard shall govern.

### *11.2.7 Development Plan*

For particular uses in specific districts, a Development Plan will be cited as required. In such cases, the Development Plan shall be submitted by the applicant at the time the property is zoned into the district, or at the time of the application for a conditional use or zoning certificate, which ever is deemed appropriate by the Board of Zoning Appeals.

The Development Plan shall contain a site plan for the property, drawn to scale, showing all property lines and building outlines, access drives, parking areas, and other notable physical features. The Development Plan shall also show the size, design, materials and location of all signage proposed for the development. The Development Plan shall contain a narrative description of the proposed use and how such use will impact adjacent residential property.

If required, the Development Plan shall be reviewed by the Zoning Commission and/or the Board of Zoning Appeals and must be approved as a condition for the issuance of a zoning certificate. In approving a Development Plan, the Zoning Commission and/or

Board of Zoning Appeals shall find that the following criteria have been met:

- A. The proposed building or use shall have sufficient yard space to provide for adequate parking and screening of adjacent residential areas in accordance with this Article.
- B. The Development Plan for the proposed facility has incorporated measures to lessen and/or alleviate adverse impacts on adjacent residential areas and to protect the residential character of such areas.
- C. The location, design and operation of the proposed use shall not impose undue adverse impacts on surrounding residential neighborhoods.

In reviewing the Development Plan, the Zoning Commission and/or Board of Zoning Appeals has the authority to seek the recommendation of other public and/or private entities, as appropriate on specific issues.

## **Article XII. ZONING DISTRICTS AND ZONING DISTRICT MAP**

### ***Article XII.1 - Zoning Districts Established***

The following zoning districts are hereby established for Thorn Township:

- (RR) Rural Residential District
- (NRD) Northwest Residential District
- (UR) Urban-Density Residential District
- (I) Industrial District
- (SU) Special Use District
- (PRB) Planned Residential Development/District
- (FP) Flood Plain Overlay District

### ***Article XII.2 - Official Zoning Map***

The districts established in Section 12.01 of this Resolution are shown on the Official Zoning District Map which, together with all notations, references, data, district boundaries and other explanatory information, is hereby adopted as a part of this Resolution. The Official Zoning District Map shall be identified by the signatures of the Board of Township Trustees and the Clerk and shall be on file in the Township offices.

### ***Article XII.3 - Interpretation of Zoning District Boundaries***

Except where referenced and noted on the Official Zoning District Map by a designated line and/or dimensions, the district boundary lines are intended to follow property lines, lot lines, center lines of streets, alleys, streams and/or railroads as they existed at the time of passage of this Resolution. The Zoning Inspector shall interpret the boundary lines from the zoning map. When and if the Zoning Inspector's interpretation of such boundary line is disputed, the final interpretation authority shall rest with the Board of Zoning Appeals.

## **Article XIII. (RR) RURAL RESIDENTIAL DISTRICT**

### ***Article XIII.1 - Purpose***

The Rural Residential District is established to promote the continuance of agriculture and farm- based uses and to provide areas for a variety of low density single family residential environments reflecting a rural life-style. Such development is typically not served by public water or sewer systems.

### ***Article XIII.2 - Agricultural Uses Defined***

"Agricultural use" means the same as stated in Section 519.01 of the Ohio Revised Code, as may be amended, to include farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including but not limited to the care and raising of livestock, equine and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber pasturage; any combination of the foregoing; the processing, drying, storage and marketing of agricultural products when those are conducted in conjunction with, but are secondary to, such husbandry or production.

### ***Article XIII.3 - Permitted Uses***

- A. Agricultural uses, along with customary agricultural buildings and structures incidental to the carrying out of the principal agricultural activity, and/or no more than one single-family detached dwelling, subject to the provisions of section 13.02 above.
- B. One-family detached nonfarm dwellings.
- C. Projects specifically designed for watershed protection, conservation of water or soils for flood control.
- D. Temporary seasonal roadside stands offering for sale primarily agricultural products grown on the premises, subject to the provisions of ORC 512.21 (C).

### ***Article XIII.4 - Accessory Uses***

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools, tennis courts and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of Article XXV of this Resolution.
- B. Home occupations, subject to the requirements of Section 25.02 of this Resolution.

### ***Article XIII.5 - Conditional Uses***

- A. Farm-based occupations, which may exceed the requirements for home occupations as specified in Section 25.02 of this Resolution. Such farm-based occupations shall be subject to the following:
  - 1. A farm-based occupation could involve a wide range of activities, provided it remains secondary to and compatible with active farm use of the property. Examples include

woodworking and furniture production, metal or machine work, farm machinery repair/service.

2. Evidence shall be provided that all wastes associated with the farm occupation will be disposed in a manner consistent with State and/or Federal regulations.
3. The use shall be conducted primarily within enclosed buildings. Any new building constructed for use by the farm occupation shall be of a design so that it can be readily converted to agricultural use, or removed, if the farm occupation is discontinued.
4. Any sign used for the farm occupation shall not exceed eight (8) square feet in size.

- B. Public parks and nature preserves.
- C. Golf courses, provided clubhouses, maintenance facilities and parking areas are at least 200 feet from any adjacent property.
- D. Churches and places of public worship provided the seating of the main sanctuary does not exceed 400 persons.
- E. Cemeteries containing not more than 200 gravesites, provided that a distance of not less than fifty (50) feet is maintained from burial plots and any structures to any adjacent property line.

#### ***Article XIII.6 - Development Standards***

##### ***13.6.1 Minimum Lot Area***

For single-family nonfarm dwellings, the lot area shall be not less than three and one-half (3.5) acres, or such size as determined by the Perry County Health Department, whichever is larger. For other permitted uses, the lot area shall not be less than five (5) acres.

##### ***13.6.2 Minimum Lot Width***

All lots shall have a minimum lot width of 300 feet.

##### ***13.6.3 Minimum Front Yard Depth***

All nonfarm structures shall be located not less than 80 feet from the center line of any county or township road; 150 feet from the center line of any federal or state highway.

##### ***13.6.4 Minimum Side Yard Width***

Twenty (20) feet.

##### ***13.6.5 Minimum Rear Yard Depth***

Forty (40) feet.

13.6.6 *Minimum Building Area*

900 square feet shall be required for single-family dwellings having one (1) story; 1,400 square feet of total living area shall be required for single-family dwellings with one-and-one-half (1 1/2) or two (2) stories.

13.6.7 *Maximum Building Height*

Thirty-five (35) feet.

13.6.8 Permit for Driveway Installation Required.

Before any zoning certificate is issued, the applicant shall provide documentation that approval for driveway installation can be obtained for all home sites, from the Ohio Department of Transportation or other applicable authority.

**Article XIV. RESERVED FOR FUTURE USE**

## **Article XV. (NRD) NORTHWEST RESIDENTIAL DISTRICT**

### ***Article XV.1 - Purpose***

It is recognized that areas of Thorn Township located North of State Route 204, East of Custer's Point Road, West of Zion Road to the property bounded by the Village of Thornville, property North to Buckeye Lake, West of Inlet Canal at Honey Creek Road in Thornport and properties adjacent to the South shore of Buckeye Lake are subject to unique developmental factors and characteristics. The LR District is formed to reflect these unique factors by providing for the continuance of single-family housing and improvement to these properties, thereby encouraging private reinvestment and revitalization. At the same time, new construction in the area must occur within the context of adequate development standards.

Existing property in the LR District may be characterized by patterns of mixed land use and development practices that would not be permitted under the provisions of this LR District. It is the intent of this Ordinance, and this district in particular, to protect and preserve the basic property rights of such existing nonconforming structures and uses, while encouraging new development to meet a higher standard. Specific provisions are made for the continuance, substitution and extension of such use, pursuant to Article V of this Resolution.

### ***Article XV.2 - Permitted Uses***

- A. One-family detached dwellings.
- B. Public parks, playgrounds and open space.

### ***Article XV.3 - Accessory Uses***

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools and tennis courts and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of Article XXV of this Resolution.
- B. Home occupations, subject to the requirements of Section 25.02 of this Resolution.
- C. The following guidelines apply to boat docks, covered docks, and boat houses:
  - No limit on number of docks a landowner can have
  - Side yard set-back of 8 feet
  - Rear set-back of 10 feet
  - Perpendicular walkways limited to 4 feet in width
  - Walkways limited to 4 feet in width and may not extend past shoreline
  - Utilities limited to electric and water
  - If a landowner wishes to build a covered or enclosed boathouse it must be constructed on the landowners property and not to extend past current shoreline
  - Overall height of the structure will not exceed 18 feet measured from the walkway of the dock
  - No roofed docks will be allowed to extend past shoreline
  - Roof overhangs may not extend past the homeowners property line
  - Any storage located above a covered boat dock shall be uninhabitable, (reference section 25.02)

### ***Article XV.4 – Conditional Uses***



Churches and places of public worship, provided the seating capacity of the sanctuary is not more than 300 persons.

***Article XV.5 - Development Standards***

***15.5.1 Minimum Lot Area***

¾ of an acre of land with 150 feet of road frontage, provided that public utilities (i.e., water, sewer) are available at the time of construction.

*(only affects lots that are platted after Zoning Revision date of October 11, 2017. Prior lots – Minimum lot area 20,000 square feet)*

***15.5.2 Minimum Lot Width***

100 feet.

***15.05.03 Minimum Front Yard Depth***

Fifty (50) feet, or the distance of the most proximate existing principal structures on the same side of the street and facing thereon within the same block, whichever is less; however, in no case shall any front yard be less than ten (10) feet from the property line.

***15.5.4 Minimum Side Yard Depth***

Ten (10) feet.

***15.5.5 Minimum Rear Yard Depth***

Fifteen percent (15%) of lot depth, but not less than thirty (30) feet.

***15.5.6 Minimum Area of Principal Building***

1500 square feet of total living area shall be required for a single family dwelling having one story; 2,000 square feet shall be required for single family dwellings with one-and-one-half (1 1/2) or two (2) stories.

*For lots platted prior to Zoning Revision Date October 11, 2017 – 900 square feet of total living area shall be required for a single family dwelling having one story; 1,500 square feet shall be required for single family dwellings with one-and-one-half (1 ½) or two (2) stories.*

***15.5.7 Maximum Building Height***

Thirty-five (35) feet.

1500 square feet of total living area shall be required for a single family dwelling having one story; 2,000 square feet shall be required for single family dwellings with one-and-one-half (1 1/2) or two (2) stories.

*For lots platted prior to Zoning Revision Date October 11, 2017 – 900 square feet of total living area shall be required for a single family dwelling having one story; 1,500 square feet shall be required for single family dwellings with one-and-one-half (1 ½) or two (2) stories.*

15.5.7

*Maximum Building Height*  
Thirty-five (35) feet.

## **Article XVI.(UR) URBAN-DENSITY RESIDENTIAL DISTRICT**

### ***Article XVI.1 - Purpose***

The UR District is established to provide areas for specific alternative forms of rural residential development, including manufactured and multiple-family housing, thereby allowing for a diversity of housing opportunity and choice within Thorn Township. The Township recognizes that such housing may have unique characteristics that require special treatment related to location, placement and land use compatibility. The generally higher residential densities allowed in the UR District mean that the district is intended to be used in areas served by public water and sewer.

### ***Article XVI.2 - Permitted Uses***

- A. Single-family detached dwellings, subject to the development standards of the RR District.
- B. Manufactured home communities, subject to the development standards below and approval of a Development Plan.
- C. Public parks, playgrounds and play fields.

### ***Article XVI.3 - Accessory Uses***

- A. Home occupations, subject to the regulations of Section 25.02 of this Resolution.
- B. Accessory buildings or structures customarily associated with single-family residential use, including but not limited to detached garages or carports, tool or garden sheds, playhouses, swimming pools, tennis courts and similar facilities for primary use by occupants of the principal use of the property on which the principal use is located, subject to the requirements of Article XXV of this Resolution.

### ***Article XVI.4 - Conditional Uses***

- A. Multiple-Family Housing, provided that the lot is provided with public water and sewer, and subject to the submittal and approval of a Development Plan by the Zoning Commission.
- B. Cluster housing, provided that the overall density of the residential development, including open space, does not exceed that which would result if the project was constructed to the standards of the RR District, and subject to the submittal and approval of a Development Plan by the Zoning Commission.

### ***Article XVI.5 - Modular and Permanently Sited Manufactured Homes***

Pursuant to Section 519.212(A) of the Ohio Revised Code, modular and/or permanently sited manufactured homes, as defined in Article II of this Resolution, shall be considered as a permitted use in any district that permits single-family dwellings.

## ***Article XVI.6 - Development Standards***

### ***16.6.1 Manufactured Home Communities and/or Multiple-Family Housing***

#### **A. Development Plan**

- A Development Plan pursuant to the requirements of Section 11.02.07 of this Resolution shall be required.

#### **B. Water and Sewer**

- Any development shall be provided with a water and sanitary sewer distribution system, serving each individual housing unit or lot, which is connected to a public water and sanitary sewage system. The design and construction of such distribution systems shall be approved by the Ohio Environmental Protection Agency.

#### **C. Minimum Lot Area**

- The minimum lot area for any single project shall be ten (10) acres. Individual lots within a manufactured home community shall be not less than 4,000 square feet in area, and the maximum gross density shall not exceed six (6) dwelling units per acre. For multiple family housing, a minimum of 3,500 square feet of aggregate lot area per dwelling unit shall be provided.

#### **D. Minimum Lot of Width**

- The minimum lot width for any single project shall be not less than 400 feet. Such frontage shall be provided on a publicly dedicated and improved street. The minimum lot width for any individual lot within a manufactured home community shall be not less than thirty (30) feet.

#### **E. Minimum Front Yard**

- The minimum front yard depth for any single project shall be not less than 150 feet from the center line of any roadway.

#### **F. Minimum Side Yard Width**

- The minimum side yard width for any single project shall be not less than fifty (50) feet from any adjacent property line. The minimum side yard width for any individual lot within a manufactured home community shall be not less than ten (10) feet

#### **G. Minimum Rear Yard Depth**

- The minimum rear yard depth for any project shall be not less than eighty (80) feet. The minimum rear yard depth for any individual lot within a manufactured

- home community shall be not less than ten (10) feet.

#### H. Required Open Space and Recreational Areas

- At least twenty percent (20%) of the gross land area for any manufactured home community or multiple-family project shall be reserved for common recreational areas and facilities, such as playgrounds, swimming pools, pedestrian paths, and similar facilities. Such recreational and open space facilities shall not be a part of streets and/or parking areas, and shall be closed to motorized traffic, except for service and emergency vehicles. Such areas shall be landscaped, improved and maintained by the owner of the development for the intended uses.

#### I. Off-Street Parking

- Parking spaces shall be provided for two (2) vehicles for each dwelling unit. Such parking spaces may be located on the same lot, or in specially provided common areas located not more than 600 feet from the dwelling which they serve, or some combination thereof. Required parking spaces shall not be provided on public or private streets within and on the perimeter of the community.

#### J. Access

- All projects shall have direct access to a public street or road. Principal vehicular access points shall be designed to encourage smooth traffic flow. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated traffic volumes indicate need. Minor streets shall not be connected with streets outside the district in such a way so as to encourage the use of those streets by substantial amounts of through traffic. No individual lot within the community shall have direct vehicular access to a street bordering the development.

#### K. Streets and Street Layout

- All streets or drives providing access to the individual lots in a manufactured home community shall be dimensioned and improved in accordance with the standards and requirements of the Perry County Subdivision Regulations. The proposed layout of such streets shall be approved by the Zoning Commission. In making such determinations, the Commission may procure the assistance of an engineer or other professional. In such case, all costs associated with such approval shall be paid by the applicant.

#### L. Storm Drainage

- All areas shall be graded and drained so as to minimize standing water and surface runoff. Open drainage ditches shall be prohibited. The proposed methods to address standing water and excessive surface runoff shall be submitted by the applicant and approved by the Perry County Engineer, or his designated agent.

- All costs associated with such approvals shall be paid by the applicant.

M. Underground Utilities

- All utility lines, including electricity, telephone, and cable television shall be located underground.

N. Outside Assistance

- The Township reserves the right to procure outside consultants to provide engineering or similar input in the evaluation and/or assessment of the Development Plan required in Section 16.05.01A above. In the event such input is deemed necessary by the Zoning Commission, the costs of such assistance shall be paid by the applicant.

16.6.2 *Other Permitted Uses*

A. Minimum Lot Area

- 20,000 square feet.

B. Minimum Lot Width

- For each principal use, there shall be lot width of not less than 100 feet with continuous frontage on a publicly dedicated, improved roadway within the development. Minimum lot width on curved street shall be 60 feet. In addition, lot width shall be sufficient to maintain a lot length-to-lot width ratio of not greater than 3:1.

C. Minimum Front Yard Depth

- 100 feet from the center line of any roadway.

D. Minimum Side Yard Width

- Fifteen (15) feet.

E. Minimum Rear Yard Depth

- Forty (40) feet.

F. Minimum Building Area

- 900 square feet shall be required for single-family dwellings having one (1) story; 1,100 square feet of total living area shall be required for single-family dwellings with one-and-one-half (1 1/2) or two (2) stories;

G. Maximum Building Height

- Thirty Five (35) feet

**Article XVII.**  
**RESERVED FOR FUTURE USE**

## Article XVIII. (RB) RURAL BUSINESS DISTRICT

### *Article XVIII.1 - Purpose*

The RB District is established to provide areas for a diverse range of commercial and business activity within specific areas of Thorn Township, while controlling the adverse impacts of this development on nearby residential uses.

### *Article XVIII.2 - Permitted Uses*

- A. Administrative, business and professional offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers, to include real estate and insurance sales and associated services, brokers and dealers in securities, medical, legal, engineering/consulting, and/or accounting/bookkeeping services.
- B. Organizations and associations organized on a profit or non-profit basis for promotion of membership interests, including business, professional, civic, social and fraternal organizations and/or charitable organizations.
- C. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of those goods, provided all storage and display of merchandise shall be within the principal structure,
- D. Personal services involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible personal consumption, including:
  - 1. Restaurants, bars and taverns.
  - 2. Banks, savings and loans, and credit agencies.
  - 3. Barber and beauty shops, having no more than three work stations.
  - 4. Funeral services.
  - 5. Radio, television or small appliance repair.
  - 6. On-premises duplication and reproduction services.
  - 7. Equipment rental or leasing, not to include the outside storage of equipment.
- E. Nursery schools and day care facilities.
- F. Commercial recreational facilities within an enclosed building, such as skating rinks, bowling alleys and physical fitness centers.
- G. Hotels and motels.
- H. Garden centers.
- I. Outdoor advertising, subject to the requirements of Section 27.05 of this Resolution.



- J. Similar uses, as determined by the Board of Zoning Appeals, in accordance with the provisions by Section 11.02.05 of this Resolution.

***Article XVIII.3 - Conditional Uses***

- A. Institutions for human care, including congregate or group homes, hospitals, clinics, sanitariums and homes for the elderly, provided that any building or parking/service area be located not less than 200 feet from any adjacent property.
- B. Kennels or animal hospitals, provided all buildings and outside runs are located not less than 200 feet from any adjacent residential property.
- C. Any and all establishments with drive-through/pick-up facilities, provided a plan for traffic circulation and parking, submitted by the applicant, is approved by the Zoning Commission.
- D. Establishments selling gasoline, kerosene and/or diesel fuel, provided that all buildings and parking/service areas are located not less than 200 feet from any adjacent property and that a plan for traffic circulation and parking, submitted by the applicant, is approved by the Zoning Commission.
- E. Motor vehicle sales and service establishments, provided that all buildings and parking/service areas are located not less than 200 feet from any adjacent property. In addition, a specific plan for the storage and/or display of inoperable, unlicensed or unused vehicles shall be submitted and approved by the Board of Zoning Appeals. Generally, the outside storage of vehicles other than inventory currently for sale or lease shall be discouraged.
- F. Contractor equipment and storage yards, provided adequate fencing and screening devices are installed.
- G. Facilities for the storage of personal or corporate property offered on a rental basis.

***Article XVIII.4 - Development Standards***

*18.4.1 Minimum Lot Area*

No minimum lot area is required; however, lot area shall be adequate to provide for the required parking and yard areas as specified below.

*18.4.2 Minimum Lot Width*

At least 150 feet continuous frontage on a publicly dedicated and improved federal, state, county highway, or township road is required. Such lot width shall be adequate to accommodate all required parking areas, yards and vehicle circulation lanes.

18.4.3 *Minimum Front Yard Depth*

150 feet from the center line of any arterial, state or federal highway; Ninety (90) feet from the center line of any county road.

18.4.4 *Minimum Side Yard*

When abutting a non-residential zoning district, twenty (20) feet for structures, ten (10) feet for paved areas: When abutting a residential zoning district, fifty (50) feet for structures, thirty-five (35) feet for paved areas.

18.4.5 *Minimum Rear Yard*

When abutting a non-residential zoning district, thirty (30) feet for structures, ten (10) feet for paved areas: When abutting a residential zoning district, fifty (50) feet for structures, thirty-five (35) feet for paved areas.

18.4.6 *Parking and Loading*

Parking and loading spaces shall be provided as required in this Resolution. In addition, parking spaces shall be designed to allow a minimum of five (5) feet between any structure and any parked vehicle.

18.4.7 *Trash and Garbage Control*

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

18.4.8 *Lighting*

Lighting shall be arranged so as not to shine directly on adjacent properties. The Zoning Commission shall specifically consider the impacts of lighting in the proposed rezoning of any property into the RB District. In specific cases, the Zoning Commission may require screening or similar techniques be employed to reduce the impacts of lighting on adjacent residential properties.

## **Article XIX. (I) INDUSTRIAL DISTRICT**

### ***Article XIX.1 - Purpose***

The purpose of the Industrial District is to provide suitable areas for a range of industrial activities, while protecting the character of adjacent and nearby residential and commercial areas. Permitted uses within the Industrial District must operate:

- A. Primarily within enclosed structures.
- B. With minimal adverse environmental or economic impact on adjacent properties.
- C. Substantially free from noise, odor, dust, smoke, light, glare or vibration at levels in excess of the average level on adjacent streets and properties.

### ***Article XIX.2 - Permitted Uses***

- A. Light manufacturing, compounding, processing, assembling, packaging, or treatment of goods, materials, and products, consistent with the purposes of the I District.
- B. Warehousing, distribution and related uses, including truck and transfer terminals.
- C. Administrative, professional and business offices associated with and incidental to another permitted use.
- D. Outdoor advertising, subject to the requirements of Section 27.05 of this Resolution.
- E. Similar uses, as determined by the Board of Zoning Appeals, in accordance with the provisions of Section 11.02.05 of this Resolution, and the purpose of the Industrial District.

### ***Article XIX.3 - Conditional Uses***

- A. Motor vehicle storage and salvage yards, provided those uses meet applicable State requirements related to fencing and other standards.
- B. Contractor equipment and storage yards, provided adequate fencing and screening devices are installed.
- C. Quarrying or mining operations, provided that all County, State and Federal regulations are met and licenses are obtained. The Board of Zoning Appeals may impose additional requirements as may be reasonable and appropriate.
- D. Structures and sites associated with drilling for oil and/or natural gas.
- E. Sanitary landfills and similar facilities for the processing and/or disposal of waste materials, provided that all required licenses and permits are obtained. The Board of Zoning Appeals may impose additional requirements as may be reasonable and appropriate.

### ***Article XIX.4 - Minimum Development Standards***

#### ***19.4.1 Minimum Lot Area***

No minimum lot size is required; however, all principal and subordinate uses and structures, including parking and paved areas, shall be located not less than 500 feet from any district where residences are a permitted use, and not less than 50 feet from any other zoning district.

19.4.2 *Minimum Lot Width*

150 feet of minimum lot width is required; however, all lots shall abut a publicly dedicated and improved street and shall have adequate width to provide for yard spaces and parking areas as specified below.

19.4.3 *Side Yards*

When abutting a non-residential zoning district, twenty (20) feet for structures, ten (10) feet for paved areas; when abutting a residential zoning district, 100 feet for structures, fifty (50) feet for paved areas.

19.4.4 *Front Yard Depth*

Any new structure or parking area must be located not less than 150 feet from the centerline of the road or highway on which the use has frontage.

19.4.5 *Minimum Rear Yard Depth*

Minimum rear yard depth shall be required so as to meet the requirements of Section 19.04.01 of this Resolution.

19.4.6 *Height*

No structure shall exceed a height of forty (40) feet.

19.4.7 *Trash and Garbage Control*

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

## Article XX. (SU) SPECIAL USE DISTRICT

### *Article XX.1 - Purpose*

The Special Use District (SU) is established to provide for suitable locations for particular uses which, by their nature, are likely to have significant and/or unique impacts on adjacent and nearby property. The procedures specified for the SU District are intended to promote the compatibility of the use with adjoining residential uses and to ensure that the location of such facilities will provide for adequate and efficient access and service provision.

### *Article XX.2 - Permitted Uses*

Buildings and land used for purposes specified on the following schedule shall require zoning in the SU District:

#### **PRIMARY BUILDINGS AND USES**

1. Public buildings, meeting halls, schools, libraries, museums, and similar places for public assembly.
2. Churches and places of public worship with more than 500 seats in the main sanctuary.
3. Cemeteries, including mausoleums having more than 200 grave sites.
4. Commercial facilities such as stadiums, amphitheaters, racetracks or similar facilities for conducting sporting events, concerts and similar outdoor events.
5. Commercial recreational areas such as gun clubs, summer camps and similar entertainment uses.
6. Campgrounds where fees are charged for the temporary parking of recreational vehicles, erection of tents, or similar camping equipment.

#### **ACCESSORY USES**

- Parking areas.
- Parking areas, parsonages.
- Sexton's or caretaker's dwellings
- Parking areas, administrative and maintenance structures.
- Accessory' structures.
- Customary maintenance an/or support structures

***Article XX.3 - Development Plan Required***

In addition to the material required for the application for a zoning amendment, as specified in Article VI of this Resolution, a Development Plan shall be submitted for land proposed to be zoned into the SU District. Such Development Plan shall include a site plan for the proposed project including setbacks, any signage, an analysis of facility's impact on any adjacent residential area and explanation of the methods proposed by the applicant to alleviate or minimize these impacts, as well as any other information deemed necessary to determine compliance with this Resolution.

The Development Plan shall be reviewed by the Zoning Commission and considered in making its recommendations to the Township Trustees. The Zoning Commission shall display the Development Plan at any public hearing held pursuant to Article VI of this Ordinance. Criteria for reviewing a Development Plan for a proposed SU zoning are as follows:

- A. The proposed building or use shall have sufficient yard space to provide for adequate parking and screening of adjacent residential areas in accordance with this Article.
- B. The Development Plan for the proposed use has incorporated measures to address, lessen and/or alleviate adverse impacts on adjacent areas and to protect

***Article XX.4 - Development Standards***

- A. Lot and Area Requirements

The area or parcel of land for a special use shall not be less than that required to provide space adequate for off street parking areas, yards and open spaces sufficient to maintain the character of the neighborhood. The size of the parcel of land occupied by the proposed use, and all setbacks, shall be shown on the Development Plan required in Section 20.03.

- B. Front Yard

The front yard setback shall be not less than the largest required front yard setback for any adjacent zoning district.

- C. Side and Rear Yards

Where any special use abuts a district where residences are a permitted use, a side yard of not less than fifty (50) feet and a rear yard of not less than eighty (80) feet shall be maintained. In addition, a landscaped buffer shall be installed in such yard. The minimum dimension of yards abutting other districts shall be determined by the Zoning Commission.

***Article XX.5 - Action by the Board of Township Trustees***

In approving the redistricting of land into the SU District, the Board of Township Trustees may specify appropriate conditions and/or safeguards. Violation of these conditions or safeguards shall be considered as a violation of the provisions of this Resolution, subject to the penalties as specified in

Article IV.

*Article XX.6 - Compliance with the Development Plan*

The construction of all buildings and the development of the site within the SU District shall be in conformity and compliance with the approved Development Plan.

## **Article XXI. (PRD) PLANNED RESIDENTIAL DEVELOPMENT**

### ***Article XXI.1 - Purpose***

The PRD District is established to provide areas in Thorn Township for residential developments containing a variety of housing densities and a mixture of uses. The further purpose of the district is to achieve:

- A. A greater choice of living environments by allowing a variety of housing and building types and densities within a single development.
- B. A development pattern which preserves and utilizes natural terrain and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns.
- C. A more efficient use of land than is generally achieved through conventional development, resulting in substantial savings through shorter utilities and streets.
- D. A development pattern in harmony with land use, density, transportation, and community facilities objectives of the Township.

### ***Article XXI.2 - Definition***

"Planned Residential Development", or PRD, shall mean an area of land in which a variety of housing types and facilities are accommodated in a planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The approval of such development contains requirements in addition to those of the standard zoning districts, such as building design principles, and landscaping plans.

### ***Article XXI.3 - Permitted and Conditional Uses***

Permitted and conditional uses within the LR, UR and/or RB Districts may be combined in the PRD District.

### ***Article XXI.4 - Project Area***

The gross area of a tract of land proposed to be developed in a single PRD District shall be a minimum of ten (10) acres. This requirement may be waived by the Zoning Commission if all property abutting the subject tract is platted and/or developed.



### ***Article XXI.5 - Common Open Space***

A minimum of twenty percent (20%) of the gross area of any planned residential development project shall be reserved for common open space and/or recreational facilities. Such common open space shall be restricted by easement, covenant, deed or dedication. Public utility and similar easements and rights-of-way for water courses or other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a bikeway, trail or similar facility and has been approved by the Board of Township Trustees in the review of the Development Plan.

### ***Article XXI.6 - Utilities***

All electrical, telephone, cable television, and similar utility transmission and distribution lines shall be located underground.

### ***Article XXI.7 - Residential Density***

Thorn Township is prepared to accept a higher density in particular portions of a property than that reflected by current zoning, provided the developer can utilize planning techniques to demonstrate that increase in density will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

### ***Article XXI.8 - Private Roads***

Private roads or streets may be used to provide internal circulation to clustered lots and/or individual residential structures in residential planned unit developments in accordance with the following requirements:

- The easement shall not be counted as required open space.

The road or street is approved by the Perry County Planning Commission as the most appropriate form of access to lots and/or structures, and meets the design standards for roads and/or streets in the Perry County Subdivision Regulations.

Maintenance for private roads and/or streets is addressed through the creation of a homeowner's association or similar arrangement.

### ***Article XXI.9 - Procedure for Approval of PRD District***

Planned development projects shall be processed in accordance with the procedures specified in Sections 21.10 through 21.16, as follows:

### ***Article XXI.10 - Pre-Application***

The developer is encouraged to meet with the Zoning Inspector and Zoning Commission and submit a sketch plan prior to the submission of the PRD Application. The purpose of this meeting is to

discuss early and informally the purposes of this Article and the criteria and standards contained herein, and to familiarize the developer with the planned residential development process, other provisions of this Resolution, and the drainage and infrastructure systems within the Township. A pre-application meeting is strongly recommended.

***Article XXI.11 - Contents of Application for the PRD***

An application for planned residential development shall be filed with the Zoning Commission by at least one (1) owner of the property for which the planned residential development is proposed. Prior to the date of the application, the subject property must be classified in the RR or LR District. The Development Plan must cover the entire contiguous ownership of the applicant unless the applicant specifically states in writing that he/she does not intend to develop the withheld portion of the tract for at least five (5) years. At a minimum, the application shall contain the following information and material:

- A. Name, address, and phone number of applicant.
- B. Legal description of property.
- C. Description of existing use.
- D. Present and proposed zoning districts.
- E. A vicinity map at a suitable scale, showing property lines, streets, existing and proposed zoning for all property adjacent to and within 200 feet from the proposed site.
- F. A list of all property owners contiguous to, and directly across the street from the parcel(s) proposed to be rezoned, and their addresses as appearing on the Perry County Auditor's current tax list.
- G. Proposed schedule for the development of the site.
- H. Evidence that the applicant has sufficient control over the land in question to effectuate the proposed development plan.
- I. A Development Plan drawn to scale. Such plan shall contain the following information at a minimum:
  - 1. Selected uses by area and building location, allocation of land use by type as measured in acres, adjacent existing land use, right-of-way, and relationship to adjacent land use.
  - 2. The number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population and population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other regulations governing development.
  - 3. Open space and the intended uses therein and acreage provide.
  - 4. Residential land uses summarized by lot size, dwelling type and density.
  - 5. Existing and proposed roads, buildings, utilities, permanent facilities, easements, rights-of-way and abutting property boundaries.
  - 6. Physical features and natural conditions of the site including soils, the location of vegetation and existing tree lines.
  - 7. Surface drainage and areas subject to flooding.
  - 8. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres on the proposed project for various uses.
  - 9. Engineering feasibility studies and plans showing, as necessary, water, sewer,

drainage, electricity, telephone, natural gas installations, waste disposal facilities, street improvements and, the nature and extent of earth work required for traffic circulation and street improvements and the nature and extent of earth work required for site preparation and development.

10. Architectural renderings and accompanying narrative to discuss in detail the design treatment of all buildings and structures where applicable.
11. Plans for landscaping.
12. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of land, and the improvements thereon, including those areas which are commonly owned and maintained.

The Development Plan shall be accompanied by a written statement by the applicant setting forth the reasons why the property should be developed as a planned residential development, and how the proposed development meets the objectives and purposes stated in Section 21.01 of this Article.

#### ***Article XXI.12 - Submittal of the Development Plan***

Ten (10) copies of the completed application and Development Plan shall be submitted to the Zoning Inspector at least ten (10) days prior to the Zoning Commission's next scheduled meeting. Failure to submit a complete application, as determined by the Zoning Inspector, shall result in a refusal of acceptance. The Zoning Inspector shall transmit the complete application package to the Zoning Commission and other parties as the Zoning Inspector deems appropriate.

#### ***Article XXI.13 - Public Hearing by the Zoning Commission***

Within thirty (30) days after submission of the Development Plan, the Zoning Commission shall hold a public hearing, following the notification procedures as specified in Article VI of this Resolution.

#### ***Article XXI.14 - Recommendation by the Zoning Commission***

Within sixty (60) days from submittal of the items specified for approval of the Development Plan, the Zoning Commission shall recommend to the Board of Township Trustees that the Final Development Plan be approved as submitted, approve with modification, or disapproved.

Before making its recommendation as required above, the Zoning Commission shall find that the facts submitted with the application and presented at the public hearing(s) establish that:

- A. Each individual part of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability; the uses proposed will not impose undue adverse impacts on adjacent uses, but will have a beneficial effect which could not be achieved under standard district regulations.
- B. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and increased densities will not generate volumes of traffic which would overload the street network outside the development.
- C. Any exception from standard district requirements is warranted by the design and other

amenities incorporated in the Development Plan.

- D. The proposed project is generally compatible with existing development in the surrounding area in terms of type, size and scale.
- E. The existing public services are adequate for the population densities and uses proposed and in conformance with capital improvements planned for the area.

In making its recommendation, the Zoning Commission may seek the assistance and input of outside consultants and/or experts procured for that purpose. All expenses involved with such review shall be paid by the applicant.

***Article XXI.15 - Action by the Board of Township Trustees***

Upon receipt of the recommendation by the Commission, the Board of Township Trustees shall review and take action on the application following the procedures specified in Sections 6.07 and 6.08 of this Resolution. Following approval by Board of Township Trustees, the subject property shall be considered as zoned PRD. The approval of that zoning shall be conditioned on development of the tract being in conformance with the Development Plan.

***Article XXI.16 - Expiration and Extension of Approval Period***

The approval of the Final Development Plan shall be for a period of not to exceed two (2) years. If no construction has begun within two (2) years after approval is granted, the approved development plan shall be null and void and the land shall revert to the zoning district in which it was located prior to the amendment. An extension of this time limit, for a specific period, may be approved if the Board of Zoning Appeals finds that such extension is necessitated by conditions beyond the control of the applicant.

***Article XXI.17 - Platting***

The creation of new parcels under any planned unit development shall be subject to platting under the Perry County Subdivision Regulations. To reduce the length of the review and approval process, a preliminary subdivision plat can be submitted simultaneously with the Development Plan for rezoning to the PRD District. A final subdivision plat cannot be submitted for review until an amendment to the Zoning Resolution has been approved by the Board of Township Trustees and such amendment has become effective.

## **Article XXII. (FP) FLOOD PLAIN OVERLAY DISTRICT**

### ***Article XXII.1 - Finding of Fact***

Specific areas adjacent to streams within Thorn Township are subject to periodic inundation which may result in loss of life and property, hazards to health and safety, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the occupancy of flood hazard areas by unsuitable land uses, and the cumulative effect of obstructions in flood plains, causing increased flood heights and velocities,

### ***Article XXII.2 - Purpose***

It is the purpose of this Article to promote the public health, safety and general welfare and to minimize losses resulting from periodic inundation of flood waters in Thorn Township by:

- A. restricting or prohibiting uses and activities that are dangerous to health, safety or property in times of flooding, or cause excessive increases in flood heights or velocities;
- B. controlling the filling, grading, dredging and other development which may increase flood damage; and
- C. controlling the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

### ***Article XXII.3 - Scope and Application***

#### *22.3.1 Applicable lands*

This Article shall apply to all lands within Thorn Township shown As within the 100 year flood plain, as identified by the Federal Emergency Management Agency on the Flood Insurance Rate Map Numbers and dates as follows:

**390778 0025 C - September 27, 1991**

The above Flood Insurance Rate Map with accompanying Flood Insurance Studies, and any subsequent revisions and/or amendments. is hereby adopted by reference and declared to be a part of this Article.

#### *22.3.2 Overlay District Designation*

The areas of special flood hazard identified on the Official Zoning District Map shall be considered as an overlay district. This overlay district shall be designated as the Flood Plain Overlay (FP) District.

The Flood Plain Overlay (H) District shall be superimposed over the Official Zoning District Map. The underlying zoning district, as shown on the Official Zoning District Map, shall hereafter be called the base district. Uses and minimum requirements shall be

determined by the base district; however, when the requirements governing the Flood Plain Overlay District are more restrictive than those of the base district, the provisions of this Article shall supersede those of the base district.

*22.3.3 Interpretation of Boundaries*

When disagreement exists as to the boundaries of the Flood Plain Overlay District, those boundaries shall be interpreted to be the boundaries as shown on the Flood Insurance Rate Maps referenced in Section 22.03.01 above. Actual boundaries may also be determined by use of the flood elevation profile information provided in the referenced Flood Insurance Study and topographic survey of the site in question.

*22.3.4 Warning and Disclaimer of Responsibility*

The degree of flood protection required by this Article 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 Article does not imply that areas outside the Flood Plain Overlay District boundaries or land uses permitted within such district will be free from flooding or flood damage. This Resolution shall not create liability on the part of Thorn Township or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

***Article XXII.4 - Development Standards***

- A. Open space uses shall be permitted within the (FP) District to the extent that they are allowed as permitted, accessory or conditional uses in the base zoning district.
- B. No habitable structure shall be constructed within the (FP) District.
- C. No other structure shall be permitted within the identified flood plain, and no use shall be established, which would unduly restrict the capacity of the channel or floodway of the main stream, its tributaries or drainage facilities.
- D. No grading or filling within the (FP) District shall be permitted unless it is demonstrated to the Board of Zoning Appeals, by hydrologic and hydraulic analysis prepared by a Professional Engineer registered in the State of Ohio, that the cumulative effect of the proposed activities shall not increase the water surface elevation of the base flood more than one (1) foot at any point. In acting on such proposal, the Board shall seek the input of the Perry Soil and Water Conservation District or other consultants determined by the Board to be necessary to make such determination. The applicant for the proposed development shall be responsible for the costs of such examination and/or analysis.
- E. The applicant proposing any development activity within the (FP) District shall obtain a flood plain development permit from Perry County and shall present evidence of same prior to receiving zoning approval for the proposed activity.

**Article XXIII. RESERVED FOR FUTURE USE**

**PART THREE  
ADDITIONAL ZONING  
REQUIREMENTS**



## **Article XXIV. GENERAL DEVELOPMENT REQUIREMENTS**

### ***Article XXIV.1 - Lot Width***

- A. Frontage Required
  - No building, structure, or improvement shall be constructed or altered, nor any new lot be established, unless such lot fronts on a publicly dedicated and improved thoroughfare within the Township.
- B. Lot Width
  - Lot width shall be measured along the front lot line that abuts such thoroughfare as designated in Section 24.01A above.

### ***Article XXIV.2 - Front Yards***

- A. Front Yard Maintenance
  - All front yard space shall be maintained in a neat and orderly state and kept free of any and all trash, junk or debris.
- B. Front Yard Measurements
  - Front yard depth shall be measured from the centerline of the adjacent highway or road to the building line, unless otherwise indicated in this Resolution.
- C. Corner Lots
  - In the event any building or structure is to be constructed on a lot fronting on two (2) different thoroughfares, the front yard setback and lot width shall be required from both roads.
  - In the event any building or structure is to be located near a curve or bend in any road, said building or structure may not be closer to the road at any point than the setback requirement for that road.

### ***Article XXIV.3 - Side Yards***

- A. Measurement
  - Side yard width shall be measured from the nearest side lot line to the building line.

B. Open Porches and Architectural Features

- In a residential district, all portions of the structure, including open, uncovered porches, decks or terraces and/or cornices, canopies, eaves, pilasters, sills or other similar architectural features shall be located behind the line as established by the side yard setback in that district.

***Article XXIV.4 - Rear Yards***

A. Measurement

- Rear yard depth shall be measured from the rear lot line to the building line. Where a lot abuts a service street or alley, the rear yard shall be measured from the right-of-way line of the existing street or alley.

B. Accessory Uses or Structures

- Accessory uses or structures may be allowed in a rear yard, subject to requirements of Article XXV of this Resolution.

***Article XXIV.5 - Minimum Floor Area Requirements***

Minimum floor area requirements as specified in the various zoning districts shall not include open porches, decks or outdoor living areas, garages, breezeways or exterior steps.

***Article XXIV.6 - Height***

Height regulations specified in the various zoning districts shall not apply to chimneys, tanks, cupolas, domes, spires, private radio or television antennae or similar structures attached to a primary structure, so long as such height does not interfere with the safe landing, takeoff or other operations of any established airport or landing strip.

## Article XXV. ACCESSORY USES AND STRUCTURES

### *Article XXV.1 - Regulation of Agriculture on Specific Lots*

Section 519.21(B) of the Ohio Revised Code allows a township zoning resolution, or an amendment thereof, to regulate agricultural use within any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or any area consisting of fifteen (15) or more lots approved under Section 711.131(711.13.1) of the Ohio Revised Code, that are contiguous to one another and adjacent to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same public road.

- A. Pursuant to Section 519.21(B) of the Ohio Revised Code, animal and/or poultry husbandry, including the raising, boarding, housing, or grazing of horses, cattle, sheep, goats, swine, poultry or similar animals shall not be permitted on lots meeting the standards of ORC 519.21(B) above, and which are also one (1) acre or less in size. The processing of any such animals or their products shall also not be permitted.
- B. Animal and/or poultry husbandry shall not be permitted on lots greater than one (1) acre but not greater than five (5) acres if such lots meet the standards of ORC 519.21(B) above, and if at least thirty-five percent (35%) of the lots in the subdivision are developed with at least one (1) building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes pursuant to Section 4503.06 of the Ohio Revised Code. After thirty-five percent (35%) of the lots are so developed, any existing animal and/or poultry husbandry operation shall be considered a nonconforming use pursuant to Article V of this Resolution.

### *Article XXV.2 - Home Occupations*

"Home occupation" means an activity, profession, occupation, service, craft, or revenue-producing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within building or buildings on the premises without any significant adverse impact upon surrounding properties. Home occupations shall be regulated as accessory or conditional uses in the various residential districts. A home occupation shall comply with the following standards:

- A. The use shall be conducted by the owner/occupant of the premises and such use shall be clearly incidental and secondary to residential use of the dwelling and not more than twenty-five percent (25%) of dwelling unit floor area is devoted to the home occupation. The size of any accessory building used totally or in part for a home occupation shall meet the requirements for accessory structures in Section 25.03 below.
- B. The home occupation shall primarily occur entirely within the confines of the dwelling unit and/or accessory structures. All areas used for outside storage of materials and/or equipment used in the home occupation shall be enclosed or fenced so as to effectively screen them from view from adjacent property zoned in the RR- District.
- C. The home occupation shall not generate greater traffic volume than is normal for a residential neighborhood.
- D. External indication of such home occupation shall be limited to one non-illuminated sign

- not more than eight (8) square feet.
- E. Not more than one (1) person, other than immediate family residing at the premises, shall be employed in such occupation.
- F. The home occupation business activity shall be conducted primarily during daylight hours.
- G. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the lot.
- H. Within the LR District, no home occupation shall be conducted from any accessory building.

***Article XXV.3 - Accessory Structures***

A. Location

- A detached accessory structure shall be located within any side or rear yard to the rear of the principal structure, but not closer to any side or rear lot line than the distance required for principal structures in the specific district.

B. Permitted Area and Height

- The total area of all accessory uses or structures shall not exceed two percent (2%) of the area of the lot on which the structure or use is located. These area requirements shall not apply to lakes, ponds, swimming pools and tennis courts

***Article XXV.4 - Oil and Gas Drilling***

Pursuant to Section 519.211(D) of the Ohio Revised Code, oil and gas drilling shall be deemed an accessory use in any zoning district, provided that structures associated with such drilling be located not less than 300 feet from any residential dwelling in the RR, LR or UR District:

***Article XXV.5 - Telecommunications Towers***

Telecommunications towers, as defined in Article II of this Resolution, may be allowed as a conditional use in the RR District. The process to be used in processing an application for such a tower shall be as specified in Section 519.211 of the Ohio Revised Code. Telecommunications towers shall be subject to the following conditions:

- A. The maximum height of the tower shall not exceed 150 feet.
- B. The tower and any stabilization structures or guide wires shall not be located less than twenty-five (25) feet from any side or rear property line.
- C. The tower shall be located not less than 300 feet from any existing residential dwelling or any public roadway.
- D. The minimum lot size for the site of the tower shall be two (2) acres.
- E. Security fencing at least six (6) feet in height and affixed with an operable lock shall be provided to prevent uncontrolled access to the tower site.
- F. A landscaping plan shall be submitted and approved by the Board of Zoning Appeals.
- G. The tower shall not be lighted except to assure safety or as required by the FAA.

- H. The applicant or tower provider shall demonstrate that the telecommunication tower must be located where it is proposed in order to service the applicants service area, that other sites have been considered, and that location at the proposed site is technically necessary.
- I. The applicant shall provide a signed statement indicating that he/she agrees to allow for the potential co-location of other similar facilities on the tower, the removal of the tower within 180 days after the sites use is discontinued, and proof of notice has been provided as required in Section 519.211 of the Ohio Revised Code, as may be subsequently amended.
- J. If the telecommunications towers located in the RR District, the applicant shall demonstrate that the placement and height of the tower shall comply with the standards of Title 14 of the Code of Federal Regulations, Part 77 (14CFR Part 77)

If a public telecommunications service provider desires to co-locate its facility either on an existing tower or utility structure, the location of such facility shall be addressed as a permitted use.

## **Article XXVI. OFF-STREET PARKING REQUIREMENTS**

### ***Article XXVI.1 - Purpose***

The purpose of these requirements is to encourage the orderly development of parking and loading areas within Thorn Township and to promote the safety of residents and visitors by insuring the efficient handling of vehicular traffic.

### ***Article XXVI.2 - Provision for Parking Required***

Unless otherwise indicated in this Resolution, in all zoning districts, off-street parking shall be addressed in accordance with the provisions of this Article.

### ***Article XXVI.3 - General Requirements***

#### **A. Surfacing and Drainage**

All off-street parking areas within the RB, I and/or SU Districts shall be properly graded, marked and surfaced so as to provide a hard, durable and dustless surface. All surface drainage shall be accommodated on-site.

#### **B. Lighting**

Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect light away from any adjoining premises in any zoning district where residences are a permitted use. In addition, such lighting shall be so arranged as not to interfere with traffic on any adjoining street or to be confused with any traffic control lighting.

#### **C. Location of Parking Spaces**

A ten (10) foot clear zone shall be maintained between the edge of the road pavement and any parking space. Parking areas shall be so designed and arranged so as not to allow the protruding of any vehicle (or portion thereof) over the clear zone.

#### **D. Parking of Inoperable or Disabled Equipment or Vehicles.**

The exterior parking or storage of inoperable or disabled pieces of equipment or vehicles for a period of time exceeding thirty (30) consecutive days, outside of an approved junk yard licensed and regulated pursuant to Sections 4737.05 through 4737.12 of the Ohio Revised Code, shall be prohibited.

The Township reserves the right to remove junk cars from private property consistent with the standards and procedures cited in ORC Section 4513.65.

#### **E. Parking of Recreational Equipment**

The storage of travel trailers, motor homes, pick-up campers, folding tent trailers, boats or boat trailers and similar recreational equipment shall be subject to the following requirements:

- Not more than three (3) pieces of such equipment or vehicles, shall be permitted to be stored outside on a lot or parcel containing a single family or two family dwelling. For the purpose of this Section, a boat stored on a boat trailer shall be deemed one piece of recreational equipment.
- Recreational equipment shall not be used for permanent occupancy.

## Article XXVII.SIGNS

### *Article XXVII.1 - Purpose*

The purpose of these regulations is to encourage the proper development of signs and signage systems within Thorn Township. It is further the intent of these regulations to prevent signs from becoming a distraction to the safe flow of traffic, to prevent signs from becoming a nuisance to adjacent properties or uses, to protect and encourage a healthful economic business environment in the community and, thereby, protect the general health, safety, and welfare of the community.

### *Article XXVII.2 - Sign Permits*

#### A. Permit Required.

No permanent or temporary sign, except as exempted in Section 27.03 of this Resolution, shall hereafter be erected, constructed or maintained within Thorn Township unless a permit for the same has been issued by the Zoning Inspector. A sign for which a permit has been issued shall not be modified, changed or amended so as to differ from that approved in the permit unless a new or amended permit is issued.

#### B. Contents of Application

Application for a permit to construct or erect a sign shall be made by the owner of the property upon which the sign is proposed, or his/her agent/tenant. The fee shall be established by separate resolution. The application for a sign permit shall be made on forms as provided by the Zoning Inspector, and shall include the following information:

1. Name, address and telephone number of the applicant.
2. Drawing or drawings showing, at minimum:
  - The design and layout of the proposed sign, including the total area of the sign and the size, height, character, materials and color of letters, lines and symbols.
  - The method of illumination proposed;
  - The exact location of the sign in relation to the building and property.

### *Article XXVII.3 - Signs Which Do Not Require a Permit*

The following signs may be erected without a permit:

- A. Address and name of occupant of premises for a residential structure, to be limited in size to two (2) square feet.
- B. Signs which are in the nature of cornerstones, commemorative tables and historical plaques, provided that such signs are less than nine (9) square feet in



- size and not illuminated.
- C. Signs clearly in the nature of decorations customarily associated with any national, local or religious holiday. Such signs may be of any illumination or animation provided that safety and visibility hazards are not clearly created.
  - D. Political signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election, to be displayed beginning no more than forty-five (45) days prior to election and to be removed no later than fifteen (15) days after such election.
  - E. On premise signs that indicate the sale, development, rental or lease of a particular structure or land area, to be limited to one sign allowed per 300 ft. of road front. Such signs shall not be located in a public right-of-way.
  - F. Temporary window signs in the RB or I Districts which promote special business sales, promotions or occasions.
  - G. Signs, which are less than four (4) square feet in size and mounted or attached flat or parallel onto a building face of an administrative, business or professional office building, which denotes the name and address of an occupant in a building where more than one tenant is located.
  - H. Signs which advertise the sale of personal property, such as a garage, yard, porch or moving sale, provided such signs are displayed for a time period not greater than three (3) consecutive days, are removed within two (2) days after the sale and are not located within a public right-of-way.
  - I. Farm signs denoting the name and address of the occupant, produce or products for sale, and/or membership in organizations. Such signs shall be located outside the road right-of-way.
  - J. Temporary construction signs which display the identification of the construction project, including the identification of the contractors, architects and other construction principals provided that such construction sign is removed upon completion of construction or the commencement of occupancy, whichever event occurs first.
  - K. Signs promoting community events and programs which are sponsored by non-profit, public, educational, religious and charitable organizations.
  - L. Signs determined by the Board of Zoning Appeals to be similar to those specified in A-K above.

#### ***Article XXVII.4 - General Requirements***

Temporary and/or permanent signs erected after the date of this Resolution shall comply with the following standards and requirements:

##### **A. Outdoor Advertising**

- Outdoor advertising and other signs promoting a product or service not located on the premises shall be considered a business use and shall be permitted in RB and I Districts, subject to the development standards of that district, and the following:
  1. Not more than two (2) off-premises directional signs shall be permitted, directing persons to a business located elsewhere. Each such directional sign shall not exceed four (4) square feet in area.

2. Any outdoor advertising sign exceeding 200 square feet in area per side shall be considered as a billboard, and shall be subject to the provisions of Section 27.04 B below.
3. The height of an outdoor advertising sign shall not exceed twenty-five (25) feet above natural grade.
4. All permitted outdoor advertising signs shall be licensed or permitted as may be required by other local, federal or state agencies.
5. When abutting a residential zoning district, outdoor advertising signs shall be located behind the building setback line of that district.
6. No outdoor advertising shall be erected or maintained in trees, or constructed, drawn or painted directly onto rocks or other natural features.

#### B. Billboards

- Billboards, as defined in Section 27.04 A.2, intended to be viewed from any state or federal highway, shall be considered as a conditional use in the RB and I Districts. Billboards shall not be allowed along county or township roadways. Billboards shall not exceed 300 square feet in area, and shall be located not closer than 1,500 feet from any residence. The application for such signs shall include a site plan showing the exact location of the sign, and shall be reviewed by the Board of Zoning Appeals following the rocedures and standards cited in Article VIII of this Resolution.

#### C. On-Premises Signs

- Free-standing, wall-mounted, window or projecting signs identifying and/or promoting uses or activities on the premises are permitted as part of the principal use in the RB, I and SU Districts. In SU District, the location of such sign must be in strict compliance with the development plan submitted as part of the approval process.
  1. No on-premises sign shall be erected closer than twenty-five (25) feet to the road right-of-way.
  2. No sign shall exceed twenty-five (25) feet in height, as measured from ground level.
  3. The aggregate sign areas or display surface of all permanent exterior signs of every nature for any single business enterprise shall not exceed two (2) square feet for every lineal foot of street frontage of such building, or part of a building occupied by such enterprise, if a one (1) story building, or three (3) square feet per foot, if more than one (1) story. Street frontage is defined as the total width of that side of the building which faces the street, excluding any extensions of a building wall beyond the building itself. In the case of a corner lot or other situation where the building site abuts more than one public street (not including alleys), the applicant shall specify which is the primary frontage, and signs may be permitted on the basis of the area authorized above for each lineal foot of the primary street frontage and one-half (1/2) thereof for each lineal foot of other street frontage. The total sign area on any one (1) side of a building shall not exceed the allowable area for such side computed in accordance with the foregoing rules. In case of a building which does not front on a public street, as in shopping centers, the

the drives and parking areas adjacent to such building shall be considered as public streets for the purpose of this Article, provided that where any such drive or parking area abuts a residential district, the frontage of the building on such drive or parking area shall not be considered as frontage for such purpose if the distance from such building to the nearest private property in said residential district is less than one hundred fifty (150) feet.

D. Portable Signs

- Portable signs, as defined in Article II, Section 2.02, shall be permitted as temporary signs, so long as the gross sign area for the property, as specified in Section 27.04 C.3 above, is not exceeded and the portable sign will be displayed no longer than 30 days within a twelve month period

E. Permanent Subdivision Identification Signs

- Permanent signs identifying a residential subdivision shall be limited to not more than two (2) signs located at the entrance to the subdivision not to exceed one hundred (100) square feet per side, per entrance.

F. General Requirements for all Signs

1. When a sign is proposed to be illuminated, such illuminations shall be from a concealed or indirect light source and shall not flash, blink, fluctuate in intensity, travel, move or in any manner fail to provide constant illumination, and shall not create a hazard or visibility problem or interfere with or impair vehicular traffic. The level of the illumination emitted from the sign shall not be of an intensity to constitute a demonstrable safety hazard to vehicular movement on any street. Illuminated signs shall be constructed and maintained so that the source of illumination is shielded or otherwise prevented from beaming directly onto adjacent properties or streets.
2. Moving signs, as defined in Article 2, Section 2.02, and the animation of signs shall be a conditional use in the RB, I and SU Districts.
3. All signs and parts thereof, including any electrical wiring, shall be erected, constructed, and maintained so as not to constitute a safety hazard.
4. No sign nor part of any sign shall be placed in, over, or extend onto any public right-of-way, nor shall any part of a sign be placed over, or extend above the roof of any structure.
5. No sign shall be located so as to hinder clear sight within fifty (50) feet in both directions at the intersection of any roadway.

*Article XXVII.5 - Measurement of Sign*

For the purpose of this Resolution, the measurement of sign area shall comply with the

following standards:

- A. Sign area shall include the face of all the display area of the sign not including bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the design. Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign.

#### ***Article XXVII.6 - Nonconforming Signs***

##### **A. Abandonment**

- The continuance of an existing sign which does not meet the regulations and requirements of this Article shall be deemed a nonconforming sign that shall terminate by abandonment when any of the following conditions exist:
  1. When the sign is associated with an abandoned use.
  2. When the sign remains after the termination of a business. A business has ceased operations if it is closed to the public for at least ninety (90) consecutive days. Seasonal businesses are exempt from this requirement.
  3. When the sign is not maintained or does not conform to the following:
    - a) All signs, together with all supports, braces, guys and anchors shall be kept in a proper state of repair.
    - b) Every sign and the immediately surrounding premises shall be maintained by the owner, or his/her agent, in a clean sanitary and inoffensive condition, free from all obnoxious substances, rubbish and weeds.
    - c) Upon finding that the sign is abandoned, the right to maintain and use such sign shall terminate immediately.

##### **B. Relocation or Replacement**

- A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Section.

##### **C. Maintenance**

- A nonconforming sign shall be maintained or repaired in accordance with the following provisions:
  1. The size and structural shape of the sign shall not be changed or altered. The copy may be changed provided that the change applies to the original use associated with the sign at the time the sign became nonconforming. The copy area shall not be enlarged.
  2. In case damage occurs to the sign to the extent that more than 50 percent (50%) of the replacement value is lost, the sign shall be removed or replaced within sixty (60) days.

## Article XXVIII. ADULT ENTERTAINMENT BUSINESSES

### *Article XXVIII.1 - Purpose*

The purpose of this Article is to promote the public health, safety and welfare of the residents of Thorn Township through the regulation of adult entertainment businesses. It is the intent of this Article to regulate businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to schools, churches, residential areas, parks and playgrounds within the Township.

### *Article XXVIII.2 - Definitions*

- A. "Adult Entertainment Facility" means any establishment which is involved in one or more of the following listed categories.
1. "Adult Book Store" means an establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on "specified sexual activities" or "specified anatomical areas" as defined below.
  2. "Adult Motion Picture" means a facility for the display of motion pictures which is regularly used or utilizes fifteen percent (15%) or more its total viewing time for presenting material distinguished or characterized by an emphasis to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
  3. "Adult Entertainment Business" means any establishment involved in the sale or services of products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live male or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.
  4. "Electronic Games of Skill" means a skill-based electronic, video, or digital amusement device which requires payment for use through a coin or bill validator or other payment of consideration of value to participate in the machines offering or to activate the machine provided that all of the following apply:
    - The machine involves a task, game, play, contest, competition, or tournament in which the player actively participates in the task, game, play, contest, competition or tournament;
    - The outcome of an individual's play and participation is not determined largely or wholly by chance

- The outcome of play during a game is not controlled by a person not actively participating in the game.
5. "Electronic Gaming Parlor" means any business, establishment, or location operated for profit which employs the use of one or more electronic games of skill in any one location. The definition of "electronic gaming parlor" shall not include any location or establishment operated by any charitable organization as defined at O.R.C. 2915.01(H), fraternal organization as defined at O.R.C. 2915.01(M), or service organization as defined at O.R.C. 2915.01(O) provided no such organization has on its premises for use at any given time ten or more electronic games of skill and provided that all proceeds from such electronic games of skill are applied to the charitable purposes of the organization.
- B. "Specified Sexual Activities" means any of the following:
1. Human genitals in a state of sexual stimulation or arousal.
  2. Acts, real or simulated, or human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic sexual abuse.
  3. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
- C. "Specified Anatomical Areas" mean any of the following:
1. Less than completely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.
  2. Human male genitals in a discernible turgid state.
- D. "Fine Art Gallery" means any display of art work which is individually crafted and signed by the artist or which is limited in edition to 1,000 or less.
- E. "Sexually explicit nudity" means the sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depiction in such position or manner which present or expose such nudity to prominent, focal, or obvious viewing attention.
- F. "Visibly displayed" means the material is visible on any sign, viewing screen, marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonable anticipated access and presence.

### *Article XXVIII.3 - Exceptions*

Nothing in this Article shall be construed to pertain to:

- A. The purchase, distribution, exhibition and/or loan of any work of art, book, magazine or other

printed material or manuscript by an accredited museum, library, fine art gallery, school or museum of higher learning.

- B. The exhibition and/or performance of any play, drama tableau, or motion picture by any theater, museum, library, fine art gallery, school, or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

#### *Article XXVIII.4 - Location*

Adult Entertainment Facilities shall be considered a conditional use in the RB District, and shall be subject to the following conditions:

- A. No adult entertainment facility shall be established within 1500 feet of any residence or district where residences are a permitted use.
- B. No adult entertainment facility shall be established within a radius of 1500 feet of any school, library, or teaching facility, whether public or private. When such school, library, or teaching facility is attended by persons under 18 years of age.
- C. No adult entertainment facility shall be established within a radius of 1500 feet of any park or recreational facility attended by persons under 18 years of age.
- D. No adult entertainment facility shall be established within a radius of 1500 feet of any church, synagogue, or permanently established place of religious services attended by persons under 18 years of age.
- E. No adult entertainment facility shall be established with a radius of 1500 feet of any other adult entertainment facility.
- F. No advertisements, displays or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semipublic areas.
- G. All building openings, entries, windows, etc., for adult entertainment uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street.
- H. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned from public or semi-public area.