THORN TOWNSHIP, PERRY COUNTY OHIO

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ZONING RESOLUTION OF THORN TOWNSHIP, PERRY COUNTY OHIO

Contents

PART ONE - AUTHORIZATION AND ENFORCEMENT 1

Article 1. AUTHORIZATION AND PURPOSE 1

Article 2. DEFINITIONS 2

Article 3. ADMINISTRATIVE BODIES AND THEIR DUTIES 5

Article 4. ENFORCEMENT AND PENALTY 7

Article 5. NONCONFORMITIES 9

Article 6. DISTRICT CHANGES AND AMENDMENTS 11

Article 7. APPEALS AND VARIANCES 12

Article 8. CONDITIONAL USES 14

Article 9. (RESERVED FOR FUTURE USE) 15

Article 10. (RESERVED FOR FUTURE USE) 15

PART TWO – ZONING DISTRICTS 15

Article 11. STANDARD ZONING DISTRICT REGULATIONS 15

Article 12. ZONING DISTRICTS ESTABLISHED 16

Article 13. (RR) RURAL RESIDENTIAL DISTRICT 17

Article 14. (RESERVED FOR FUTURE USE) 19

Article 15. (NRD) NORTHWEST RESIDENTIAL DISTRICT 19

Article 16. (UR) URBAN-DENSITY RESIDENTIAL DISTRICT 20

Article 17. (RESERVED FOR FUTURE USE) 21

Article 18. (CB) COMMERCIAL BUSINESS DISTRICT 21

Article 19. (I) INDUSTRIAL DISTRICT 24

Article 20. (PD) PLANNED DEVELOPMENT DISTRICT 25

Article 21. (FP) FLOOD PLAIN OVERLAY DISTRICT 28

Article 22. (RESERVED FOR FUTURE USE) 29

PART THREE - ADDITIONAL ZONING REQUIREMENTS 30

Article 23. GENERAL DEVELOPMENT REQUIREMENTS 30

Article 24. ACCESSORY USES AND STRUCTURES 31

Article 25. OFF-STREET PARKING REQUIREMENTS 33

Article 26. SIGNS 33

Article 27. ADULT ENTERTAINMENT BUSINESSES 36

Article 28. SMALL SOLAR FACILITIES 38

Article 29. SMALL WIND FARM/TURBINES 40

PART ONE - AUTHORIZATION AND ENFORCEMENT

Article 1. AUTHORIZATION AND PURPOSE

Article 1.1 – 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 law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this Resolution as those governing the interpretation of the Ohio Revised Code.

Article 1.2 – Purpose

The Board of Township Trustees hereby finds it necessary, 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:

1. Regulating the use of land areas and the construction, restoration, and/or alteration of buildings and uses therein;
2. Restricting the area and dimensions of land, yards, and open spaces to secure adequate light, air, and safety from fire and other dangers;
3. Controlling the bulk, height, density, and location of buildings;
4. Protecting and preserving existing natural resources;
5. Assuring the orderly growth and development of lands.
6. All as permitted by the provisions of Chapter 519 of the Ohio Revised Code.

Article 1.3 – 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 apply 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 1.4 – Interpretation and Consistency

The provisions of this Resolution shall be held to be minimum requirements and shall apply uniformly to each class or kind of building, structure, or land. Where this Resolution imposes greater restrictions than those 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 construed to repeal, amend, modify, or change any other law, resolution, or regulation of Thorn Township—or part thereof—not specifically repealed, amended, modified, 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 2. DEFINITIONS

Article 2.1 – 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 the plural, and the plural shall include the 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 specific topics may be defined within the relevant sections of the Resolution.

Article 2.2 – Definitions

Accessory use – 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 / Accessory structure – A building or structure occupied by an accessory use.

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

Building – 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.

BZA – Board of Zoning Appeals

Height of building – The vertical distance from the ground level at the front entrance of the building to the highest point of the roof.

Building line – 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 – 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 – Land used or intended to be used for the burial of human or animal remains.

Clinic, Human – 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 – 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 8 of this Resolution.

Development – 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 – A part, portion, zone, or geographic area within Thorn Township within which certain development standards, as delineated by this Resolution, apply.

Dwelling / Residence – Any building or portion thereof designed or used for residential purposes, excluding cabins, hotels, motels, rooming houses, or other accommodations used for transient occupancy.

Single-family dwelling / Single-family residence – A building designed for or occupied exclusively by one family.

Multiple-family dwelling / Multiple-family residence – A building designed or used as a residence for more than one family living independently and doing their own cooking therein.

Electronic Message Center (EMC) – any sign or portion of a sign that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and rate of change is electronically programmed and can be modified by electronic processes.

Federal Emergency Management Agency (FEMA) – The agency responsible for administering the National Flood Insurance Program.

Flood / Flooding – 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) – One or more official maps on which FEMA has delineated areas of special flood hazards within Thorn Township and/or Perry County.

Frontage / Lot frontage – The distance of that portion of the lot that directly abuts the street and has direct access thereto.

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

> **Class I Group Residential Facility** – A foster home or care facility for dependent children or adults, or those with physical or mental disabilities. Type A contains more than five (5) residents, exclusive of staff; Type B contains five (5) or fewer.
>
> **Class II Group Residential Facility** – A home for juvenile offenders or adults in rehabilitation. Type A contains more than five (5) residents, exclusive of staff; Type B contains five (5) or fewer.

Home occupation – An occupation or profession conducted primarily by resident family members, clearly incidental and secondary to the use of the dwelling. Must meet Section 24.2 requirements.

Hospital – A building or structure with at least four (4) beds for overnight or continuous care, diagnosis, and treatment of human ailments.

Lot – A division of land recorded for sale, lease, or separate use, including recorded plats and parcels.

Corner lot – A lot at the junction of two or more intersecting streets, where the angle is not more than 135 degrees.

Lot coverage – The ratio of the ground floor area of all buildings and/or paved areas on a lot to the lot's total area, expressed as a percentage.

Rear lot line – The lot line opposite and furthest from the front lot line.

Side lot line – A lot line running from the front lot line to the rear lot line, dividing two interior lots.

Lot of record – A lot recorded in the Perry County Recorder's Office as of the effective date of this Resolution.

Minimum area of lot – The area of a lot excluding any public right-of-way.

Lot width – The width of a lot measured along the front lot line adjacent to a public street.

Manufactured Home – A HUD-compliant, factory-built unit fabricated after 1974 and affixed with a certification label.

Manufactured Home Community – A development primarily for manufactured homes with shared facilities and ongoing management.

Mobile Home – A transportable, non-site-built dwelling built prior to June 15, 1976. Not permitted or conditional in any zoning district.

Modular Home – A non-site-built home certified by the State of Ohio as compliant with the state building code.

Moving Sign – A sign that flashes, blinks, fluctuates in intensity, or moves.

Nonconforming use – A lawful use existing before the enactment of this Resolution that does not conform to current zoning regulations.

Nursery / Day Care Center – A facility caring for more than four (4) unrelated children for part of a 24-hour day for two or more consecutive days.

Nursing Home – A facility offering care and services for those unable to care for themselves, including convalescent and extended care services.

Off-street parking space – A space located off any street, alley, or sidewalk, either in a building or open lot, meeting the standards of this Resolution.

Permanent foundation – A masonry or concrete footing/foundation that transfers building loads to undisturbed ground below the frost line.

Permanently-sited Manufactured Home – A manufactured home that:

1. Is affixed to a permanent foundation;
2. Measures at least 22 ft by 22 ft with a minimum 900 sq. ft. living area;
3. Has a 3:12 pitched roof, residential siding, 6-inch eaves, and gutters;
4. Was manufactured after January 1, 1995;
5. Is not located in a manufactured home community.

Person – Any individual, corporation, company, business, partnership, association, or legal entity.

Personal services – A commercial enterprise providing services such as shoe repair, barber shops, or dry cleaning.

Portable Sign – A movable, non-permanently affixed sign not exceeding 32 sq. ft. per side and located at least 10 feet from the right-of-way.

Professional offices – Offices providing services such as legal, medical, accounting, and architectural services to the public.

Recreational facilities – Public or private areas for recreational use, including country clubs, golf courses, and swimming pools.

Restaurant – A business establishment where food and beverages are prepared and served for on-site consumption.

Retail store – A store selling goods for personal or household use, often with incidental services.

Right-of-way – Land dedicated for public use such as roads, sidewalks, and utilities.

Similar use – A use not listed but deemed analogous to those permitted, per Section 11.2.5.

Street / Road / Thoroughfare – A public way for vehicular travel, including the entire right-of-way.

Structure – Anything built or erected with a fixed location on the ground, including buildings and patios (excluding fences).

Structural alteration – A change to supporting members of a structure (e.g., walls, beams, or girders).

Township – Thorn Township, Perry County, Ohio.

Use – The purpose for which a lot or building is designed, arranged, intended, or maintained.

Variance – A permitted deviation from zoning regulations due to hardship or unique property conditions.

Yard – An open space on a lot unobstructed by structures from three feet above grade upward.

Front yard – The open space between the building and the front lot line.

Rear yard – The open space between the building and the rear lot line.

Side yard – The open space between the building and the side lot line.

Zoning certificate / Zoning permit – An official statement certifying compliance with this Zoning Resolution.

Zoning District – A portion of the Township within which specific zoning regulations apply.

Zoning District Map / Zoning Map – The official map showing the locations of zoning districts in the Township.

Zoning Inspector – The officer responsible for enforcing the provisions of this Zoning Resolution.

Article 2.3 – Authority and Purpose

Under certain circumstances, a use which typically has a more intense impact than permitted uses may still be compatible if properly controlled. Such uses shall be listed as "conditional uses" in the relevant zoning districts.

Article 3. ADMINISTRATIVE BODIES AND THEIR DUTIES

Article 3.1 – Zoning Inspector

3.1.1 Office of Zoning Inspector Established

The Zoning Inspector, appointed by the Board of Township Trustees pursuant to O.R.C. 519.16, shall enforce the Zoning Resolution. All officials and employees of the Township shall assist the Zoning Inspector by reporting any new construction, reconstruction, or apparent violations of 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 instituted against him/her as a result of the enforcement of this Resolution.

3.1.3 Duties of Zoning Inspector

The Zoning Inspector shall have the following duties:

1. Enforce the Zoning Resolution and take necessary steps to remedy violations, including issuing written orders to discontinue illegal uses or construction and referring noncompliance cases to the appropriate authority.
2. Issue zoning certificates when in compliance with the Resolution, and deny them when not.
3. Collect designated fees for zoning certificates, appeals, variances, and conditional uses as established by separate resolution.
4. Maintain accurate records of zoning certificate activity and violations, including complaints and actions taken.
5. Inspect buildings and land for potential violations of the Zoning Resolution.

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 3.2 – Rural Zoning Commission

3.2.1 Establishment

In accordance with Ohio Revised Code Chapter 519, a Rural Zoning Commission is established in Thorn Township. The Commission shall consist of five (5) residents of the unincorporated area, appointed by the Board of Township Trustees. Terms shall be staggered as determined by the Trustees. The Board of Township Trustees may appoint up to two (2) alternate members of the Commission who shall be permitted to take the place of an absent regular member of the Commission at any meeting of the Commission.

3.2.2 Removal of Members

Commission members may be removed by the Board of Township Trustees for nonperformance of duty, misconduct, or other just cause, following a public hearing. Charges must be served to the member at least ten (10) days before the hearing.

3.2.3 Proceedings

The Commission shall elect a Chairman and Secretary and adopt rules for conduct. Meetings shall be open to the public and held at the call of the Chairman or as otherwise scheduled by majority vote. Minutes shall reflect member votes and be filed as public record. At least three (3) concurring votes are required for Commission action.

3.2.4 Powers and Duties

The Zoning Commission shall:

1. Initiate amendments to the Zoning Resolution, pursuant to Article 6.
2. Review and make recommendations on proposed amendments to the Zoning Resolution.

Article 3.3 – Board of Zoning Appeals

3.3.1 Establishment

A Board of Zoning Appeals is established per Ohio Revised Code Sections 519.13–519.15. It shall consist of five (5) residents of the unincorporated territory, appointed by the Board of Township Trustees. Terms shall be staggered, with each member serving until a successor is appointed. Vacancies shall be filled by the Trustees for the remainder of the unexpired term. The Board of Township Trustees may appoint up to two (2) alternate members of the Board of Zoning Appeals who shall be permitted to take the place of an absent regular member of the Board of Zoning Appeals at any meeting of the Board of Zoning Appeals.

3.3.2 Removal of Members

Members may be removed for cause by the Board of Township Trustees, after a public hearing, following procedures outlined for Commission members.

3.3.3 Proceedings

The Board shall organize annually and elect a Chairman and Secretary. Meetings shall be open to the public and held at the call of the Chairman or as otherwise determined. The Board shall adopt rules to carry out its responsibilities.

The Secretary shall keep minutes reflecting all votes, attendance, and actions taken. These records shall be public and maintained in Township offices.

The Board may subpoena witnesses, administer oaths, and require the production of documents.

3.3.4 Powers and Duties

The Board shall have authority to:

1. Hear and decide appeals alleging error in any order, requirement, decision, or determination made by the Zoning Inspector, per Article 7.
2. Authorize use and area variances to this Resolution, in accordance with Article 7.
3. Interpret boundaries of the Zoning Map.
4. Hear and decide conditional uses as listed in the District Regulations and under conditions in Article 8.
5. Authorize use and/or area variances regarding substitutions or extensions of nonconforming uses, per Article 5.
6. Extend deadlines for completion of work specified in a zoning certificate (see Section 4.8).
7. Declare zoning permits void as provided in Section 4.9.

Article 3.4 – Board of Township Trustees

The powers and duties of the Board of Township Trustees include:

1. Appoint and remove members of the Zoning Commission and Board of Zoning Appeals in accordance with this Resolution.
2. Initiate and act on proposed amendments to the Zoning Resolution text or map.

Article 3.5 – Powers of Zoning Inspector, Board of Zoning Appeals, and Board of Township Trustees on Matters of Appeal

Questions of interpretation and enforcement shall first be presented to the Zoning Inspector. Appeals may be made to the Board of Zoning Appeals. Further recourse lies only with the courts.

The Board of Township Trustees does not have authority to hear and interpret or enforce this Resolution and may not override decisions of the Zoning Inspector or Board of Zoning Appeals on matters of appeal or variance (notwithstanding any zoning matter that is before a court of competent jurisdiction).

Article 4. ENFORCEMENT AND PENALTY

Article 4.1 – Zoning Certificate Required

It shall be unlawful for any owner or other person to use or 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 has been issued by the Zoning Inspector. Such certificate shall show that the structure, premises, and property use conform with this Resolution. No certificate shall be issued until all requirements have been met.

A zoning certificate is required for any of the following (subject to ORC Section 519.211):

1. Construction, structural alteration, or enlargement of any non-agricultural building or structure, including accessory buildings.
2. Change in use of an existing building or accessory building, excluding agricultural uses, to a non-permitted use in the district.
3. Occupancy and use (except agricultural) of vacant land.
4. Change in land use to one not permitted in the zoning district.
5. Alteration, expansion, or change of a lawful nonconforming use per Article 5.

Article 4.2 – Application for Zoning Certificate

Three (3) copies of the application must be signed by the owner/applicant and shall include:

1. Name, address, and phone number of the applicant.
2. Address or location of property.
3. Existing use.
4. Proposed use.
5. Current zoning district.
6. Plans (3 copies, to scale) showing lot dimensions, existing/proposed buildings, and building locations.
7. Height of proposed buildings.
8. Perry County Health Department approval of water supply and waste disposal.
9. Copy of a lot/property survey from a licensed surveyor, dated within three (3) years of the date of the application.
10. Other information as required by the Zoning Inspector.

If records are insufficient, the Inspector may require other necessary documents. Requirements may be reduced at the Inspector's discretion.

Article 4.3 – Approval of Zoning Certificates

Within 30 days of receipt, the Zoning Inspector shall approve or disapprove the application unless Section 4.4 applies. Approved certificates authorize only the specified use and arrangement. Approval is conditional upon commencement within one year.

One copy of the application, marked approved/disapproved and signed, shall be returned to the applicant. Two copies shall be retained by the Inspector, one of which goes to the County Auditor upon issuance of a zoning compliance certificate. Decisions may be appealed per Article 7.

Article 4.4 – Submission to the Director of the Department of Transportation

If any land is within 300 feet of a new/proposed highway centerline or 500 feet of its intersection with any public road, the Zoning Inspector must notify the Director of Transportation by certified mail. The certificate shall not be issued for 120 days unless the Director states acquisition is not planned. If no response is received, and the application conforms, the certificate shall be issued.

Article 4.5 – Record of Zoning Certificates

A record of all zoning certificates shall be kept on file in the Township offices and provided upon request.

Article 4.6 – Expiration of Zoning Certificates

If work has not begun within one (1) year, or not completed within two (2) years from issuance, the certificate shall expire and be revoked. Written notice shall be given, and work may not proceed without a new certificate or extension from the Board of Zoning Appeals.

Article 4.7 – Certificate of Zoning Compliance

It is unlawful to use or occupy any new, altered, or converted building/land until a zoning compliance certificate has been issued by the Zoning Inspector confirming conformance with this Resolution.

Article 4.8 – Schedule of Fees, Charges, and Expenses

The Board of Township Trustees shall establish fees by separate resolution. Fees shall be posted in the Township office and administered by the Zoning Inspector. No action will be taken on an application until all applicable fees are paid.

Article 4.9 – Void Zoning Certificate

A certificate is void if the Zoning Inspector determines one of the following:

1. It was issued contrary to this Resolution.
2. It was based on a false statement.
3. It has been assigned or transferred.

The decision of the Zoning Inspector may be appealed to the Board of Zoning Appeals. Written notice shall be mailed to the applicant with a requirement that all work/use cease until a new certificate is issued.

Article 4.10 – Violation and Penalty

4.10.1 Construction and Use to Match Approvals
Zoning certificates authorize only the approved plans and uses. Deviation constitutes a violation subject to penalties under Section 4.10.3.

4.10.2 Complaints Regarding Violations
Any person may file a written complaint with the Zoning Inspector regarding an alleged violation of this Zoning Resolution. The Inspector may investigate and take appropriate enforcement action in his/her discretion.

4.10.3 Penalties for Violation
Any person violating any provision of any article of this Resolution, or who shall violate or fail to comply with any order made thereunder; or who shall falsify plans or statements filed thereunder; or who shall continue to work upon any structure after having received written notice from the Zoning Inspector to cease work, shall be guilty of a misdemeanor, and subject to the penalty provided in Section 519.99, Ohio Revised Code. Each day of continued violation constitutes a separate offense. Violators, including owners, tenants, contractors, or others involved, may be held liable. Legal action may be taken by the Township, County Prosecutor, or adjacent property owners.

Article 5. NONCONFORMITIES

Article 5.1 – Intent

Within the districts established by this Resolution, or any amendments hereafter adopted, there may exist lots, structures, and uses of land that were lawful before the Resolution or its amendments but which may now be prohibited or regulated. It is the intent of this Resolution to permit these nonconformities to continue until they are removed and to allow reasonable extensions and improvements as permitted by law.

Article 5.2 – When Permitted

5.2.1 Existing Land or Buildings

Uses or structures existing on the effective date of this Resolution may continue, even if not conforming, provided they were in compliance with prior regulations at the time the use commenced or the structure was constructed. No nonconforming building, structure, or use may be moved, expanded, or altered except as permitted herein.

5.2.2 Construction Commenced

A property lawfully under construction or remodel for a nonconforming use at the time of adoption may continue such work, provided:

1. The use or structure was legal at the time; and
2. Work is completed within one (1) year of adoption or amendment to the Zoning Resolution making said use or structure nonconforming.

Article 5.3 – Discontinuance

A nonconforming use that has been discontinued or abandoned shall not be resumed. A use is considered abandoned when:

1. It has been voluntarily discontinued for two (2) years.
2. It has been replaced by a conforming use.

Article 5.4 – Substitution

The Board of Zoning Appeals may consider a use variance to permit a nonconforming use to be changed to another nonconforming use of the same or a more restricted classification.

Article 5.5 – Extension

Nonconforming uses or structures may not be expanded, altered, or relocated except as follows:

1. The Board of Zoning Appeals may hear a use and/or area variance application to allow a one-time enlargement of a nonconforming structure, up to 50% of its ground floor area. Expansion shall not violate yard or setback requirements or negatively affect adjacent properties.
2. A nonconforming building/structure may not be moved unless it meets the current zoning requirements in the new location.
3. A residential structure in a non-residential district may be expanded if it conforms to the adjacent or nearest R-District standards.
4. A structure that is nonconforming due to lot coverage or yard configuration may be expanded or altered only if the degree of nonconformity is reduced or maintained.

Article 5.6 – Damage or Destruction

If a nonconforming structure is damaged or destroyed by fire, natural disaster, or other causes, it may be rebuilt if:

1. Reconstruction begins within six (6) months of the damage or destruction;
2. Completion occurs within twenty-four (24) months of the damage or destruction; and
3. The use is not expanded beyond what was permitted under Section 5.5.

Article 5.7 – Maintenance and Repair

Routine maintenance is permitted for nonconforming structures. Structural changes are permitted:

1. When required by law.
2. To convert to a conforming use into conformance with the Zoning Resolution.
3. To improve interior livability, so long as Section 5.5(4) is not violated.

Article 5.8 – Nonconforming Lots of Record

One (1) single-family dwelling may be built on a nonconforming lot if:

1. The lot was of official record on the effective date of this Resolution;
2. The lot receives Perry County Health Department approval; and
3. The owner does not own adjoining land, or did not own it at the time this Resolution was adopted (December 5, 1991).

If the owner owns adjacent property, the lots must be re-divided to meet the minimum lot area and width requirements, unless re-division creates widths that exceed zoning standards by more than 20%. In such cases, one additional lot may be created.

Yard dimensions shall approximate the prevailing district standards. The Board of Zoning Appeals shall determine yard consistency.

Article 6. DISTRICT CHANGES AND AMENDMENTS

Article 6.1 – Intent

This Article describes the procedures for amending the Zoning Resolution. If any provisions herein conflict with Ohio Revised Code Section 519.12 (as amended), the Revised Code shall prevail.

Article 6.2 – Initiation of Zoning Amendments

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

1. By a resolution adopted the Board of Township Trustees t;
2. By a motion adopted by the Township Zoning Commission ; or
3. By application filed by at least one (1) owner, lessee, or their agent within the area affected by the amendment.

Article 6.3 – Contents of Application

An application submitted to the Zoning Inspector must include:

1. Name, address, and phone number of the applicant.
2. Proposed amendment text or legal description of the affected property.
3. Present use and district.
4. Proposed use and district.
5. A scaled map showing property lines, streets, zoning, and other relevant features.
6. A list of all property owners within 200 feet of the parcel(s) to be rezoned, including addresses from the Perry County Auditor's current tax list (waivable if more than 10 parcels involved).
7. Statement of impact on adjacent/proximate properties.
8. A lot/property survey that has been performed by a licensed surveyor, dated within three (3) years of the date of the application
9. Any other required information for enforcement of the Zoning Resolution.
10. Applicable fee established by the Board of Township Trustees.

The Zoning Inspector shall review the application for completeness and forward it to the Zoning Commission. Incomplete applications will be returned with a list of deficiencies.

Article 6.4 – Submission to Regional Planning Commission

Within five (5) days of initiating a zoning amendment, the Zoning Commission shall forward the proposal to the county or regional planning commission, including all relevant text and maps. Their recommendation shall be considered at the Zoning Commission's public hearing.

Article 6.5 – Public Hearing by Zoning Commission

6.5.1 Date of Public Hearing
The Zoning Commission shall schedule a public hearing after a Zoning Amendment has been initiated pursuant to Section 6.2. The hearing shall be held within 20 to 40 days of the initiation of the Zoning Amendment.

6.5.2 Newspaper Notice
At least ten (10) days before the hearing, the Zoning Commission shall publish a notice in a newspaper of general circulation within the Township; on the official public notice web site established under O.R.C. 125.182; or on the website and social media account of the Township. Notice of the hearing shall comply with the requirements of O.R.C. 519.12.

Article 6.6 – Recommendation by Zoning Commission

Within 30 days of the public hearing, the Commission shall recommend that the amendment be approved, modified, or denied.

Article 6.7 – Public Hearing by the Board of Township Trustees

The Board shall hold a public hearing within 30 days of receiving the recommendation of the Zoning Commission. Notice must comply with Section 6.5 and O.R.C. 519.12.

Article 6.8 – Action by the Board of Township Trustees

Within 20 days of the hearing, the Board shall adopt, modify, or deny the recommendation of the Zoning Commission.

Article 6.9 – Criteria

The Board shall consider:

1. Compatibility of the amendment with surrounding zoning, land use, and comprehensive plans.
2. Impact on access, traffic, drainage, and public infrastructure.
3. Effect on public health, safety, and general welfare.

Article 6.10 – Effective Date and Referendum

An adopted amendment takes effect 30 days after passage unless a referendum petition signed by the requisite number of qualified voters set forth within Ohio Revised Code Section 519.12 is submitted within that time. If approved by voters at the next election, the amendment takes immediate effect.

Article 7. APPEALS AND VARIANCES

Article 7.1 – 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. Procedures shall follow Sections 519.14 through 519.15 of the Ohio Revised Code.

Article 7.2 – Notice of Appeal

A notice of appeal shall be filed with the Township Clerk by any person aggrieved, including tenants, or by a governmental officer, board, or agency. Appeals must be submitted within twenty (20) days of the decision and must:

1. Be in writing and signed by the appellant.
2. Specify the grounds for the appeal.
3. Include a copy of the Zoning Inspector's decision (if a written decision is available).
4. The Clerk shall transmit the appeal to the Board of Zoning Appeals within five (5) days.

Article 7.3 – Action by the Board of Zoning Appeals

Upon receiving the appeal, the Board shall:

1. Schedule a hearing within a reasonable time.
2. Provide written notice at least ten (10) days in advance to interested parties.
3. Publish a hearing notice in a print or digital edition of a newspaper of general circulation in Perry County; on the official public notice web site established under section 125.182 of the Ohio Revised Code; or on the website and social media account of the Township at least ten (10) days prior.
4. Permit attendance by the public and legal representatives.

Article 7.4 – Use and Area Variances

The Board of Zoning Appeals may authorize variances that will not be contrary to the public interest.

Area Variance: The Board of Zoning Appeals shall not grant an Area Variance unless the property owner has encountered practical difficulties in the use of such owner's property. The Board of Zoning Appeals shall consider all relevant factors including, but not limited to, the following Findings of Fact:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the Variance.
2. Whether the Variance is substantial.
3. Whether the essential character of the neighborhood would be substantially altered, or whether adjoining properties would suffer a substantial detriment, as a result of the Variance.
4. Whether the Variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage).
5. Whether the property owner purchased the property with knowledge of the zoning restriction.
6. Whether the property owner's predicament can be obviated feasibly through some method other than a Variance.
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the Variance.

Use Variance: The Board of Zoning Appeals shall not grant a Use Variance unless it finds that all of the following conditions apply to the case in question:

1. There are special circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions were not created by the applicant.
2. The granting of a Variance application is necessary for the preservation and enjoyment of substantial property rights.
3. The granting of an application will not materially and adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use, and will not be materially detrimental to the public welfare, or injurious to property or improvements in such neighborhood.

Article 7.5 – Application for Variance or Appeal

An owner or agent may apply for a variance or appeal a Zoning Inspector decision. Submit three (3) copies to the Secretary of the Board of Zoning Appeals within five (5) days. Incomplete applications may be delayed.

Applications must include:

1. Applicant's name, address, and phone number.
2. Legal property description (from Perry County Recorder).
3. Plat map of affected property with existing structures and the proposed changes.
4. Plat map of the affected property and all other parcels within 200 feet.
5. A drawing of proposed building, etc., showing dimensions of requested variance in relation to property lines and any existing structures.
6. Names and addresses of property owners within 200 feet (from the County Auditor's tax list).
7. A typed statement of what the reason for the variance or appeal request is and what the effects on adjoining property will be. Effects to be discussed are to include, but not limited to; noise, glare, odor, light, drainage, fumes, traffic, vibration, and esthetics
8. A lot/property survey completed by a licensed surveyor, dated at least three (3) years of the date of the variance application.
9. Specific reasons justifying the variance or appeal (see Section 7.4).

Article 7.6 – Public Hearing by the Board of Zoning Appeals

The Board shall hold a public hearing within thirty (30) days of receiving a complete application. Notice shall be published in a newspaper of general circulation within the Township; in the official public notice web site established under O.R.C. 125.182; or on the website and social media account of the Township, at least ten (10) days in advance. The notice shall state the time, place, and nature of the request.

Article 7.7 – Action by the Board of Zoning Appeals

Within thirty (30) days after the hearing, the Board shall approve, deny, or approve the request with conditions. Any conditions imposed become enforceable terms of the variance.

If approved, the Board shall issue findings stating how the variance allows reasonable use of the property. The decision shall be forwarded to the Zoning Inspector, who shall notify the applicant. Denied applicants may appeal to the Court of Common Pleas.

Article 8. CONDITIONAL USES

Article 8.1 – Authority and Purpose

Under certain unusual circumstances, a property use may be more intense than those normally permitted in a zoning district, may still be desirable and compatible if properly regulated. Such uses are designated as "conditional uses."

The Board of Zoning Appeals may grant conditional use approval where unusual conditions exist, and where the use aligns with the general intent of this Resolution.

Article 8.2 – Application for Conditional Use

Any property owner or interested party may file a conditional use application with the Secretary of the Board of Zoning Appeals within five (5) days.

The application must include:

1. Applicant's name, address, and phone number.
2. Legal description of the property.
3. Current zoning district.
4. Description of the proposed conditional use.
5. Site plan showing building locations, parking, traffic flow, landscaping, utilities, signage, etc.
6. Narrative on impacts (noise, glare, odor, light, etc.) and compatibility with nearby properties.
7. A lot/property survey prepared by licensed surveyor, dated within three (3) years of the date of the application for a conditional use.
8. Names and addresses of all property owners within 200 feet (as listed by the County Auditor).
9. Any other relevant property, use, or area information.

Article 8.3 – General Standards for Conditional Uses

The Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that the conditional use at the proposed location:

1. The proposed use is listed as conditional in the district.
2. The use is designed, maintained, and located to be compatible or harmonious with the surrounding area.
3. The use poses no hazard to existing adjacent uses.
4. The use is adequately served by public infrastructure (roads, safety, utilities, etc.).
5. The use will not generate excessive noise, traffic, fumes, glare, odors, or other conditions that are detrimental to the general welfare of the community.
6. The use supports the goals of this Resolution and any relevant comprehensive plan.

Article 8.4 – Supplementary Conditions

The Board may impose conditions and safeguards to ensure compliance with the Resolution.

Article 8.5 – Public Hearing by the Board of Zoning Appeals

A public hearing must be held within thirty (30) days of receiving the application. Notification procedures follow those required for variances (see Section 7.6).

Article 8.6 – Action by the Board of Zoning Appeals

Within thirty (30) days of the hearing, the Board shall approve, approve with conditions, or deny the request. If approved, the Zoning Inspector shall issue a certificate specifying the conditions. If denied, the applicant may appeal to the Court of Common Pleas.

Article 8.7 – Expiration and Revocation of Zoning Certificate Issued Under Conditional Use Provisions

Approval of a conditional use certificate becomes void if not acted upon within one (1) year from the date the conditional use certificate is issued.

Article 9. (RESERVED FOR FUTURE USE)

Article 10. (RESERVED FOR FUTURE USE)

PART TWO – ZONING DISTRICTS

Article 11. STANDARD ZONING DISTRICT REGULATIONS

Article 11.1 – Regulations for the Use and Development of Land or Structures

Regulations pertaining to the use and/or development of land and structures within each zoning district, as established in Article 7, are hereby adopted.

Article 11.2 – Rules of Application

11.2.1 Identification of Uses

Listed uses are defined by their customary identification unless otherwise defined in this Resolution.

11.2.2 Permitted Uses.

Only designated permitted uses are allowed by right in each zoning district. All others are prohibited unless:

1. A permitted use is added through a formal amendment in accordance with Article 6.
2. A use variance is approved by the Board of Zoning Appeals pursuant to Section 7.4 .

Only one (1) principal residential building is allowed per lot of record.

11.2.3 Accessory Uses

Accessory uses/structures are secondary to the principal use and must be located on the same lot. They must comply with both the district regulations and Article 25.

11.2.4 Conditional Uses

Conditional uses may be approved where the use, location, and development do not negatively impact neighboring lots. The Board of Zoning Appeals may apply conditions per Article 8.

11.2.5 Similar Uses [RESERVED]

11.2.6 Development Standards

Development standards are minimum requirements. Where conflicts exist, the stricter regulation shall apply.

11.2.7 Development Plan

Planned Districts require a Development Plan. The plan must include:

1. Site layout showing property lines, buildings, access, parking, landscaping, and signs.
2. Narrative describing the use and impact on nearby residential properties.

The Development Plan must be approved by the Zoning Commission and Board of Trustees before a certificate is issued. Approval criteria include, but is not limited to:

1. Adequate yard space for parking and screening.
2. Measures to mitigate adverse impacts on nearby residences.
3. Design and operation that does not negatively affect surrounding neighborhoods.

The Commission or Board may consult other public/private entities as appropriate.

Article 12. ZONING DISTRICTS ESTABLISHED

Article 12.1 – Zoning Districts

The following zoning districts are hereby established for Thorn Township:

(RR) Rural Residential District

(NR) Northwest Residential District (formerly LR-Lake Residential)

(UR) Urban-Density Residential District

(CB) Commercial Business District

(I) Industrial District

(PD) Planned Development District

(FP) Flood Plain Overlay District

Article 12.2 – Official Zoning Map

The districts listed above are shown on the Official Zoning District Map, which is hereby adopted as part of this Resolution. The map includes all boundaries, notations, and references and is signed by the Board of Township Trustees and the Clerk. It shall be kept on file in the Township offices.

Article 12.3 – Interpretation of Zoning District Boundaries

Where not clearly designated by dimensions or reference lines on the map, district boundaries shall follow property lines, lot lines, or the centerlines of streets, alleys, streams, or railroads as they existed when this Resolution was passed. The Zoning Inspector shall interpret boundaries. If disputed, the Board of Zoning Appeals has final interpretative authority.

Article 13. (RR) RURAL RESIDENTIAL DISTRICT

Article 13.1 – Purpose

The Rural Residential District is intended to promote continued agricultural and farm-based land uses while accommodating low-density single-family residential development reflective of a rural lifestyle. Such development is generally not served by public water or sewer systems.

Article 13.2 – Agricultural Uses Defined

"Agricultural use" has the same meaning as in Ohio Revised Code Section 519.01 and includes activities such as farming, ranching, aquaculture, horticulture, viticulture, animal husbandry, poultry production, dairy operations, crop cultivation, timbering, and related processing and marketing activities secondary to those operations.

Article 13.3 – Permitted Uses

1. Agricultural uses and customary accessory agricultural buildings/structures, including one (1) single-family detached dwelling.
2. One-family detached non-farm dwellings.
3. Watershed protection, soil conservation, and flood control projects.
4. Temporary seasonal roadside stands for on-site agricultural products (per ORC 12.21(C)).

Article 13.4 – Accessory Uses

1. Accessory structures typical of residential use (e.g., garages, sheds, pools), subject to Article 24.
2. Home occupations per Section 24.2.

Article 13.5 – Conditional Uses

1. Farm-based occupations exceeding the scope of home occupations (per Section 24.2), subject to the following:

- Must remain secondary to and compatible with active farm use (e.g., woodworking, machinery repair).
- Waste disposal must comply with state and/or federal standards.
- Must be primarily conducted in enclosed buildings designed to be repurposed for agriculture.
- Signage limited to 8 square feet.

2. Public parks and nature preserves.
3. Golf courses (minimum 200 feet from adjacent properties for facilities).
4. Churches and places of public worship with main sanctuary seating or gathering space not exceeding 400 persons.
5. Cemeteries with no more than 200 gravesites, minimum 50-foot setback from property lines.

Article 13.6 – Development Standards

13.6.1 Minimum Lot Area

Single-family non-farm dwelling: Minimum 3.5 acres, or larger if required by the Health Department.

All other uses: Minimum 5 acres.

13.6.2 Minimum Lot Width

300 feet minimum.

13.6.3 Minimum Front Yard Depth

80 feet from county/township road centerline.

150 feet from state/federal highway centerline.

13.6.4 Minimum Side Yard Width

20 feet.

13.6.5 Minimum Rear Yard Depth

40 feet.

13.6.6 Minimum Building Area

One-story homes: 900 square feet.

One-and-one-half to two-story homes: 1,400 square feet.

13.6.7 Maximum Building Height

35 feet.

13.6.8 Driveway Permit Requirement

Documentation of driveway approval from ODOT or other applicable agency is required before zoning certificate issuance.

13.6.9 Water and Sewer Permit Requirement

Documentation of approval of water and sewer approval from Perry County or other applicable agency is required before zoning certificate issuance.

Article 14. (RESERVED FOR FUTURE USE)

Article 15. (NRD) NORTHWEST RESIDENTIAL DISTRICT

Article 15.1 – Purpose

The NRD District is established for areas north of State Route 204, east of Custer's Point Road, west of Zion Road, bounded by the Village of Thornville to the south and Buckeye Lake to the north, including properties along Honey Creek Road and the south shore of Buckeye Lake. It aims to preserve and revitalize single-family housing, encourage reinvestment, and ensure new development meets appropriate standards.

Existing nonconforming uses and structures are recognized and protected under Article 5, but new development should meet enhanced standards for land use compatibility.

Article 15.2 – Permitted Uses

1. One-family detached dwellings.
2. Public parks, playgrounds, and open spaces.

Article 15.3 – Accessory Uses

1. Accessory buildings and structures customary to single-family residences (e.g., garages, sheds, pools, tennis courts) as per Article 24.
2. Home occupations as per Section 24.2.
3. Docks and boat houses:
    - No limit on the number of docks per landowner
    - 8-foot side yard setback; 10-foot rear setback
    - Walkways limited to 4 feet wide and not to extend past shoreline
    - Utilities limited to electric and water
    - Covered/enclosed boat houses must be on owner’s land and not extend past shoreline
    - Maximum height of 18 feet measured from dock walkway
    - No roofed docks extending past shoreline
    - Roof overhangs must stay within property boundaries
    - Any storage above a dock must be uninhabitable (see Section 24)

Article 15.4 – Conditional Uses

Churches and places of worship, with sanctuary seating limited to 300 persons.

Article 15.5 – Development Standards

15.5.1 Minimum Lot Area

New lots: ¾ acre with 150 feet road frontage (if utilities are available at time of construction).

Existing lots (pre-October 11, 2017): Minimum 20,000 square feet.

15.5.2 Minimum Lot Width

100 feet.

15.5.3 Minimum Front Yard Depth

50 feet or the average of adjacent structures on the same side of the street, whichever is less, but not less than 10 feet from the property line.

15.5.4 Minimum Side Yard Depth

10 feet.

15.5.5 Minimum Rear Yard Depth

15% of lot depth, not less than 30 feet.

15.5.6 Minimum Building Area

New lots: 1,500 sq. ft. for one-story; 2,000 sq. ft. for 1½- or 2-story homes.

Existing lots (pre-October 11, 2017): 900 sq. ft. for one-story; 1,500 sq. ft. for 1½- or 2-story homes.

15.5.7 Maximum Building Height

35 feet.

15.5.8 Water and Sewer Permit Requirement

Documentation of approval of water and sewer approval from Perry County or other applicable agency is required before zoning certificate issuance.

Article 16. (UR) URBAN-DENSITY RESIDENTIAL DISTRICT

Article 16.1 – Purpose

The UR District is established to provide areas for alternative forms of rural residential development, including manufactured and multiple-family housing. This district accommodates a diversity of housing options and is intended for areas with access to public water and sewer. Special provisions address the unique land use characteristics and higher densities associated with these housing types.

Article 16.2 – Permitted Uses

1. Single-family detached dwellings, subject to the development standards of the RR District.
2. Manufactured home communities, subject to development standards and Development Plan approval.
3. Public parks, playgrounds, and play fields.

Article 16.3 – Accessory Uses

1. Home occupations, as regulated in Section 24.2.
2. Accessory buildings/structures customary to single-family use, including garages, sheds, playhouses, pools, and courts, subject to Article 24.

Article 16.4 – Conditional Uses

1. Multiple-family housing (public water/sewer required).
2. Cluster housing, with overall density not exceeding RR District standards.

Article 16.5 – Modular and Permanently Sited Manufactured Homes

Per ORC §519.212(A), modular and permanently sited manufactured homes shall be considered permitted in any district allowing single-family dwellings.

Article 16.6 – Development Standards

16.6.1 Manufactured Home Communities and/or Multiple-Family Housing

1. Water and Sewer – Must serve each unit and connect to public systems. Design must meet Ohio EPA standards.
2. Minimum Lot Area – Project: 10 acres minimum. Manufactured home lots: 4,000 sq. ft. max. density: 6 units/acre. Multi-family: 3,500 sq. ft. per dwelling unit.
3. Minimum Lot Width – Project: 400 feet minimum frontage. Individual manufactured lots: 30 feet.
4. Minimum Front Yard – 150 feet from roadway centerline.
5. Minimum Side Yard – Project: 50 feet. Individual lots: 10 feet.
6. Minimum Rear Yard – Project: 80 feet. Individual lots: 10 feet.
7. Open Space – 20% of project area reserved for recreational use, closed to regular vehicular traffic and maintained by the owner.
8. Off-Street Parking – Two spaces per unit within 600 feet of dwelling. No street parking allowed.
9. Access – Direct access to a public road. No individual lot shall access perimeter streets directly.
10. Streets – Must conform to Perry County Subdivision Regulations. Layout must be approved. Applicant pays engineering fees.
11. Storm Drainage – Proper drainage required. No open ditches. Approved by County Engineer. Applicant pays related costs.
12. Underground Utilities – All utilities must be underground.
13. Outside Assistance – The Township may require external consultants. Applicant bears costs.

16.6.2 Other Permitted Uses

1. Minimum Lot Area – 20,000 sq. ft.
2. Minimum Lot Width – 100 feet continuous frontage; 60 feet minimum on curved streets; lot length-to-width ratio not to exceed 3:1.
3. Minimum Front Yard Depth – 100 feet from roadway centerline.
4. Minimum Side Yard Width – 15 feet.
5. Minimum Rear Yard Depth – 40 feet.
6. Minimum Building Area – 900 sq. ft. for one-story dwellings; 1,100 sq. ft. for 1½- or 2-story dwellings.
7. Maximum Building Height – 35 feet.

Article 17. (RESERVED FOR FUTURE USE)

Article 18. (CB) COMMERCIAL BUSINESS DISTRICT

Section 18.1 – Purpose

The Commercial Business District is established to provide appropriate locations for uses that may have significant or unique impacts on surrounding properties and to encourage a range of business and institutional activities in rural areas. This district allows for:

1. The accommodation of special uses, such as public assembly venues, large places of worship, and recreational facilities, which require additional planning due to their nature or scale.
2. The promotion of rural business activities, including professional offices, retail establishments, and personal services, in a manner that ensures compatibility with adjacent residential or rural uses.

The district also includes procedures for evaluating proposals to ensure adequate access, infrastructure, and mitigation of adverse impacts.

Section 18.2 - Permitted Uses

1. Administrative, business, and professional offices (real estate, legal, medical, engineering, etc.).
2. Membership organizations (professional, civic, social, charitable).
3. Retail stores selling goods for personal or household consumption (indoor storage/display only).
4. Personal and consumer services, including:
    - Restaurants, bars, and taverns.
    - Financial institutions.
    - Barber/beauty shops (up to three stations).
    - Funeral homes.
    - Small appliance repair.
    - Duplication and printing services
    - Equipment rental/leasing (no outdoor storage).
5. Nursery schools and day care centers.
6. Indoor commercial recreational facilities (skating rinks, fitness centers).
7. Hotels and motels.
8. Garden centers.
9. Outdoor advertising (subject to regulations in Section 26).

Section 18.3 - [RESERVED]

Section 18.4 - Conditional Uses

The following may be permitted upon review and approval Board of Zoning Appeals:

1. Public buildings, meeting halls, schools, libraries, museums, and similar institutions.
2. Churches and places of worship with more than 500 seats.
3. Cemeteries and mausoleums with more than 200 grave sites.
4. Stadiums, amphitheaters, racetracks, or other large-scale event venues.
5. Commercial recreational areas (e.g., gun clubs, summer camps).
6. Fee-based campgrounds for RVs, tents, or other camping setups.
7. Human care institutions (group homes, clinics, elderly housing) with a 200-foot buffer from adjacent property.
8. Kennels or animal hospitals (200-foot buffer from residential areas).
9. Drive-through/pick-up establishments (with approved traffic and parking plan).
10. Fuel sales establishments (200-foot buffer, plus circulation/parking plan).
11. Motor vehicle sales and service centers (200-foot buffer and vehicle storage plan).
12. Contractor equipment yards (must be fenced and screened).
13. Self-storage facilities for personal or business property.

Section 18.5 - Accessory Uses

Accessory uses permitted in conjunction with primary Commercial Business uses include:

1. Parking areas and structures.
2. Parsonages or caretaker dwellings.
3. Administrative and maintenance buildings.
4. Customary support or maintenance structures.

5. Signage and landscaped buffers as required by development standards.

Section 18.6 - [RESERVED]

Section 18.7 - Development Standards

Lot and Area Requirements:
The area or parcel of land for a commercial business 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.

Lot Width:
Minimum 150 feet of continuous frontage on a public road (federal/state/county/township).

Yard Requirement:
Minimum Front Yard Depth: 150 feet from the center line of any arterial, state or federal highway, 90 feet from the center line of any county road.

Minimum Side Yard:

- When abutting a non-residential zoning district, 20 feet for structures, 10 feet for paved areas:
- When abutting a residential zoning district, 50 feet for structures, 35 feet for paved areas.

Minimum Rear Yard:

- When abutting a non-residential zoning district, 30 feet for structures, 10 feet for paved areas:
- When abutting a residential zoning district, 50 feet for structures, 35 feet for paved areas.

Landscaped buffers are required in all yards abutting residential uses.

Parking and Loading:

- Must comply with Resolution parking requirements.
- 5 feet minimum between parked vehicles and any structure.
- Adequate on-site circulation must be maintained.

Trash Control:
All trash must be stored in screened containers, which are located and enclosed so as to effectively screen them from view.

Lighting:
Lighting shall not spill onto adjacent properties. Screening or directional lighting may be required for properties near residences.

Section 18.8 Action by Township Trustees

The Board of Township Trustees may impose conditions or safeguards when approving a rezoning to Commercial Business. Violations of these conditions are enforceable under Article 4 and subject to penalties.

Article 19. (I) INDUSTRIAL DISTRICT

Article 19.1 – Purpose

The Industrial District is intended to provide suitable areas for a variety of industrial uses, while protecting nearby residential and commercial areas. Permitted uses must:

1. Operate primarily within enclosed buildings
2. Create minimal adverse environmental or economic impacts
3. Be substantially free from excessive noise, odor, dust, smoke, glare, or vibration

Article 19.2 – Permitted Uses

1. Light manufacturing, assembling, processing, packaging, or treatment of goods.
2. Warehousing, distribution centers, truck/transfer terminals.
3. Business offices incidental to other permitted uses.
4. Outdoor advertising (see Section 26.4).

Article 19.3 – Conditional Uses

1. Motor vehicle storage/salvage yards (must meet State standards).
2. Contractor equipment/storage yards with adequate fencing/screening.
3. Quarrying/mining (must meet all applicable regulations and licensing).
4. Oil and natural gas drilling operations.
5. Sanitary landfills or similar waste facilities (licensed and regulated).

Article 19.4 – Development Standards

19.4.1 Minimum Lot Area
No minimum size required; however, all structures, paved areas, and uses must be at least 500 ft. from any residential district and 50 ft. from any other zoning district.

19.4.2 Minimum Lot Width
150 ft. minimum, with public road frontage; sufficient to accommodate yards and parking.

19.4.3 Side Yards

Non-residential abutting: 20 ft. (structures), 10 ft. (pavement)

Residential abutting: 100 ft. (structures), 50 ft. (pavement)

19.4.4 Front Yard Depth
150 ft. from centerline of adjoining road or highway.

19.4.5 Minimum Rear Yard Depth
Rear yard requirements must comply with the 500 ft. buffer in Section 19.4.1.

19.4.6 Maximum Height
40 ft.

19.4.7 Trash and Garbage Control
All waste must be stored in screened and enclosed containers.

Article 20. (PD) PLANNED DEVELOPMENT DISTRICT

Article 20.1 – Purpose

Planned Development District (PD) Generally The Planned Development District (PD) is established under the provisions of Ohio Revised Code 519.021(B) to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services, and encourage innovation in planning and building of all types of development in accordance with the Comprehensive Plan. The regulations set forth herein are based on the premise that the ultimate quality of a built environment or development proposal is determined not only by the general classification of land uses, but also by the specific way in which such land uses are executed. In many cases, the subdivision regulations and standard zoning district classifications do not adequately regulate the design of buildings, the mix of uses, and the general character of development that are desirable in the Township. In accordance with the Comprehensive Plan and the above statements it is the intent of the Planned Development District to promote development that:

1. Provides an opportunity for a mix of open space and other uses not otherwise permitted within the standard zoning district classifications; and
2. Allows the creation of development standards that respect the unique characteristics, natural quality and beauty of the site and the immediate vicinity and protects the community's natural resources by avoiding development on, and destruction of, sensitive environmental areas; and
3. Enables more extensive review of design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development; and
4. Assures compatibility between proposed land uses within and around the PD through appropriate development controls; and
5. Enhances the economy of the Township by making available a variety of employment opportunities and providers of goods and services; and

6. Encourages unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district, yet are imaginative in architectural design and are consistent with applicable plans for the area and are compatible with adjacent and nearby land uses.

Article 20.2 – Definition

"Planned Development" refers to an area planned with flexible development standards and greater design oversight.

Article 20.3 – Permitted and Conditional Uses

Permitted and Conditional Uses identified any of the Zoning Districts may be combined within a PD.

Article 20.4 – Project Area

Minimum gross project area is 10 acres unless the Zoning Commission approves a divergence due to existing development on adjacent land.

Article 20.5 – Common Open Space

At least 20% of the gross project area must be dedicated to usable common open space or recreation. Drainage channels and easements may not count unless used as part of a trail system.

Article 20.6 – Utilities

All utilities must be placed underground.

Article 20.7 – Residential Density

Higher density is acceptable if design features and amenities compensate for the increase.

Article 20.8 – Private Roads

Private roads may be permitted with:

1. Planning Commission approval
2. Compliance with Perry County Road standards
3. Established homeowners association maintenance provisions

Article 20.9 – Approval Process

PD applications follow Articles 20.10–20.19 procedures.

Article 20.10 – Pre-Application

A sketch plan is recommended. Meeting with the Zoning Commission and Inspector to review zoning and infrastructure is encouraged.

Article 20.11 – PD Application Contents

Applications must include:

1. Applicant contact information.
2. Legal description of land
3. Current/proposed zoning
4. Vicinity map
5. List of all property owner and addresses contiguous to, and directly across the street from the property
6. Development schedule
7. Copy of deed (Proof of ownership/control) date stamped with one month of date of application.
8. Copy of a lot/property survey from a licensed surveyor dated within three (3) years of the date of application.
9. Perry County Health Department approval of water supply and waste disposal.
10. Development Plan with:
    - Land use allocation and adjacent context
    - Residential unit types and densities
    - Open space plans
    - Street and utility layouts
    - Natural and physical site features
    - Flood zones and drainage
    - Phasing schedule and design narrative
    - Infrastructure and utility details
    - Architectural and landscape renderings
    - Deed restrictions/covenants, if applicable
    - Applicant's justification for PD
    - A list of requested divergences from any applicable development standards and written justification for said divergences

Article 20.12 – Submittal Process

Ten (10) complete copies must be submitted to the Zoning Inspector 10 days prior to the next Commission meeting. Incomplete submissions will be returned.

Article 20.13 - Review Criteria

The reviewing authorities shall consider if:

1. The proposal is consistent with the purpose, criteria, intent, and standards of this Article and Zoning Resolution.
2. The proposal would meet or exceed the goals, objectives, and/or recommendations of the Comprehensive Plan.
3. The proposal would support safe walking, bicycling, wheelchair, and other non-vehicular transportation to and between common destinations including residences, employment centers, educational facilities, shopping, and recreation that is provided within or adjacent to the planned unit development.
4. The proposal would promote the conservation and/or promotion of natural resources within the Township.
5. There are any other considerations which promote public health, safety, and welfare as may be deemed relevant.
6. In addition to other powers provided within ORC 519.12, the reviewing authorities may impose conditions on the approval of the application that would cause the development to meet applicable review criteria.

Article 20.14 – Public Hearing by Zoning Commission

The Zoning Commission shall act in accordance with Section 6.6, and must hold a hearing on the application within 30 days of submission following Article 6 notice procedures.

Article 20.15 – Zoning Commission Recommendation

The Commission shall provide a recommendation to approve, approve with modifications, or disapprove the application within 60 days of the hearing. Approval criteria include:

1. Functional and desirable unit layout
2. Adequate street capacity and traffic flow
3. Justification for requested exceptions
4. Compatibility with surrounding uses
5. Availability of public services

Article 20.16 – Action by Township Trustees

The Trustees shall act according to Sections 6.7 and 6.8. Following the approval of the Board of Trustees, the property shall be considered zoned PD. Approval binds the development to the submitted Development Plan.

Article 20.17 – Expiration and Extension

Approval is valid for two (2) years. If construction hasn't begun, the land reverts to prior zoning unless an extension is granted by the Board of Trustees.

Article 20.18 – Platting

New parcels must comply with the Perry County Subdivision Regulations. Preliminary plat submission may occur simultaneously with the rezoning request. 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 20.19 – Fees. In addition to any fee established by the schedule of zoning fees adopted by the Township, In addition, the applicant shall also be responsible for all reasonable and necessary expenses incurred by the Township in using professional consulting services to review the preliminary development plan or detailed development plan. These expenses may include, without limitation, costs for professional consultants such as architects, landscape architects, planners and engineers utilized by the Township in connection with reviewing the preliminary development plan or detailed development plan and related application materials. As soon as reasonably practicable following the submission

of an application for approval of a preliminary development plan or detailed development plan, the Zoning Commission shall decide if it needs a professional consultant(s) to assist it in reviewing the application. If the Zoning Commission decides it needs professional consulting services, it shall designate the person(s) to be consulted and make an initial estimate of the expenses anticipated to be incurred in reviewing the application materials. The Zoning Commission shall provide the applicant with notice of its initial estimate of such expenses. This initial estimate will be reviewed, and may be revised, from time to time during the review process, and, if such review results in an increase in the estimated professional consulting fees and charges which will be incurred in the Township's review of the application materials, the Zoning Commission shall send the applicant written notice of the revised estimate of fees and charges. Within fourteen (14) days of the date of the notice of the initial estimate of fees and charges (and, if applicable, within fourteen (14) days of the date of the notice of any revised estimate), the applicant shall deposit in the office of the Fiscal Officer, an amount equal to the estimated cost of the Township's expenses. In making the estimate of the professional consulting fees and charges anticipated to be incurred, the Zoning Commission shall consider the reasonable commercial rates of qualified professionals and reasonable estimates of time to complete the review. Any unused portion of the estimated amount received to cover the professional consulting fees and charges shall be returned to the applicant as soon as practicable following the final disposition of the application, along with a summary of the fees and charges expended for such services.

Article 21. (FP) FLOOD PLAIN OVERLAY DISTRICT

Article 21.1 - 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 21.2 - 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:

1. 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;
2. Controlling the filling, grading, dredging and other development which may increase flood damage; and
3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

Article 21.3 - Scope and Application

21.3.1 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.

21.3.2 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 (FP) 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.

21.3.3 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 21.3.1 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.

21.3.4 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 21.4 - Development Standards

1. 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.
2. No habitable structure shall be constructed within the (FP) District.
3. 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.
4. 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.
5. 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 22. (RESERVED FOR FUTURE USE)

PART THREE - ADDITIONAL ZONING REQUIREMENTS

Article 23. GENERAL DEVELOPMENT REQUIREMENTS

Article 23.1 - Lot Width

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.

Lot Width:
Lot width shall be measured along the front lot line that abuts such thoroughfare as designated in Section 23.1 above.

Article 23.2 - Front Yards

1. 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.
2. 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.
3. 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 23.3 - Side Yards

1. Measurement:
   Side yard width shall be measured from the nearest side lot line to the building line.
2. 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 23.4 - Rear Yards

1. 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.
2. Accessory Uses or Structures
   Accessory uses or structures may be allowed in a rear yard, subject to requirements of Article 24 of this Resolution.

Article 23.5 - 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 23.6 - 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 24. ACCESSORY USES AND STRUCTURES

Section 24.1 - 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 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.

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.

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 5 of this Resolution.

Section 24.2 - 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:

1. 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 24.3 below.
2. 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.
3. The home occupation shall not generate greater traffic volume than is normal for a residential neighborhood.
4. External indication of such home occupation shall be limited to one non-illuminated sign not more than eight (8) square feet.
5. Not more than one (1) person, other than immediate family residing at the premises, shall be employed in such occupation.
6. The home occupation business activity shall be conducted primarily during daylight hours.

7. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the lot.
8. Within the NR District, no home occupation shall be conducted from any accessory building.

Section 24.3 - Accessory Structures

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.

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.

Section 24.4 - 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, NRD or UR District.

Section 24.5 - Telecommunications Towers

Telecommunications towers, as defined in Article 2 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:

1. The maximum height of the tower shall not exceed 150 feet.
2. 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.
3. The tower shall be located not less than 300 feet from any existing residential dwelling or any public roadway.
4. The minimum lot size for the site of the tower shall be two (2) acres.
5. 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.
6. A landscaping plan shall be submitted and approved by the Board of Zoning Appeals.
7. The tower shall not be lighted except to assure safety or as required by the FAA.
8. The applicant or tower provider shall demonstrate that the telecommunication tower must be located where it is proposed in order to service the applicant's service area, that other sites have been considered, and that location at the proposed site is technically necessary.
9. 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 site's 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.
10. If the telecommunications tower is 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).
11. 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 25. OFF-STREET PARKING REQUIREMENTS

Section 25.1 - 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.

Section 25.2 - 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.

Section 25.3 - General Requirements

1. Surfacing and Drainage:
   All off-street parking areas within the CB and I 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.
2. 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.
3. 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.
4. 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.
5. 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:
6. 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.
7. Recreational equipment shall not be used for permanent occupancy.

Article 26. SIGNS

Section 26.1 - 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.

Section 26.2 - Sign Permits

Permit Required:
No permanent or temporary sign, except as exempted in Section 26.3 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.

Contents of Application:
Applications 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:
3. 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.
4. The method of illumination proposed;
5. The exact location of the sign in relation to the building and property.

Section 26.3 - Signs Which Do Not Require a Permit

1. Address and name of occupant of premises for a residential structure, limited to two (2) square feet in size.
2. Cornerstones, commemorative plaques, and historical markers, not exceeding nine (9) square feet and not illuminated.
3. Seasonal holiday decorations that do not create traffic safety issues.
4. Political signs related to public elections, displayed up to 45 days before and removed within 15 days after the election.
5. On-premise “for sale,” “for rent,” or “for lease” signs, limited to one per 300 feet of frontage.
6. Temporary window signs in commercial districts for special sales or events.
7. Small identification signs for offices in multi-tenant buildings, not exceeding four (4) square feet.
8. Signs for garage or yard sales displayed for up to three days, and removed within two days.
9. Farm signs identifying occupants or farm products, located outside the road right-of-way.
10. Temporary construction signs identifying contractors or developers, removed after construction completion.
11. Community event signs by nonprofit, public, religious, or charitable organizations.

Section 26.4 - General Requirements

Outdoor Advertising:
Permitted in CB and I districts with specific limitations including:

1. No more than two off-premises directional signs (max 4 sq. ft. each)
2. Billboards (over 200 sq. ft.) regulated separately
3. Max height of 25 ft
4. Prohibited in trees/natural features
5. Must meet setback and licensing requirements

Billboards:

1. Conditional use in CB and I Districts

2. Max size: 300 sq. ft.
3. Minimum 1,500 ft from any residence
4. Prohibited on county/township roads
5. Requires site plan and BZA approval

On-Premises Signs:

1. Allowed in CB and I districts
2. Max height: 25 ft
3. Must be at least 25 ft from right-of-way
4. Area limits based on building frontage (2 sq. ft. per foot for 1-story; 3 sq. ft. for multi-story)
5. Special rules for corner lots and internal lots (e.g., shopping centers)

Portable Signs:

1. Allowed temporarily (max 30 days/year)
2. Must fit within total allowed sign area

Permanent Subdivision Signs:

1. Max 2 per entrance
2. Max 100 sq. ft. per side

General Sign Standards:

1. Must use indirect or concealed illumination
2. Flashing/moving lights and EMCs are prohibited
3. Moving/animated signs are conditional uses
4. Must not block sight lines at intersections
5. Must not extend into public rights-of-way

Section 26.5 - Measurement of Sign Area

Includes all display faces of a sign. Structural supports excluded unless used as part of the design/message. Multi-face signs count all faces.

Section 26.6 - Nonconforming Signs

Abandonment:
Sign is considered abandoned if:

1. Associated business or use is abandoned
2. Sign remains after business closure (90 days)
3. Sign falls into disrepair or is not maintained

Relocation/Replacement:
Nonconforming signs must comply with current regulations if moved or replaced.

Maintenance:
No enlargement or structural alterations permitted. If damaged >50% of value, must be removed or replaced within 60 days.

Article 27. ADULT ENTERTAINMENT BUSINESSES

Section 27.1 - 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.

Section 27.2 - Definitions

Adult Entertainment Facility: Means any establishment which is involved in one or more of the following listed categories:

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.

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 on "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.

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.

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:

1. 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;
2. The outcome of an individual's play and participation is not determined largely or wholly by chance;
3. The outcome of play during a game is not controlled by a person not actively participating in the game.

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.

Specified Sexual Activities: Means any of the following:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts, real or simulated, of 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.

Specified Anatomical Areas: Means 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.

Fine Art Gallery: Means any display of artwork which is individually crafted and signed by the artist or which is limited in edition to 1,000 or less.

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.

Visibly displayed: Means the material is visible on any sign, viewing screen, marquee, newsstand, display rack, window, showcase, 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, have unrestrained and reasonably anticipated access and presence.

Section 27.3 - Exceptions

Nothing in this Article shall be construed to pertain to:

1. 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.
2. 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.

Section 27.4 - Location

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

1. No adult entertainment facility shall be established within 1,500 feet of any residence or district where residences are a permitted use.
2. No adult entertainment facility shall be established within a radius of 1,500 feet of any school, library, or teaching facility, whether public or private, attended by persons under 18 years of age.
3. No adult entertainment facility shall be established within a radius of 1,500 feet of any park or recreational facility attended by persons under 18 years of age.
4. No adult entertainment facility shall be established within a radius of 1,500 feet of any church, synagogue, or permanently established place of religious services attended by persons under 18 years of age.
5. No adult entertainment facility shall be established within a radius of 1,500 feet of any other adult entertainment facility.
6. 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.
7. 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.

8. 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 areas.

Article 28. SMALL SOLAR FACILITIES

Section 28.1 - Purpose

Solar facilities of fifty (50) megawatts or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations.

Section 28.2 - Definitions

Small Solar Facilities: Means a renewable energy facility at which one or more solar photovoltaic collector panels or devices uses light to generate electricity.

Ground Mounted Solar Energy Systems: A solar energy system that mounts a solar panel or panels and facilities on or above the ground.

Integrated Solar Energy Systems: A solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment.

Rooftop Solar Energy Systems: A solar energy system that is mounted to a structure or building's roof on racks.

Small Solar Facility: A solar energy system and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) megawatts.

Solar Energy: Radiant energy received from the sun that can be collected and converted into thermal or electrical energy.

Solar Energy System: A system and associated facilities that collect solar energy.

Section 28.3 - Permitted Uses

Integrated Solar Energy Systems are permitted in:

1. Northwest Residential
2. Rural Residential
3. Commercial Business

Rooftop Solar Energy Systems are permitted in:

1. Northwest Residential
2. Rural Residential
3. Commercial Business

Ground Mounted Solar Energy Systems are permitted in:

1. Rural Residential

Section 28.4 - Conditional Uses

All other types of Small Solar Facilities are conditional uses in:

2. Northwest Residential
3. Rural Residential
4. Commercial Business

Section 28.5 - General Requirements

1. Integrated or Rooftop Systems:
   - Max height shall not exceed principal structure height.
   - Shall not cover more than 50% of structure's walls or roof.
2. Ground Mounted Systems:
   - Max height: 15 feet.
   - Coverage: Not more than 10% of lot area.
   - Visual buffer required to screen from adjacent lots and public view.
3. All Other Small Solar Facilities:
   - Max height: 35 feet or district maximum.
   - Coverage: Not more than 10% of lot area.
   - Visual buffer required.
4. Lighting: Downlit and shielded, no more than one foot-candle illuminance.
5. Noise: Shall not exceed 45 decibels at adjacent lot.
6. Setbacks: Must comply with district setbacks.
7. Maintenance: Must be operational and removed within 90 days of abandonment.
8. Building Permits: Required from applicable authorities.
9. Advertising: Prohibited, except for manufacturer/operator identification.
10. Other Restrictions: Must comply with all applicable laws and regulations.

Section 28.6 - Criteria for Conditional Use

Must follow conditional use permit process.

Specific requirements: Road Use Maintenance Agreement (RUMA). Safety services access verification.

Location:

- Facilities (except rooftop/integrated) must be in rear yard.
- Not on front facade or facing public ROW.

Height: Max 35 feet.

Buffers and Setbacks:

- 30 feet from residential structures.
- 30 feet from property lines and ROWs.

Visual Buffer:

- Enhance views from public/residential.
- Harmonize with existing vegetation.

Glare:

- Systems must avoid glare on adjacent properties.

Lighting:

- Shielded, no spillover.

Fencing:

- Must be aesthetically compatible and maintained.

Safety Services:

- Must confirm emergency access.

Conditions:

- Board of Zoning Appeals may impose conditions.

Section 28.7 - Certificate of Zoning Compliance

1. Required before construction.
2. Application must include:
    - Engineering report: size, capacity, hazardous material plan.
    - Site drawing.
    - Evidence of compliance.
    - Maintenance and dismantling plan.
    - Any other required info by Zoning Inspector.

Article 29. SMALL WIND FARM/TURBINES

Section 29.1 - Definitions

Small Wind Farm: means wind turbines and associated facilities that are not subject to the jurisdiction of the power siting board under sections 4906.20 and 4906.201 of the Revised Code. Wind projects of 5MW or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Small wind projects less than 5MW, including the wind turbine generator or anemometer or any parts thereof shall be a permitted use in Rural Residential only. The following conditions shall be met for both by-right and conditional use zoning permits:

1. Maximum Height: The maximum height of any turbine shall be 125 feet. For purposes of this resolution, maximum height shall be considered the total height of the turbine system, including the tower, and the maximum vertical height of the turbine's blades. Maximum height shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower.
2. Setbacks: Any turbine erected on a lot shall be setback 1.1 times the height of the tower, or established "clear fall zone", from all road right-of-way lines and neighboring property lines. A turbine shall be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located and would not strike any structures including the primary dwelling, and any inhabited structures.
3. Maintenance: Wind turbines must be maintained in good working order. The owner shall within thirty (30) days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the zoning inspector. An unused wind turbine or small wind project may stand no longer than twelve (12) months following abandonment. All costs associated with the demolition of the wind turbine and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. Wind turbines that become inoperable for more than twelve (12) months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine.
4. Noise: Decibel levels shall not exceed those provided by the manufacturer. All units collectively shall operate at not more than five (5) decibels above the established ambient decibel levels at lot lines. This information shall be obtained from the manufacturer of the turbine, and all decibel readings, if necessary, shall be taken from the

nearest neighboring lot lines. Those turbines that do not meet this requirement will be issued a zoning violation, and shall be required to shut down immediately until the required decibel levels are met.

5. Wiring: All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground and meet all applicable local, state, and federal codes, including any County building regulations and residential building codes of Ohio.
6. Warning Signs: Appropriate warning signs to address voltage shall be posted.
7. Building Permits: All small wind projects and parts thereof shall obtain all applicable building permits required by the township. The applicant shall provide the following:
    - The total height and size of the unit.
    - If applicable, the total size and depth of the unit's foundation structure, as well as soil and bedrock data.
    - A list and/or depiction of all safety measures that will be on the unit, including anti-climb devices, grounding devices, and lightning protection, braking systems, guy wiring and anchors.
    - Data specifying the kilowatt size and generating capacity in kilowatts of the particular unit.
    - The maximum decibel level of the particular unit. This information shall be obtained from the manufacturer of the turbine unit.
    - Hazardous materials containment and disposal plan.
    - A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public rights-of-way and neighboring property lines.
    - Evidence of the established setbacks of 1.1 times the height of the turbine and "Clear Fall Zone". The manufacturer's recommendation must also be included.
    - A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.
    - Security fencing at least six (6) feet in height and affixed with an operable lock shall be provided to prevent uncontrolled access to the turbine site.
    - The tower shall not be lighted except to assure safety or as required by the FAA.