

# **PLANNING AND ZONING CODE**

**VILLAGE OF THORNVILLE  
PERRY COUNTY, OHIO**

**OCTOBER, 2008**

**Revised December 10, 2014**

# VILLAGE OF THORNVILLE

## PLANNING AND ZONING CODE

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**PART ONE**

**GENERAL PROVISIONS**

## **ARTICLE I**

### **PURPOSE AND AUTHORIZATION**

#### **Section 1.01 Title**

This Ordinance shall be known and may be cited as the “Planning and Zoning Code of the Village of Thornville, Ohio.” Unless otherwise provided herein or by the law or implication thereof, the same rules of construction, definition, and application shall govern the interpretation of this Ordinance as those governing the interpretation of the Ohio Revised Code.

#### **Section 1.02 Purpose**

This Ordinance is enacted for the general purpose of promoting and protecting the public health, safety, comfort, prosperity and general welfare of the residents of Thornville by regulating and limiting the subdivision and use of land areas, and the erection and/or alteration of buildings. In addition, it is the intent of these regulations to:

- A. protect the property rights of all individuals by assuring the compatibility of uses and practices within districts,
- B. facilitate the adequate, economic and efficient provision of public utilities and public services,
- C. provide for safe and convenient traffic circulation, and lessen congestion on public streets, roads and highways;
- D. protect the character of existing areas and provide for the orderly development of lands hereafter within the Village; ;
- E. provide for sufficient land for future provision of open spaces for schools, recreation and other public purposes,
- F. obtain accurate surveying of land,
- G. provide for the administration and enforcement of this Ordinance, including the provision of penalties for its violation and any other purpose provided in this Ordinance, the Ohio Revised Code, or under common law rulings.

#### **Section 1.03 Interpretation**

The provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of public health, safety, and the general welfare. It is not intended that this Ordinance shall abrogate, annul or interfere with any easements, covenants, or other agreements between parties, unless they violate this Ordinance. When a provisions of this Ordinance conflict with any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall apply.

#### **Section 1.04 Applicability**

The regulations set forth in this Ordinance shall be applicable to all buildings, structures, uses and lands owned or controlled by any individual, organization, political subdivision, district, taxing unit or bond-issuing authority located within the corporate limits of the Village of Thornville, and any additional lands over which the Village may have future zoning or subdivision jurisdiction..

**Section 1.05 Separability**

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

## **ARTICLE II**

### **DEFINITIONS**

#### **Section 2.01 Interpretation**

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

Terms related to specific Articles or Sections may be defined within the specific portions of the Ordinance where those general requirements are found.

#### **Section 2.02 Definitions**

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

“Accessory building” or “accessory structure” means a building or structure occupied by an accessory use.

“Access Drive (way)” means a way or means of approach to provide physical entrance to a property from public or private alley or street that conforms to the standards as specified in Article XXVIII, Section 28.03.

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

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

“Alley” means a public right-of-way ten (10) to twenty (20) feet wide which provides only secondary means of access to abutting property.

"Average Daily Traffic" or "ADT" means the average number of motor vehicles per day that pass over a given point in street or thoroughfare.

“Basement” means a story whose floor level, two (2) feet or more below grade level, but having less than half its clear height above grade level.

"Block" means the property abutting one side of a street, and lying between two consecutive intersecting streets.

"Board" or "Planning and Zoning Board" means the Planning and Zoning Board established in Article III of this Ordinance.

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

"Height of building" means the vertical distance from the average grade surrounding the building to the highest point of the roof.

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

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

"Cemetery" means land used or intended to be used for the burial of human dead. A "pet cemetery" means a parcel of land that is principally used for the burial of more than five (5) domesticated animals considered as pets.

"Certificate of Zoning Compliance" means a certificate issued by the Zoning Inspector, pursuant to Section 4.08 of this Ordinance, confirming that the zoning requirements of this Ordinance have been met, and the building can be occupied.

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

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

"Congregate or group home" means a residential care facility in which not less than nine (9) but not more than sixteen (16) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment.

"Cul-de-sac" (see "Street")

"Development Plan" means a site plan for a property and the physical development that is proposed on such site, as specified in Section 12.02.07 of this Ordinance.

"Drive-through facility" means traffic lanes, drive-up windows and/or other physical accrements located on a business site which enable that business to provide goods or services to customers without such customers leaving his/her automobile.

"Driveway" means a private road giving access from a public way to a detached single family dwelling on abutting ground or to a group of multi-family or commercial buildings.

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

“Multiple-family dwelling” or “multiple-family residence” means a building designed or used as a residence for three or more families living independently and doing their own cooking therein.

“Single family dwelling” or “single family residence” means a building designed for or occupied exclusively by one family. This may also include a family suite.

“Two-family dwelling” or “two-family residence” means a building designed for or occupied exclusively by two families living independently.

“Easement” means a right or privilege of use of land, as distinct from fee simple ownership.

“Essential Services” means the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conducts, cables, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare, but not including buildings.

“Failure of delivery” means that a particular notice was not received, due to circumstances beyond the control of the Village, and does not include the lack of mailing of the subject notices in the matter specified in the Ordinance.

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from 1) the overflow of inland or tidal waters and/or 2) the unusual and rapid accumulation of runoff of surface waters from any source

“Flood plain” “means an area, as determined by the applicable Flood Insurance Rate Maps as subject to flood or flooding

“Flood Insurance Rate Map (FIRM)” means an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazards within the Village of Thornville.

“Floor area” of a building means the sum of the gross horizontal areas of the building floors, measured from the exterior faces of exterior walls. Floor area shall not include basements, elevator and stair bulkheads, unfinished attic spaces, terraces, breezeways, open porches, uncovered steps, or garages.

“Frontage” or “lot frontage” means that portion of the lot that directly abuts the street, and has direct access thereto. Lot frontage shall be measured along the minimum building setback line for the district within which such lot is located.

“Home occupation” means any occupation or profession conducted primarily by immediate resident family members, which is clearly incidental and secondary to the dwelling's residential use. A home occupation must meet the standards and requirements specified in Section 29.02 of this Ordinance.

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

“Hotel” or “motel” means a building in which lodging is provided or offered to the public for compensation and which is open to transient guests, in contradiction to a boarding house or lodging house operated on a membership basis.

“Improvements” means any addition to the natural state of land which increases its value or utility, including buildings, street pavements, sidewalks, crosswalks, water mains, sanitary sewers, storm sewers, landscaping, street lighting, street trees, public utilities, paved parking areas and other appropriate items.

- A. “Site improvements means the improvements made to the land outside the exterior limits of a structure or structures.
- B. “Public improvements” means all improvements financed entirely or in part by public funds or which have been dedicated to public use by plat, easement or deed of transfer.

“Industrialized unit” means a building unit or assembly of closed construction that is fabricated in an off-site facility, that is substantially self-sufficient as a unit or as a part of a greater structure, that requires transportation to the site of intended use. “Industrialized unit” includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. “Industrialized unit” does not include a manufactured or mobile home as defined herein.

“Institution” means an organization providing social, cultural, educational or health services to member agencies, organizations, and individuals, or to the general public.

“Loading space” is a space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of trucks.

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

- A. “Corner lot” means any lot at the junction of and abutting on two (2) or more intersecting streets, where the angle of intersection is not more than 135 degrees.
- B. “Lot coverage” means the ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
- C. “Rear lot line” means that lot line which is opposite and furthest removed from the front lot line. In the case of a lot where the side lot lines meet at the rear of the lot (i.e., a triangular lot), the rear lot line shall be considered to be the point of intersection of the side lot lines. In the case of a corner lot, the rear lot line is opposite and furthest removed from the lot line considered to be the front lot line for purposes of computing the front yard depth.
- D. “Side lot line” means the lot line running from the front lot line to the rear lot line. This line is also the line dividing two (2) interior lots.
- E. “Lot of record” means any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder, Perry County, Ohio, as of the effective date of this Ordinance.
- F. “Minimum lot area” means the area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.

- G. “Lot width” is the width of a lot at the building setback line measured at right angles to its depth.

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

“Manufactured home community” or “manufactured home park” means a development constructed primarily for manufactured homes, with continuing local management and special facilities for common use by residents. Typically, the land or lots upon which the manufactured homes are located will not be owned by the resident of the individual manufactured home.

“Manufacturing” means any production or industrial process, including food processing, which combines one (1) or more raw materials or components into a product or which changes the nature of the materials entering the process, and which by the nature of the materials, equipment and/or process utilized is not objectionable by reason of odor, noise, vibration, gas fumes, dust, smoke, refuse, or water-carried wastes.

“Mobile home” means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) feet in length, or, when erected on the site, is 320 or more square feet, that is built on a permanent chassis and is transportable in one or more sections, and does not qualify as a manufactured home or industrialized unit, as defined herein. Because mobile homes, as defined herein, were not constructed to accepted standards, such mobile homes shall not be considered as a permitted or conditional use in any zoning district within the Village of Thornville.

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

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

“Nursery” or “Day care center” means a facility which temporarily assumes responsibility for more than six (6) children other than those related to the resident of the premises. Such responsibility shall consist of administering to the needs of those children during any part of a twenty-four hour day for a period of two (2) consecutive days.

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

“Off-Street Parking Space” means a temporary storage area for a motor vehicle that is directly accessible from an access drive(way) and that is wholly located off any street, alley, or sidewalk, either in an enclosed building or an open lot and where each space conforms to the standards as specified in Article XXVIII, Section 28.03.

“On-Street Parking Space” means a temporary storage area for a motor vehicle that is located on a dedicated street or alley.

“Open space” means that part of a zoned property, including courts or yards, which is open and unobstructed from its lowest level to the sky, accessible to all tenants upon the zoning property.

“Parking area” or “parking lot” means any area other than street, drive, or alley, used or intended to be used for the storage of motor vehicles, with or without a fee.

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

“Permanently sited manufactured home” means a manufactured home that meets all of the following criteria:

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

“Person” means any individual, corporation, company, business, partnership, association or legal entity.

“Personal services” means any enterprise, conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, retail dry cleaning, barber and beauty shops, and related activities.

“Plan” means a drawing showing the proportion and relation of parts of improvements to each other and their surroundings.

- A. “Construction plan” means a plan which gives information required to construct improvements including plan views, sections, profiles, details, quantities, reference specifications and standard drawings.

“Plat” means a plan of a tract or parcel of land made by a surveyor registered in the State of Ohio showing public dedications, property lines, lot lines and such other information as is required herein.

“Professional office” means the business office of a person or persons engaged in providing to the general public services of a professional nature such as legal, medical, accounting, and architectural services.

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

“Residence” - see “Dwelling”.

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

“Retail stores” means stores primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.

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

“Sidewalk” means a paved portion of a street lying outside the curb lines or edge of pavement of a roadway, intended for pedestrian use.

“Similar use” means a use not specifically listed in any of the permitted building or use classifications of any district, but which may be found analogous and added to the classification, according to the procedures and requirements of Section 12.02.05 of this Ordinance.

“Street” means the full width of the right-of-way between two (2) property lines, both paved and unpaved, intended to provide principal means of access to an abutting property. Streets shall be classified as follows:

- A. "Arterial Street" means a street connecting Thornville with outside activity centers and serving as the primary routes through and within the Village. Arterial streets carry the largest volume of traffic - usually on a continuous route. Service to the adjacent land is subordinate to the provision of travel service on arterial streets.
- B. “Collector Street ” means a thoroughfare which carries vehicular traffic from local streets to arterial streets, and is designed to accommodate 500 - 5,000 vehicles per day ADT.
- C. “Cul-de-sac” means a short local street having but one end open for motor traffic and the other end terminated by a vehicular turn-around
- D. “Local Street” means a street on which the majority of the traffic originates or terminates in the abutting properties. These streets are designed to accommodate up to 500 vehicles per day ADT at low speeds.
- E. “Private Street” means a strip of privately-owned land providing access to abutting properties.
- F. “Public Street” means a strip of land providing public access to abutting property, as dedicated to the Village or Perry County upon a plat which has been duly approved, filed and recorded in the Perry County Recorder's Office.

”Structure” means anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground, including among other things walls, buildings, and patios. “Structure” includes fences, and mobile or manufactured structures.

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

“Subdivision” means:

- A. the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between

- adjoining lot owners, where such sale or exchange does not create additional building sites and where the lots resulting are not reduced below minimum sizes required by law, shall be exempted; or
- B. the improvement of one (1) or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or leaseholders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

"Survey" means the legal description of a property, with text and map, that precisely locates the property by referencing permanent monuments, markers and/or pins.

"Thoroughfare Plan" means the document now or hereafter adopted, which may be considered a component of a comprehensive plan, which sets forth the location, alignment and/or classification of existing and proposed streets.

"Use" means the purpose for which a building or land is arranged, designed, or intended, or for which such or building may be occupied or maintained.

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

"Village" means the Village of Thornville, Ohio

"Village Engineer" means the Professional Engineer who is employed by the Village and authorized by Village Council to assist the Planning and Zoning Board in administration of this Ordinance.

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

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

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

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

"Zoning Inspector" means the zoning enforcement official of the Village appointed pursuant to Article III, who is charged with the enforcement of this Ordinance.

"Zoning permit" means an official statement certifying that a proposed building or use complies with all the provisions of Parts One through Four of this Ordinance.

"Zoning District" means a portion of the Village within which certain regulations and requirements or various combinations thereof apply under the provisions of Parts One through Four of this Ordinance.

“Zoning Map” means the map of the Village showing the various zoning districts, as established by Article XII, together with all amendments subsequently adopted by Village Council.

**PART TWO**

**ADMINISTRATION AND ENFORCEMENT**

## ARTICLE III

### ADMINISTRATIVE BODIES AND THEIR DUTIES

#### Section 3.02 Planning and Zoning Board

##### 3.01.01 Planning and Zoning Board Established

Pursuant to Sections 711 and 713 of the Ohio Revised Code, there is hereby established a Planning and Zoning Board in and for the Village of Thornville. Such Board shall have five (5) members, consisting of the Mayor, one (1) member of Village Council and three (3) residents of the Village, all to be appointed by the Mayor with the approval of Village Council. Such members shall be appointed for terms of six (6) years; except for the term of one of the members of the first Board shall be four (4) years and one for two (2) years. All vacancies shall be filled by the Mayor, with the approval of Council.

##### 3.01.02 Removal of Members

Members of the Board shall be removable for non-performance of duty, misconduct in office, or other cause by the Village Council. Prior to such removal, a hearing shall have been held before Village Council regarding such charges. The member shall be given the opportunity to be heard and answer such charges.

##### 3.01.03 Quorum

Three (3) members of the Board shall constitute a quorum. Any action by the Board must be by a concurring vote of the majority of the total Board membership.

##### 3.01.04 Procedures

The meetings of the Board shall be public. However, the Board may go into executive session, as permitted by ORC Section 121.22, as amended, for discussion but not for vote on any case before it. The Board shall organize annually and elect a Chairman, and Vice-Chairman. The Board shall adopt, from time to time, such rules and regulations as it may deem necessary to carry into effect the provisions of this Zoning Ordinance.

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question; or, if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official action, all of which shall be a public record.

The Board may call upon the various departments of the Village, or outside consultants hired for the specific purpose, for assistance in the performance of its duties. It shall be the duty of such departments to render assistance to the Board as may reasonably be required.

3.01.05 Powers and Duties

For the purposes of this Ordinance, the Board is hereby designated as the platting authority of the Village of Thornville and shall have the powers and authority granted under Chapters 711, 713 and 735 of the Ohio Revised Code, including the following specific responsibilities:

- A. Take actions to approve, approve with modification or disapprove subdivisions, as authorized by this Ordinance.
- B. Review all proposed amendments to this Ordinance in accordance with Article VI, and make recommendations to the Village Council.
- C. Authorize such variances from the terms of this Ordinance as will not be contrary to the public interest in accordance with the provisions of Article VII of this Ordinance.
- D. Hear and decide appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the Zoning Inspector.
- E. Declare a zoning permit null and void pursuant to Section 4.09 of this Ordinance.
- F. Grant zoning permits for conditional uses as specified in the district regulations and establish such additional safeguards as will uphold the intent of this Ordinance.
- G. Authorize the substitution or extension of nonconforming uses, as specified in Article X of this Ordinance.
- H. Prepare and present a zoning plan for newly annexed territory, pursuant to Article XII of this Ordinance.
- I. Such other powers and duties as specified in the other Articles of this Ordinance.

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on variation in the application of this Ordinance, pursuant to Article VII.

**Section 3.02 Zoning Inspector**

3.02.01 Office of Zoning Inspector Established

The Zoning Inspector, who shall be appointed by the Mayor with the approval of Village Council, shall enforce the provisions of this Ordinance. In performance of his/her duties, the Zoning Inspector shall function as an employee of the Village.

3.02.02 Relief from Personal Liability

The Zoning Inspector, and any officer or employee who acts in good faith and without malice in the discharge of his duties during

enforcement of this Ordinance is relieved of personal liability subject to the provisions of Chapter 2744 of the Ohio Revised Code

3.02.03 Duties of Zoning Inspector

The Zoning Inspector shall have the following duties:

A. Enforce the provisions of the Planning and Zoning Code and any provision of the Codified Ordinances and the Ohio Basic Code, as adopted by the Village, that the Zoning Inspector is qualified to enforce under Ohio and federal law. The Zoning Inspector shall take such steps as may be necessary to remedy conditions found in violation of those provisions. Such steps include issuing citations of violations of the Planning and Zoning Code and/or the Codified Ordinances of the Village and/or the Ohio Basic Code.

1. Contents of citation of violation.

Whenever the Zoning Inspector determines that there is a violation of any provision of the Planning and Zoning Code and/or the Codified Ordinances of the Village and/or the Ohio Basic Code, he or she shall issue a citation of violation to the owner as hereinafter provided. Such citation shall:

(A) Be in writing;

(B) Include a statement of the reasons why it is being issued;

(C) Allow a reasonable time for the performance of any act it requires;

(D) Be served by a police officer of the Village by one of the following methods:

(1) Personal service; or

(2) Certified mail; or

(3) Residence service; or

(4) Publication; or

(5) Regular mail service to an address that is reasonably believed to be either a place of residence or a location at which the owner regularly receives mail; or

(6) Posting the citation of violation on or in the property, except that if a structure is vacant, then the notice shall be posted on the structure and one (1) of the above methods of service shall also be used.

Any notice served shall automatically become an order if a written petition for a hearing is not filed within twenty (20) calendar days after such notice is served.

2. Evidence of service.

Written or oral acknowledgment by the owner of receipt of a citation of violation shall be evidence that the owner received the citation of violation. An appeal of the citation of violation shall constitute evidence of written acknowledgment by the owner of service of the citation of violation.

B. Coordinate the submittal and processing of materials as to fulfill the requirements of Articles IV-VIII of the Planning and Zoning Code.

C. Issue zoning permits when the provisions of the Planning and Zoning Code and/or the Codified Ordinances of the Village and/or the Ohio Basic Code have been met, or refuse to issue same in the event of noncompliance.

D. Report to the Planning and Zoning Board on a regular basis on development activity that has occurred in the Village.

E. Collect the designated fees as established for zoning permits, applications for appeals and conditional uses.

F. Make and keep all records necessary and appropriate to the office including records of issuance and denial of zoning permits and receipt of complaints of violation of the Planning and Zoning Code and/or the Codified Ordinances of the Village and/or the Ohio Basic Code and action taken on same.

G. Inspect any buildings or lands to determine whether any violations of the Planning and Zoning Code and/or the Codified Ordinances of the Village and/or the Ohio Basic Code have been committed or exist.

H. Advise the Planning and Zoning Board of other matters pertaining to the enforcement of and amendments to the Planning and Zoning Code and/or the Codified Ordinances of the Village and/or the Ohio Basic Code.

I. Other duties directly pertaining to the enforcement of the Planning and Zoning Code and/or the Codified Ordinances of the Village and/or the Ohio Basic Code that may be assigned by Village Council.

**Section 3.03 Powers of Zoning Inspector, Planning and Zoning Board, and Village Council on Matters of Appeal**

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Planning and Zoning Board only on appeal from the decision of the Zoning Inspector. It is further the intent of this Ordinance that the powers of Village Council in connection with this Ordinance shall not include hearing and deciding questions interpretation and enforcement that may arise. Village Council shall not have the authority to overrule the decisions of the Planning and Zoning Board and/or the Zoning Inspector on such matters of appeal or variance. The procedure for deciding such questions shall be as stated in Article VII of this Ordinance.

## **ARTICLE IV**

### **ZONING PERMIT PROCEDURES**

#### **Section 4.01 Zoning Permits**

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a zoning permit issued by the Zoning Inspector. The zoning permit shall certify that the proposed action is in conformance with this Ordinance.

#### **Section 4.02 Conditions Under Which a Zoning Permit is Required**

A zoning permit is required for any of the following:

- A. Occupancy and/or use of vacant land.
- B. Construction or structural alteration of any building, including accessory buildings.
- C. Change in use of an existing building or accessory building to a use not listed as a permitted use in the zoning district where the building is located.

#### **Section 4.03 Application for Zoning Permit**

Applications for a zoning permit shall be obtained from the Zoning Inspector. The application shall contain the following information:

- A. Name, address, and telephone number of the applicant.
- B. Legal description of property, as recorded in Perry County Recorder's office.
- C. Existing and proposed uses
- D. Zoning district in which property is located.
- E. Plans and/or drawings drawn to approximate scale, showing the dimensions and shape of the lot to be built upon; and the dimensions and location of existing and/or proposed buildings or alterations.
- F. Height of proposed buildings or alterations.
- G. Number and dimensions of existing and proposed off-street parking or loading spaces, if applicable.
- H. Such other material as may be requested by the Zoning Inspector to determine conformance with, and provide for the enforcement of this Ordinance.

Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor. In particular cases, the Zoning Inspector may reduce the submittal requirements for applications, when the scope and scale of the proposed action warrants.

#### **Section 4.04 Approval of Zoning Permits**

Within 30 days after the receipt, the application shall be either approved or disapproved by the Zoning Inspector, unless the provisions of Section 4.05, or other specific sections of this Ordinance apply. In taking action on a zoning permit application, the Zoning Inspector may bring the specific case to the Planning and Zoning Board for input. All zoning permits

shall be conditional upon the commencement of work within one (1) year. One (1) copy of the application shall be returned to the applicant by the Zoning Inspector, after such copy is marked as either approved or disapproved and attested to same by the signature of the Zoning Inspector, or his/her designated agent, on such copy. In the case of disapproval, the Zoning Inspector shall state on the returned plans the specific reasons for disapproval. Two (2) copies of plans, similarly marked, shall be retained by the Zoning Inspector. One (1) copy retained by the Zoning Inspector shall be forwarded to the County Auditor upon issuance of a Certificate of Zoning Compliance along with one (1) copy of the application. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alternation is in conformance with the provisions of this Ordinance.

#### **Section 4.05 Submission to the Director of the Department of Transportation**

Before any zoning permit is issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of the Department of Transportation, or any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered or certified mail to the Director of the Department of Transportation. The Zoning Inspector shall not issue a zoning permit for 120 days from the date the notice is received by the Director of the Department of Transportation. If the Director of the Department of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of the Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest thereof agreed upon by the Director of the Department of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provision of this Ordinance, issue the zoning permit in conformance with the provisions of Section 4.06 of this Ordinance.

#### **Section 4.06 Record of Zoning Permit**

A record of all zoning permits shall be kept on file in the office of the Zoning Inspector and copies shall be furnished upon request to any persons having proprietary or tenancy interest in the building or land affected.

#### **Section 4.07 Expiration of Zoning Permits**

If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, or has not been completed within two (2) years from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector. Written notice thereof shall be given to the persons affected, together with notice that further work as described in the expired permit shall not proceed unless and until a new zoning permit has been obtained or an extension has been granted by the Planning and Zoning Board.

#### **Section 4.08 Certificate of Zoning Compliance**

##### **4.08.01 Certificate of Zoning Compliance Required**

The Certificate of Zoning Compliance is the official document certifying completion of the project for which zoning approval was sought. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof

hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

4.08.02 Application for Certificate of Zoning Compliance

Certificates of Zoning Compliance shall be applied for by the applicant giving written notice to the Zoning Inspector that the exterior erection or structural alteration of such building shall have been completed in conformance with the provisions of this Ordinance.

4.08.03 Approval of Health Department Required

If the property in question is not served by public water and sewer and the proposed project requires water and/or sewage disposal, a Certificate of Zoning Compliance shall not be issued by the Zoning Inspector until approval of the water and sewage disposal systems have been given by the Perry County Health Department, or Ohio Environmental Protection Agency.

4.08.04 Record of Certificate of Zoning Compliance

The Zoning Inspector shall maintain a record of all Certificates of Zoning Compliance and a copy of any individual certificate shall be furnished upon request to occupant or his legally authorized representative.

**Section 4.09 Void Zoning Permits**

A zoning permit shall be void if any of the following conditions exist:

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

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

## **ARTICLE V**

### **SUBDIVISION PROCEDURES**

#### **Section 5.01 Scope**

It shall be unlawful for any person, organization or entity to subdivide any land within the Village, or within any area over which the Village has subdivision jurisdiction, unless said subdivision complies with the regulations herein contained. No plat shall be recorded and no land or lot shall be sold until said plat has been approved as herein required. All land contracts and/or long term leases affecting a present or future subdivision of land, as defined in Article II, shall be subject to the requirements of this Ordinance.

#### **Section 5.02 Pre-Application Meeting**

Prior to preparation of a preliminary plat, an owner and/or applicant is encouraged to meet with the Planning and Zoning Board to familiarize himself/herself with the provisions of this Code and other applicable requirements.

#### **Section 5.03 Submittal of Application for Preliminary Plan**

The Owner/Developer and/or applicant shall submit ten (10) copies of the preliminary plan to the Zoning Inspector at least ten (10) days prior to the date of the Planning and Zoning Board's meeting. The material required for submittal shall be as follows:

- A. Proposed name of the subdivision and its location;
- B. Names and addresses of owners and developers;
- C. Name, address and registration number of the engineer or surveyor preparing the plan.
- D. Date, north arrow and plan scale. Scale shall be one inch equals 100 feet or larger scale;
- E. Boundary lines of the proposed development and the total acreage encompassed therein;
- F. Locations, widths and names of all existing public streets or other public ways, railroad and utility rights of way or easements, parks and other public open spaces.
- G. Existing sewers, water mains, culverts and other underground facilities within the tract, adjacent to the tract or that will be used in developing the tract, indicating pipe sizes, grades and locations;
- H. The adjoining lines of adjacent tracts, parcels or lots, and names of property owners, and, in the case of a replat of an existing subdivision, the existing lot lines;
- I. Existing zoning;
- J. Existing drainage channels, wooded areas, watercourses and other significant physical features, including topography with contour lines based on USGS data at not more than a two (2) foot difference in elevation.
- K. Layout of proposed streets, including their names and rights of way, easement sewers, waterlines, culverts and other major improvements;
- L. Layout, numbering and dimensions of lots.
- M. Tentative street grades and sewer size and slope;

The applicant may be required to present additional plans, renderings or other supportive material as needed.

Upon receipt, the Zoning Inspector shall transmit copies of the application for the preliminary plan to the Village Administrator, the Planning and Zoning Board, and such other entities as he/she deems appropriate. The Village Administrator shall distribute the plan to the Village Engineer, and local fire, EMS, and school officials as he/she deems appropriate.

#### **Section 5.04 Minor Subdivisions**

If the Zoning Inspector determines that the proposed subdivision of land

- A. adjoins an existing public street and does not involve opening, widening, extension or improvement of any roadway or the installation of any public utilities, and
- B. creates no more than five (5) lots, and
- C. does not adversely affect adjoining tract of land, and
- D. complies with the applicable zoning regulations of the Village

then it shall be classified as a *minor subdivision*.

If the subdivision is classified as a minor subdivision, only such drawings and information as is determined necessary by the Zoning Inspector to determine compliance with pertinent platting, zoning and other regulations need to be submitted for approval. In determining compliance with these standards, the Zoning Inspector may seek input from other departments of the Village. If the public water and sewer is not available, the application materials must contain approval of the Perry County Board of Health. The Zoning Inspector shall submit the application for a minor subdivision to the Chairman of the Planning and Zoning Board, along with a recommendation for approval or disapproval.

The Chairman of the Planning and Zoning Board may approve or disapprove said minor subdivision by indicating upon the preliminary plan "*Approved (Disapproved) Village of Thornville Planning and Zoning Board*". One (1) copy of the preliminary plan, with such notation thereon, shall be retained for the files of the Planning and Zoning Board.

After approval of a minor subdivision by the Chairman of the Planning and Zoning Board, the owner /applicant may submit a deed or deeds describing lots by metes and bounds, which shall conform to the approved preliminary plan. The Chairman of the Planning and Zoning Board shall approve such conveyances if they conform to the preliminary plan by noting on said deed or deeds "*Approved, Village of Thornville Planning and Zoning Board*"

#### **Section 5.05 Recommendation by Planning and Zoning Board**

The Board shall review and make recommendations on the submitted preliminary plat not later than the second regular meeting following receipt of the application. In reviewing the preliminary plat, the Planning and Zoning Board may seek the input of other Village departments, or consultants retained for that purpose. The cost of all reviews deemed necessary by the Board shall be paid by the applicant.

The Planning and Zoning Board may recommend to Village Council that the submitted preliminary plat be approved, disapproved, or approved with modification. In making its recommendation to Village Council, the Planning and Zoning Board shall respond to the criteria cited in Section 5.06 A-D below.

### **Section 5.06 Action by Village Council**

Village Council shall commence action on the preliminary plan not later than thirty (30) days after receipt of the recommendation from the Planning and Zoning Board, or within such further time as is agreed to by the applicant. A preliminary plan shall not be approved unless the Village Council finds that:

- A. The proposed subdivision complies with these regulations, the provisions of the Ohio Revised Code, and other codes and ordinances of the Village as applicable, and
- B. The preliminary plat is in general compliance with any adopted comprehensive plan for the Village, and
- C. The subdivision can be adequately served with public facilities and services, and
- D. All land intended for building sites can be used safely and without endangering the health and safety of the residents by peril from floods, erosion, continuously high water table, poor soil conditions or other menace.

Approval of the preliminary plat shall confer upon the applicant the right for a two (2) year period from the date of approval that the general terms and conditions under which approval was granted will not be changed, and that within the two (2) year period, the whole, part or parts of the preliminary plat may be submitted for final approval.

### **Section 5.07 Final Plat Submittal**

Upon approval of the preliminary plat, a final plat may be submitted for land being subdivided. The final plat shall be drawn to a scale of one (1) inch to one-hundred feet, on a sheet or sheets 24 by 36 inches in size, or other size and scale as determined appropriate by the Planning and Zoning Board. Such final plat shall include the following:

- A. Name of the subdivision and the section number, if it is a portion of the total subdivision.
- B. A description giving the number of acres, the military survey number, Village, township, county and property owner's name.
- C. Sheet and total number for each sheet, including covenant sheet and construction plan.
- D. Scale and north indicator
- E. The bearings and distances of the boundary lines of the subdivision
- F. The bearings and distances of all lot lines or areas dedicated to public uses within the subdivision. In case of curved sides of lots, the tangent deflection angle, the length of the tangent, the length of radius, the length of arc and the length and bearing of the chord shall be given
- G. Lot numbers
- H. The bearing and distances of all straight sections of street center lines. Curved sections of street center lines shall show the same information as curved lot lines
- I. Street names
- J. Street, alley and easement widths. Any easements not parallel to property lines shall show the bearings and distances of the lines
- K. The location of all permanent markers or monuments
- L. Building setback lines with their distance from the right-of-way lines
- M. The proposed location of all utilities and easements
- N. Requested private covenants and other contractual agreements

The final plat of the subdivision shall be a comprehensive plan of the development. It shall incorporate all modifications required by the Village Council and otherwise conform to the preliminary plan as approved. The applicant may submit a final plat of only that portion of an approved preliminary plan which he proposes to develop and record at the time, provided that such portion conforms to all provisions of these regulations. Nonetheless, all portions of the tract covered by the preliminary plan shall be developed within a two (2) year period, unless an extension of time is granted by the Board.

#### **Section 5.08 Plans and Specifications for Site Improvements**

Prior to submission of an application for a final plat, the applicant shall prepare Construction and Grading Plans, specifications and cost estimates of the required site improvements, and submit three (3) copies to the Board. The items of the estimates shall conform to the Ohio Department of Transportation (ODOT) Construction and Material Specifications, or other adopted engineering specifications of the Village, and shall be grouped as follows:

- A. Street and parking area improvements, including curb, pavement, sidewalks, street lighting, and storm drainage;
- B. Water mains, including lines, valves and hydrants;
- C. Sanitary sewers, including manholes, Y's, Tee's and cleanout;
- D. Site improvements, including seeding and sodding.

#### **Section 5.09 Review by the Village Administrator**

The Village Administrator shall review the plans referenced in Section 5.08 above, and, subject to his review, they shall be approved or returned with comments. The Administrator may transmit one or more of the required copies to the Village Engineer or other consultants procured to assist in the review process. If such assistance is sought, it is understood that the cost of such assistance shall be paid by the applicant.

#### **Section 5.10 Construction of Improvements or Performance Guarantees**

The applicant may install, construct, have inspected and approved all required site improvements prior to submitting application for approval of a final plat, or he/she may furnish satisfactory performance guarantees for the construction of such improvements. The cost of reviews of all improvements shall be paid by the applicant. Such inspections and reviews shall be performed by a Registered Engineer accepted by the Village.

No lot, parcel or tract shall be transferred from the proposed development nor shall any construction work on such development, including grading, be started that may affect the arrangements of public streets or other public improvements until the owner has obtained the necessary approvals of the Construction and Grading Plans from the Village Administrator

#### **Section 5.11 Application for Approval of Final Plat**

Application for approval of final plat shall be submitted in writing to the Village Administrator at least ten (10) days prior to a regularly scheduled meeting of the Board, together with the final plat and such other material as required in Section 5.08 above. The applicant shall submit all fees as applicable for a final plat, as established by Village Council under separate ordinance.

The application shall be submitted within two (2) years after approval of the preliminary plat; otherwise, approval of the preliminary plan will become null and void unless an extension is granted by the Board. The Zoning Inspector shall submit the application to the Board at its next regularly scheduled meeting, which shall be the date of submittal of the final plat.

#### **Section 5.12 Action by Planning and Zoning Board**

If the final plat as submitted to the Board at a regularly scheduled meeting conforms to the provisions of the Ohio Revised Code and this Ordinance, and is consistent with the preliminary plat with such changes as required by the Planning and Zoning Board, and if satisfactory provision is made regarding site improvements, the Board shall take action on the final plat within thirty (30) days from the date of submittal, or such further time as agreed to by the owner/applicant. If the Board fails to act upon the final plat within the time allotted, the plat shall be considered as approved. The approval of the final plat shall be indicated in writing on the original tracing by the signature of the Chairman. Reasons for disapproval of a final plat shall be stated in the records of the Board.

#### **Section 5.13 Acceptance of Public Land**

If land is to be dedicated to the public use, the plat shall contain appropriate statements indicating such dedications with provision for acceptance by the Village.

#### **Section 5.14 Recording of Plat**

A final plat shall be filed and recorded by the applicant in the office of the Perry County Recorder within sixty (60) days following approval by the Board. If the developer fails to file the plat within such period, the approval by the Board shall be null and void. If any change is made in the final plat after approval of the Board, the approval shall be null and void. After recording the final plat, transfer of ownership may take place. The developer shall furnish the Village with the original tracings and two (2) prints of the final plat containing indication of approval by all pertinent parties and the recording of the plat.

## **ARTICLE VI**

### **AMENDMENTS**

#### **Section 6.01 Power of Village Council**

Pursuant to Chapter 713 of the Ohio Revised Code, whenever the public necessity, convenience, or general welfare require, Council may, by Ordinance, after receipt of a recommendation thereon from the Planning and Zoning Board and subject to the procedures provided by law, amend, supplement or change the regulations, district boundaries or classifications of property now or hereafter established by this Ordinance or amendments thereof. The Planning and Zoning Board shall submit its recommendation regarding all applications or proposals for amendments or supplements to Council.

#### **Section 6.02 Initiation of Amendments**

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

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

#### **Section 6.03 Application**

An application for amendment shall be transmitted by the applicant to the Zoning Inspector and shall contain the following information:

- A. Name, address, and phone number of the applicant.
- B. Proposed amendment to the text or, in cases where property is proposed to be placed in a different zoning district, a legal description of the property affected.
- C. Present use and district.
- D. Proposed use and district.
- E. A map showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Inspector may require.
- F. A list of all property owners within the 300 feet, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their address as appearing on the Perry County Auditor's current tax list. The requirement for addresses may be waived when more than ten (10) parcels are proposed to be rezoned.
- G. A statement as to how the proposed amendment will impact adjacent and proximate properties.
- H. Any other information as may be requested by the Zoning Inspector to determine conformance with, and provide for enforcement of this Zoning Ordinance.
- I. A fee as established by the Village Council.

#### **Section 6.04 Transmittal of Resolution to Planning and Zoning Board**

Upon referral of the proposed Ordinance by Village Council, or the filing of an application by at least one (1) owner or lessee of the property, or their designated agent, said proposed amendment or application shall be transmitted to the Planning and Zoning Board.

#### **Section 6.05 Recommendation by Planning and Zoning Board**

Within sixty (60) days after the first regular meeting of the Planning and Zoning Board after the receipt of the proposed amendment, the Planning and Zoning Board may recommend to the Village Council that the amendment be approved as requested, approved with modification, or it may recommend that the amendment be denied. A public hearing may be held by the Planning and Zoning Board for consideration of the proposed amendment. If such a hearing is held, the Planning and Zoning Board shall follow the same requirements for notification as specified in Section 6.06 below.

#### **Section 6.06 Action by Village Council**

##### **6.06.01 Public Hearing**

Before the proposed Ordinance may be passed, the Village Council shall hold a public hearing, and shall give at least thirty (30) days notice of the time and place thereof in a newspaper of general circulation in the Village. If the proposed Ordinance intends to remove or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be made by the Zoning Inspector, by first-class mail, at least twenty (20) days before the date of the public hearing to the owners of property within 300 feet or contiguous to, and directly across the street from such parcel or parcels to be redistricted to the address of such owners appearing on the Perry County Auditor's current tax list, as provided by the applicant. The failure of delivery of such notice shall not invalidate such proposed Ordinance.

##### **6.06.02 Display of Relevant Materials**

During such thirty (30) days, the text or copy of the text of the proposed Ordinance, together with maps, plans, and reports submitted by the Planning and Zoning Board shall be on file, for public examination, in the office of the Village Administrator of the Village.

##### **6.06.03 Action by Village Council**

No such Ordinance which is in accordance with the recommendation submitted by the Planning and Zoning Board shall be deemed to pass or take effect without the concurrence of at least a majority of the membership of the Village Council. No such Ordinance which violates, differs from, or departs from the recommendation submitted by the Planning and Zoning Board shall take effect unless passed or approved by not less than three-fourths (3/4) of the membership of the Village Council.

6.05.04 Criteria

In reviewing the proposed amendment and arriving at its decision, the Village Council shall consider the following factors:

- A. Compatibility of the proposed amendment with the zoning and use of adjacent land, and with land use plans for the general area.
- B. The effect of the adoption of the proposed amendment on motor vehicle access, traffic flow, and the provision of public services in the general area.
- C. The effect of the adoption of the proposed amendment upon the public health, safety and general welfare of the residents of the Village

**Section 6.07 Effective Date and Referendum**

Such amendment adopted by Village Council shall become effective thirty (30) days after the date of Ordinance, subject to the provisions for referendum specified in the Ohio Revised Code. If the amendment as passed by Village Council pertains to a change in the Official Zoning Map, such change shall be incorporated onto the Map by reference to the Ordinance Number and date of adoption.

## ARTICLE VII

### APPEALS AND VARIANCES

#### Section 7.01 Appeals

##### 7.01.01 Taking of Appeals

Appeals to the Planning and Zoning Board concerning interpretation or administration of this Ordinance by Zoning Inspector or may be taken by any person aggrieved, including a tenant, or by a governmental officer, department, or board. Such appeal shall be taken within thirty (30) days after the date of the decision, by filing with the Zoning Inspector or with the Planning and Zoning Board, a notice of appeal specifying the decision of the Zoning Inspector which the appeal is being taken.

##### 7.01.02 Imminent Peril

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

#### Section 7.02 Approval of a variance – (*Reference Ordinance 14-04*)

In accordance with Section 3.01.05 of the Planning and Zoning Code and R.C. 713.11, the Planning and Zoning Board may, in appropriate cases and subject to appropriate conditions and safeguards, vary the strict application of the terms of this Ordinance in harmony with its general purpose and intent and in accordance with the specific rules contained herein.

The Planning and Zoning Board shall consider and weigh the following factors when determining whether a property owner has encountered practical difficulties in strictly complying with this Ordinance. These factors include, but are not limited to:

- A. Whether the property in question will yield a reasonable return or whether there can be beneficial use of the property without the variance;
- B. Whether the variance is substantial;
- C. 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;
- D. Whether the variance would adversely affect the delivery of government services;
- E. Whether the property owner purchased the property with knowledge of the zoning restrictions;

- F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance;
- H. Whether the property has unique physical conditions such as irregular, narrow, shallow or steep lots; or
- I. Whether the practical difficulty exists solely through the actions of the property owner

**Section 7.03 Application for Variance and Appeals**

Any person owning or having an interest in property, after being denied a zoning permit, may file an application to obtain a variance or appeal from the decision of the Zoning Inspector, with the Village Administrator, on a form as specified for that purpose. The Village Administrator shall forward a copy of the application to the Planning and Zoning Board.

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

- A. Name, address, and phone number of the applicant.
- B. Legal description of property as recorded in Perry County Recorder's office.
- C. A map or drawing to approximate scale, showing the dimensions of the lot and any existing or proposed building.
- D. The names and addresses of all property owners within 300 feet, contiguous to, and directly across the street from the property, as appearing on the Perry County Auditor's current tax list.
- E. Each application for a variance or appeal shall refer to the specific provisions of this Ordinance which apply.
- F. A narrative statement explaining the following:
  - 1. The use for which variance or appeal is sought.
  - 2. Details of the variance or appeal that is applied for and the grounds on which it is claimed that the variance or appeal should be granted, as the case may be.
  - 3. The specific reasons why the variance or appeal is justified, according to Section 7.02 A-E above.

**Section 7.04 Supplementary Conditions and Safeguards**

In granting any appeal or variance, the Planning and Zoning Board may prescribe appropriate and reasonable conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 9.02 of this Ordinance. Under no circumstances shall the Planning and Zoning Board grant an appeal or variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

**Section 7.05 Public Hearing by the Board**

The Planning and Zoning Board shall hold a public hearing within thirty (30) days after receipt of an application for an appeal from decision of the Zoning Inspector. In cases of variance, the Planning and Zoning Board may hold such hearing.

#### **Section 7.06 Notice of Public Hearing**

Before holding any public hearing pursuant to Section 7.05, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance. In addition, written notice of such hearing shall be mailed by the Village Administrator, by first-class mail, at least ten (10) days before the day of the hearing to all parties of interest. The notice shall contain the same information as required of notice published in newspapers as specified above. Parties of interest shall include at a minimum, owners and occupants of property within 300 feet from, contiguous to, and directly across the street from the property being considered. Failure of delivery of such notice shall not invalidate the actions of the Planning and Zoning Board.

#### **Section 7.07 Action by Planning and Zoning Board**

Within thirty (30) days after the public hearing pursuant to Section 7.05, the Planning and Zoning Board shall either approve, approve with supplementary conditions as specified in Section 7.04, or disapprove the request for appeal or variance. The Planning and Zoning Board shall transmit a written copy of its decision and findings to the Zoning Inspector, who shall forward such copy to the applicant. If the application is approved, or approved with supplementary conditions, the Planning and Zoning Board shall make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure.

If the request for appeal or variance is denied, the applicant may seek relief through the Court of Common Pleas.

## ARTICLE VIII

### CONDITIONAL USES

#### Section 8.01 Purpose

Under some unusual circumstances, a proposed use which more intensely affects an area than those uses permitted in the zoning district in which it is located, may nonetheless be desirable and compatible with permitted uses, if that use is properly controlled and regulated. Such uses shall be listed as *conditional uses* within the description of the respective zoning districts. The Planning and Zoning Board may allow such a use to be established as a conditional use where these unusual circumstances exist and where the proposed use will be consistent with the general purpose and intent of this Planning and Zoning Code.

#### Section 8.02 Application for Conditional Use

Any person owning or having an interest in property may file an application to use such property for a conditional uses provided for by this Ordinance in the zoning district in which the property is situated. An application for a conditional use shall contain the following, and shall be filed in triplicate with the Zoning Inspector, who shall forward within five (5) working days a copy to the members of the Planning and Zoning Board.

- A. All of the information required for a zoning permit, pursuant to Section 4.03.
- B. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic circulation, open spaces, landscaping, refuse, and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance.
- C. A narrative statement evaluating the effects on adjoining property, and a discussion of the general compatibility with adjacent and other properties in the district.
- D. The names and addresses of all property owners within 300 feet, contiguous to, and directly across the street from the property, as appearing on the Perry County Auditor's current tax list.
- E. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Planning and Zoning Board.

#### Section 8.03 General Standards for Conditional Uses

The Board shall not approve a conditional use unless it shall, in each specific case, make specific findings of fact directly based on the particular evidence presented to it, that support conclusions that such use at the proposed location shall meet all of the following requirements:

- A. Will be harmonious with the existing or intended character of the general vicinity and that such use will not change the general character of such area.
- B. Seeks to maintain, and will not be hazardous to, the health, safety and welfare of the existing neighboring, and the total community.

- C. Will be served adequately by essential public facilities and serves such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- D. Will not create excessive additional requirements for public facilities and services and will not be detrimental to the economic welfare of the community.
- E. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- F. Will have vehicular approaches to the property which shall be so designated as not to create in interference with traffic on surrounding public streets or roads.
- G. Complies with any other requirements or standards that are cited under the specific zoning district regulations in PART THREE of this Ordinance.

**Section 8.04 Supplementary Conditions**

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

**Section 8.05 Public Hearing by the Planning and Zoning Board**

The Board may hold a public hearing within thirty (30) days from the receipt of the application specified in Section 8.02. The requirements for public notice and notification of parties of interest shall be the same as for appeals and/or variances as specified in Section 7.05 and 7.06 of this Ordinance.

**Section 8.06 Action by the Planning and Zoning Board**

Within thirty (30) days after the public hearing pursuant to Section 8.05, or within thirty (30) days from the date of the application if such hearing is not held, the Board shall either approve, approve with supplementary conditions as specified in Section 8.04, or disapprove the application as presented. If the application is approved with supplementary conditions, the Board shall direct the Zoning Inspector to issue a zoning permit listing the specific conditions listed by the Board for approval. If the application is disapproved, the applicant may seek relief through the Court of Common Pleas. If no action is taken by the Board within the specified time frame, the application shall be considered as approved.

**Section 8.07 Expiration and Revocation of Zoning Permit Issued Under Conditional Use Provisions.**

The approval of the zoning permit issued in accordance with Section 8.06 shall become null and void if such use is not carried out within one (1) year after date of approval; however, the Planning and Zoning Board may grant an extension of a zoning permit for a conditional use for an additional period of six (6) months. The Village may revoke the zoning permit, if the Board finds, based upon written evidence by any citizen or official of the Village ,of violation of this Ordinance and/or written terms and conditions upon which approval was based.

## **ARTICLE IX**

### **FEES AND VIOLATIONS**

#### **Section 9.01 Schedule of Fees, Charges and Expenses**

The Village Council shall establish, by separate ordinance, a schedule of fees, charges, and expenses and a collection procedure for zoning permits, subdivision plats, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Village Administrator, and may be altered or amended only by the Village Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

#### **Section 9.02 Violation**

##### **9.02.01 Violation and Remedies**

If any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, demolished, maintained or used, or any land is or is proposed to be used in violation of this Zoning Ordinance or any amendment or supplement thereto, Village Council, the Solicitor or any citizen who would be specifically damaged by such violation may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, demolition, conversion, maintenance, or use; to restrain, correct or abate such violation; to prevent the occupancy of such building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

##### **9.02.02 Failure to Obtain a Required Permit or Approval**

Failure to obtain a zoning permit, Certificate of Zoning Compliance, or other approval as required by specific Sections of this Ordinance shall be a violation of this Ordinance and punishable under Section 9.02.05.

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

Zoning permits or other approvals issued on the basis of plans, plats and/or applications authorize only the use, and arrangement set forth in such approved plans and applications or amendments thereto. Any use, arrangement, or construction not in conformance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided in Section 9.02.05 below.

##### **9.02.04 Complaints Regarding Violations**

Whenever a violation of this Ordinance is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof, and shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such com-

plaint, immediately investigate, and take such appropriate action thereon as may be necessary and provided for by this Ordinance.

9.02.05 Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Ordinance) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$250 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues, after receipt of violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Village from such other lawful action as is necessary to prevent or remedy any violations.

Penalties as above shall apply unless penalties are defined for specific Sections of this Ordinance, in which case the penalties so defined in those sections shall apply.

## **ARTICLE X**

### **NONCONFORMITIES**

#### **Section 10.01 Intent**

Within the districts established by PART THREE of this Ordinance, or amendments hereinafter adopted, there may exist lots, structures, uses of land and structure which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit such nonconformities to continue until they are removed and to allow reasonable expansion and/or substitution.

#### **Section 10.02 When Permitted**

##### 10.02.01 Existing Land or Buildings

Any use of land or buildings existing on the effective date of this Ordinance may be continued, even though such use does not conform to the provisions herein, so long as such building or use was legally existing prior to the establishment of this Ordinance. No non-conforming building, structure, or use shall be moved, extended, enlarged, reconstructed, or structurally altered, except as provided in this Ordinance.

##### 10.02.0 2 Construction Commenced

Any property purchased or acquired in good faith for any nonconforming use prior to the adoption of this Ordinance, upon which property the work of changing, remodeling or construction of such nonconforming use has been legally commenced at the time of adoption of this Ordinance, may be used for the nonconforming use for which such changing, remodeling or construction was undertaken, provided that such work is completed within two (2) years from the date of adoption of this Ordinance or amendment thereto making said use nonconforming.

#### **Section 10.03 Substitution**

The Planning and Zoning Board may allow the nonconforming use of a building or structure to be changed to another nonconforming use of the same or of a more restricted classification, provided no structural alterations except those required by law or ordinance are made. However, in an "R" District, no change shall be authorized by the Planning and Zoning Board to any use which is not a permitted or conditional use in any "R" District.

#### **Section 10.04 Extension**

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

- A. The Planning and Zoning Board may permit, on a once-only basis, a building containing a nonconforming use to be enlarged to extent so the resulting building shall be not more than one-hundred-twenty-five percent (125%) of the ground floor area of the existing building or structure devoted to a nonconforming use at the time of enactment of this Ordinance. The Commission shall not authorize an enlargement which would result in a violation of the provision of this Ordinance with respect to a yard or setback affecting any adjoining premises.
- B. Notwithstanding the above, no enlargement, extension or expansion of a nonconforming mobile home, as defined in Article II, shall be permitted within the Village of Thornville.
- C. The expansion or extension of the nonconforming use of land shall be limited to an area consisting of one-hundred-twenty-five percent (125%) of the area enclosing the nonconforming use at the time of enactment of this Ordinance, provided such expansion does not encroach on any yard or setback required for the district in which the nonconforming use is located.
- D. No nonconforming building or structure shall be moved in whole or in part to any other location unless such building or structure and the yard and other open spaces provided are made to conform to all of the regulations of the district in which such building or structure is to be located.
- E. Any structure which is nonconforming due to its location or configuration on the lot, resulting in lot coverage or yards inconsistent with the requirements of the zoning district where it is located, may be enlarged, extended or structurally altered in a manner that decreases or maintains its existing degree of nonconformity, but in no case shall such structure be enlarged, extended or structurally altered in a manner that increases its degree of nonconformity.
- F. Any residential structure which is nonconforming due to the fact of its being in a non-residential zoning district may be enlarged, extended, reconstructed or structurally altered, provided it meets the requirements of the most proximate R-District.

**Section 10.05 Discontinuance**

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

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

**Section 10.06 Damage and/or Destruction of a Nonconforming Building or Use**

When a building or structure, the use or location of which does not conform to the provisions of this Ordinance, is damaged by fire, explosion, act of God, or the public enemy, it may be restored or rebuilt and continued in such nonconforming use, provided that the following conditions are met:

- A. the restoration or rebuilding is commenced within six (6) months of the time of damage, and construction is completed within one (1) year, and
- B. the damaged or destroyed building was not located in such a manner so as to encroach or intrude on adjacent property, and
- C. such restoration or rebuilding would not extend or expand the existing use.

If any part of the damaged or destroyed building encroaches or intrudes on adjacent property, the location of the restored or rebuilt structure is subject to approval by the Planning and Zoning Board. If the restoration or rebuilding of the structure involves extension or expansion of the use, then the provisions of Section 10.04 shall apply.

### **Section 10.07 Maintenance and Repair**

Nothing in this chapter shall be deemed to prevent normal maintenance and repair of a building or structure containing a nonconforming use. Structural alterations may be made to a building or structure containing a nonconforming use when at least one of the following conditions exist:

- A. When required by law.
- B. To convert to a conforming use.
- C. A building or structure containing residential nonconforming uses may be so altered as to improve interior livability. However, no structural alterations shall be made which exceed the area or height requirements or which would extend into any yard required in the district in which such building is located.

### **Section 10.08 Nonconforming Lots of Record**

In any district where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record on the effective date of this Ordinance, even though such lot does not comply with the lot area and width requirements of the district in which it is located, provided said lot has a minimum of twenty-five (25) feet frontage on a public right-of-way; and further provided the following conditions are complied with:

- A. If the owner of such lot does not own adjacent property and did not own such property at the time this Ordinance became effective, two (2) inches may be deducted from the required minimum width of each side yard and four (4) inches from the required sum of minimum widths of both side yards for each foot that the lot is narrower than the required width for the district. In no case, however, shall any side yard be narrower than three (3) feet.
- B. If the owner of such lot owns two (2) or more adjacent lots, or other adjacent property, such owner shall redivide the property in such a manner that they conform to the minimum width of such lots in the most proximate single-family district. However, if such redivision would result in lots that *exceed* width requirement of lots in the most proximate district, such redivision shall provide for one (1) more building lot than would otherwise be allowed.

**ARTICLE XI**

***RESERVED FOR FUTURE USE***

**PART THREE**

**ZONING DISTRICTS**

**ARTICLE XII  
STANDARD ZONING DISTRICT REGULATIONS**

**Section 12.01 Regulation of the Use and Development of Land or Structures**

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

**Section 12.02 Rules of Application**

12.02.01 Identification of Uses

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

12.02.02 Permitted Uses

A. Only a use designated as permitted shall be allowed as a matter of right in any zoning district, and any use not so designated shall be prohibited unless:

1. A permitted use may be added to a zoning district by formal amendment, in conformance with Article IV of this Ordinance.
2. An unlisted use may be determined by the Planning and Zoning Board to be a similar use, in accordance with Sections 12.02.05 of this Article.

B. No more than one (1) permitted use shall exist on any one zoning lot.

12.02.03 Accessory Uses

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

12.02.04 Conditional Uses

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

12.02.05 Similar Uses

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

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

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

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

12.02.06 Development Standards

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

12.02.07 Development Plan

For particular uses in specific districts, a Development Plan will be cited as required. In such cases, the Development Plan shall be submitted by the applicant at the time of the application for a zoning permit, or at such time when the property is rezoned into that district. The Development Plan shall contain a site plan for the property, drawn to approximate scale, showing all property lines, existing buildings, access drives, parking areas, and other notable physical features. The Development Plan should also show the location and size of all proposed structures including the design of all improvements including drainage, private streets, water and sanitary sewer lines, as well as the size, design, materials and location of all signage proposed for the development. The Development Plan shall also contain a narrative description of the proposed use, and an evaluation of how such use may impact adjacent property

The Development Plan shall be reviewed by the Planning and Zoning Board and must be approved as a condition for the issuance of a zoning permit. In reviewing such Plan, the Planning and Zoning Board may seek the timely input from specific consultants. In approving a Development Plan, the Planning and Zoning Board shall find that the following criteria have been met:

- A. The proposed building or use shall have sufficient yard space to provide for adequate parking and screening of adjacent residential areas as may be required in this Ordinance.
- B. The proposed use and structures, as proposed, can be adequately and efficiently served by public streets and utilities.
- C. The location, design and operation of the proposed use shall not impose undue adverse impacts on surrounding residential neighborhoods, and/or the Development Plan for the proposed facility has incorporated measures to lessen and/or alleviate such adverse impacts and protect the character of such adjacent residential areas.

12.02.08 Essential Services

Essential Services, as defined and specified in Article II of this Ordinance, shall be permitted in any and all zoning districts within the municipality.

**ARTICLE XIII**

**ZONING DISTRICTS AND ZONING DISTRICT MAP**

**Section 13.01 Zoning Districts Established**

The following zoning districts are hereby established for the Village of Thornville:

<i>(R-1, R-2)</i>	<i>Suburban Residential Districts</i>
<i>(R-3)</i>	<i>Old Village Residential District</i>
<i>(R-4)</i>	<i>Urban Residential District</i>
<i>(OTC)</i>	<i>Old Town Center District</i>
<i>(CB)</i>	<i>Community Business District</i>
<i>(OTI)</i>	<i>Old Town Industrial District</i>
<i>(GE)</i>	<i>General Employment District</i>
<i>(PUD)</i>	<i>Planned Unit Development District</i>
<i>(SU)</i>	<i>Special Use District</i>

**Section 13.02 Official Zoning Map**

The districts established in Section 13.01 above are shown on the Official Zoning Map, which together with all notations, references, data, district boundaries and other explanatory information, is hereby adopted as a part of this Ordinance. The Official Zoning Map shall be identified by the signatures of the Mayor and Village Administrator, and shall be on file in the Village offices.

**Section 13.03 Interpretation of Zoning District Boundaries**

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

**Section 13.04 Newly Annexed Areas**

Subject to the conditions stated below, territory which is annexed into the Village of Thornville subsequent to the effective date of this Ordinance shall, upon the effective date of the annexation, be zoned into the R-1 District. Prior to or within three (3) months from the date of annexation, the Planning and Zoning Board shall present a zoning plan for the annexed territory to Village Council. Village Council may hold a public hearing on the proposed zoning plan, as recommended by the Board. If such hearing is held, notice of such hearing shall be given in a newspaper of general circulation within the municipality not less than thirty (30) days before the date of the hearing. Within thirty (30) days after such hearing, Village Council shall approve, or approve with modification, the zoning plan. If such zoning plan is approved by Village Council prior to the effective date of annexation, then the annexed property shall be considered to be zoned as specified in such plan on such date.

Nothing in this Section shall prevent the owner of property within the annexed territory from applying for a zoning amendment, after the effective date of annexation, pursuant to the procedures specified in Article VI of this Ordinance.

**ARTICLE XIV  
(R-1, R-2) SUBURBAN RESIDENTIAL DISTRICTS**

**Section 14.01 Purpose**

The Suburban Residential Districts are established to provide for new single-family residential development at densities typical of contemporary suburban environments. The R-1 and/or R-2 Districts are to be utilized in areas on the periphery of the Village that are generally vacant at the time of development, but are capable of being served by public water and sewer.

**Section 14.02 Permitted Uses**

- A. One-family detached dwellings.
- B. Public parks and open space
- C. Public playgrounds of less than one (1) acre in size

**Section 14.03 Accessory Uses**

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses, swimming pools and tennis courts and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of this Ordinance.
- B. Home occupations, subject to the requirements of Section 27.02 of this Ordinance.

**Section 14.04 Conditional Uses**

- A. Public playgrounds of one (1) acre or more

**Section 14.05 Development Standards**

The development standards for the R-1A and R-1B Districts shall be as shown on the chart on the following page:

**SUBURBAN RESIDENTIAL DISTRICTS  
DEVELOPMENT STANDARDS**

	<b>R-1</b>	<b>R-2</b>
<b>MINIMUM LOT AREA</b>	20,000 S.F	10,000 S.F.
<b>MINIMUM LOT WIDTH</b>	100	80
<b>MINIMUM FRONT YARD DEPTH</b>	35 feet	25 feet
<b>MINIMUM SIDE YARD WIDTH</b>	10 feet	8 feet
<b>MINIMUM REAR YARD DEPTH</b>	30 feet	25 feet
<b>MAX. % OF LOT COVERAGE</b>	30%	35%
<b>MIN. BLDG AREA (1 STORY)</b>	1,800 S.F	1,600 S.F.
<b>MIN. BLDG AREA (1.5 - 2 STORY)</b>	2,000 S.F.	1900 S.F.

**ARTICLE XV  
(R-3) OLD VILLAGE RESIDENTIAL DISTRICT**

**Section 15.01 Purpose**

The R-3 District is established to provide for the continuance of single-family housing within the older portions of the Village of Thornville, and to allow for limited expansion of such uses in appropriate areas, thereby encouraging private reinvestment and revitalization and increasing the diversity of housing choice, while maintaining adequate development standards.

It is recognized that property in the R-3 District is located in the older areas of the Village, and that such areas are likely to be characterized by patterns of mixed land use. Many of these mixed uses are the result of past development practices and might not be allowed under the current provisions of this Ordinance. It is the intent of this Ordinance, and this district in particular, to protect and preserve the basic property rights of such existing nonconforming uses. Specific provisions are made for the continuance, substitution and extension of such use, pursuant to Article X of this Ordinance and Section 713.15 of the Ohio Revised Code.

The district can also be used to allow for new development in outlying areas of the Village by meeting standards intended to promote the historic neighborhood character of such new development.

**Section 15.02 Permitted Uses**

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

**Section 15.03 Accessory Uses**

- A. Accessory buildings or structures customarily associated with single-family residential use, including detached garages or carports, tool or garden sheds, playhouses swimming pools and similar facilities for primary use by occupants of the principal use of the property on which the facility is located, subject to the requirements of this Ordinance.
- B. Home occupations, subject to the requirements of Section 27.02 of this Ordinance.

**Section 15.04 Conditional Uses**

- A. Churches and similar places of public assembly, provided the seating capacity of the sanctuary or main seating area is not more than 300 persons.
- B. Day-care centers and schools associated with conditionally permitted churches.
- C. Libraries, museums and similar areas of public assembly
- D. Public elementary and/or middle schools
- E. Bed-and-Breakfast establishments, subject to the following standards:
  - 1. Structures shall maintain the appearance of a single-family residence and be compatible with surrounding residences, in size and scale

2. The Bed-and-Breakfast establishment shall be owned and operated by the occupant of the premises.
3. Exterior signage shall be limited to a single nameplate not more than twelve (12) square feet in size. No signs shall be internally illuminated
4. Accommodations shall be limited to not more than three (3) rooms.
5. Off-street parking shall not be allowed in the front yard.

**Section 15.05 Development Standards**

- |           |   |
|-----------|---|
| 15.05.0 1 | Minimum Lot Area  |
|           | 5,000 square feet.  |
| 15.05.02  | Minimum Lot Width   |
|           | Fifty (50) feet of lot width with frontage on a publicly dedicated, improved street or highway.   |
| 15.05.03  | Minimum Front Yard Depth  |
|           | Twenty (20) feet, or the distance of the most proximate existing principal structures on the same side of the street and facing thereon within the same block, whichever is less.             |
| 15.05.04  | Minimum Side Yard Depth   |
|           | Five (5) feet.  |
| 15.05.05  | Minimum Rear Yard Depth   |
|           | Fifteen percent (15%) of lot depth, but not less than twenty (20) feet.   |
| 15.05.06  | Minimum Area of Principal Building  |
|           | 1,200 square feet of total living area shall be required for a dwelling having one story; 1,400 square feet shall be required for dwellings with one-and-one-half (1 1/2) or two (2) stories. |
| 15.05.07  | Lot Coverage  |
|           | All structures, including accessory structures, shall cover not more than 45% of the area of the lot.   |
| 15.05.08  | Maximum Building Height   |
|           | Thirty-five (35) feet.  |
| 15.05.09  | Additional Requirements for New Lots Developed in the R-3 District  |
|           | Presently undeveloped areas outside the older portion of the Village may be developed in the R-3 District, subject to the following regulations:  |

A. Adjacent to R-3 District

The property to be zoned for new R-3 development must be located adjacent to area of the Village zoned in the R-3 District.

B. Development Plan

A Development Plan shall be required for all new residential development within the R-3 District, containing more than five (5) dwelling units. Such Development Plan shall show the proposed layout of all streets, lots and buildings, as well as the location of all public spaces.

C. Garages

All garages shall be located within the rear yard.

D. Street Trees

Street trees shall be required along all new streets developed within R-3 District. Such trees shall be spaced not further than thirty feet (30') apart and shall be a minimum of twelve feet (12') of overall height or a minimum caliper (trunk diameter measured six inches above the ground) of at least two inches (2") at time of planting. Such trees shall not be of a variety or species listed as undesirable on a listing as approved by Village Council under separate ordinance.

E. Sidewalks

Sidewalks of not less than four (4) feet in width shall be required for both sides of all new streets developed within the R-3 District.

F. Required Open Space

Not less than 20% of the total net developable area of the proposed development shall be dedicated to permanent open space parks, and/or public spaces. Such open space shall be granted to a homeowner's association, or - with the approval of the Village Council - may be granted to the Village. For the purposes of this calculation, net developable area shall mean the area of the site proposed for development, minus public and/or private streets and/or alleys.

**ARTICLE XVI  
(R-4) URBAN RESIDENTIAL DISTRICT**

**Section 16.01 Purpose**

The Village of Thornville desires to promote a diverse range of housing opportunities, including but not limited to affordable housing, within the Village. Promoting housing diversity includes providing for particular areas at higher residential density typically associated with more urban areas. Apartments, condominiums and manufactured home developments are uses typically associated with such areas. These higher density areas of have unique development characteristics that require special treatment in regard to standards, placement and land use compatibility.

The Urban Residential (R-4) District is established to provide for such areas of higher residential density while encouraging a desirable residential environment, protected from adverse influences, with adequate access for vehicular traffic and circulation. These residential communities shall be developed and located so as to not promote excessive vehicular traffic on streets in adjoining residential areas, and shall provide overall desirability equivalent to that for other forms of residential development.

**Section 16.02 Permitted Uses**

- A. One-family detached dwellings, subject to the standards of the R-3 District.
- B. Individual manufactured homes on individual lots, subject to the standards of the R-3 District.
- C. Manufactured home communities, as defined in Article II and subject to approval of a Development Plan as cited in Section 12.02.07 of this Ordinance.
- D. Manufactured home subdivisions, as defined by Article II and subject to approval of a Development Plan as cited in Section 12.02.07 of this Ordinance.
- E. Multiple family structures having two or more dwellings per structure
- F. Senior citizen housing and residential care facilities.
- G. Public or private parks.

**Section 16.03 Accessory Uses**

- A. Uses incidental and accessory to permitted uses for exclusive use of the residents, to include common recreational facilities, community swimming pools, and offices for the rental and management of units therein.
- B. Temporary buildings for uses incidental to construction work, which shall be removed upon the completion or abandonment of construction work.
- C. Home occupations, subject to the requirements of Section 27.02 of this Ordinance.

#### **Section 16.04 Conditional Uses**

- A. Nursery schools and day care centers.
- B. Class I Type A group residential facilities, subject to the requirements of Section 27.05 of this Ordinance.

#### **Section 16.05 Development Standards**

##### 16.05.01 Manufactured Home Communities and/or Manufactured Home Subdivisions

- A. Water and Sewer

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

- B. Minimum Lot Area

The minimum lot area for any single project shall be ten (10) acres; however, the Planning and Zoning Board may allow a smaller lot area on a case-by-case basis, following the procedures for a variance pursuant to Article VII. Individual lots within a manufactured home community shall be not less than 4,000 square feet in area. The maximum gross density shall not exceed six (6) dwelling units per acre.

- C. Minimum Lot Width

The minimum lot width for any single project shall be not less than 300 feet. Such frontage shall be provided on a publicly dedicated and improved street. The minimum lot width for any individual lot within a manufactured home community shall be not less than thirty (30) feet.

- D. Minimum Front Yard

The minimum front yard depth for any single project shall be not less than thirty-five (35) feet.

- E. Minimum Side Yard / Rear Yard Width

The minimum side and rear yard width for any single project shall be not less than fifty (50) feet from any adjacent property line. The minimum internal spacing of individual units shall be as required by the Ohio Department of Health (ODH)

- F. Minimum Rear Yard Depth

The minimum rear yard depth for any project shall be not less than fifty (50) feet. The minimum rear yard depth for any individual lot within a manufactured home community shall be not less than ten (10) feet.

G. Required Open Space and Recreational Areas

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

H. Off-Street Parking

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

I. Access

All projects shall have direct access to a public street or road. Principal vehicular access points shall be designed to encourage effective and efficient traffic flow. Minor streets shall not be connected with streets outside the district in such a way so as to encourage the use of those streets by substantial amounts of through traffic. No individual lot within the community shall have direct vehicular access to a street bordering the development.

J. Streets and Street Layout

All streets or drives providing access to the individual lots in a manufactured home community shall be dimensioned and improved in accordance with the current standards and requirements of the Village of Thornville. The proposed layout of such streets shall be approved by the Planning and Zoning Board.

K. Storm Drainage

All areas shall be graded and drained so as to minimize standing water and surface runoff. The proposed methods to address standing water and excessive surface runoff shall be submitted by the applicant and approved by the Planning and Zoning Board.

L. Underground Utilities

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

M. Consultation and Assistance

In determining the compliance of any development proposal with the above standards, the Planning and Zoning Board may procure the assistance of an engineer or other professional. In such case, all costs associated with such approval shall be paid by the applicant

16.05.02 Other Permitted Uses

A. Minimum Lot Area

3,500 square feet per dwelling unit for two-family dwellings. 3,000 square feet per dwelling unit for all other multiple-family dwellings.

B. Minimum Lot Width

Eighty (80) feet of frontage on a publicly dedicated and improved street or highway.

C. Minimum Front Yard Depth

Thirty (30) feet.

D. Minimum Side Yard Width

Twenty-five (25) feet.

E. Minimum Rear Yard Depth

Forty (40) feet.

F. Maximum Building Height

Thirty-five (35) feet.

G. Minimum Distance between Buildings

If there are two or more buildings on a single lot, the minimum distance between buildings shall be fifteen (15) feet.

H. Storm Drainage

A plan for accommodating storm drainage, showing storm drainage runoff collection points and methods proposed for transport of storm runoff to a suitable outlet must be submitted to and approved by the Planning and Zoning Board.

I. Landscaping

If side or rear yards are located adjacent to a R-1, R-2 or R-3 District, landscaping and screening of those yards shall be required. Such landscaping and/or screening shall consist of walls, fencing, mounding, natural vegetation or a combination of these elements.

**ARTICLE XVII**

***RESERVED FOR FUTURE USE***

**ARTICLE XVIII**

***RESERVED FOR FUTURE USE***

**ARTICLE XIX  
(OTC) OLD TOWN CENTER DISTRICT**

**Section 19.01 Purpose**

Historically, the downtown area of Thornville has functioned as the geographic, cultural, social and economic center of the community. The purpose of the Old Town Center (OTC) District is to promote and foster the economic and physical revitalization of this area. The standards and requirements of the OTC District are based on the following principles:

- A. The maintenance and improvement of the downtown physical environment is important in promoting an active and vital community business environment.
- B. The downtown should contain a healthy mix of land uses. The marketplace - not regulations - should be the primary force driving the mix of downtown uses.
- C. The downtown should be particularly receptive to small local-based entrepreneurship and start-up businesses.
- D. Housing - and particularly owner-occupied housing - should be an integral component of the physical fabric of areas adjacent to and around the downtown.
- E. The upper stories of older structures should be reserved for productive uses that contribute to the business vitality of the area.
- F. Development standards and regulations should encourage the adaptive use of older structures.

**Section 19.02 Permitted Uses**

- A. Administrative, business or professional offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers consisting of:
  - 1. Brokers and dealers in securities, investments and associated services, not including commercial banks and savings institutions.
  - 2. Insurance agents and brokers and associated services.
  - 3. Real estate sales and associated services.
  - 4. Medical and medical-related activities, but not including veterinary offices or animal hospitals.
  - 5. Professional, legal, engineering and architectural services, not including the outside storage of equipment.
  - 6. Accounting, auditing and other bookkeeping services.
- B. Retail Stores primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of those goods; provided all storage and display of merchandise shall be within the principal structure; and not including drive-through establishments or businesses selling gasoline or similar fuels.

Examples include:

  - 1. Food and food products.
  - 2. Proprietary drug and hardware stores.
  - 3. Similar retail stores, consisting of: florists, gift, antique or second-hand stores, books and newspapers, sporting goods, jewelry, optical goods, and other retail stores which conform to the purpose and intent of the OTC District.

- C. Personal Services, involving the care of the person and his/her personal effects, consisting of consumer services generally involving the care and maintenance of tangible personal property, except for motor vehicles. Examples include:
  1. Restaurants, but not including restaurants with drive-through facilities.
  2. Banks, savings and loans, and credit agencies, but not including establishments with drive-through facilities.
  3. Barber and beauty shops and similar personal care establishments, not including tattoo parlors and/or body piercing.
  4. Funeral services.
  5. Human medical and/or dental clinics.
  6. Commercial photography.
  7. On-premises duplication services.
- D. Nursery schools and day care facilities.
- E. Hotels and Bed-and-Breakfast Establishment
- F. Community facilities such as governmental offices, post office, libraries, museums, private schools, public parks and similar uses.
- G. Churches and similar places of public assembly
- H. Off-street parking areas
- I. Similar Uses, which conform to the purpose of the OTC District, as determined by the Planning and Zoning Board in accordance with the provisions of Section 12.02.05 of this Ordinance.

**Section 19.03 Conditional Uses**

- A. Two or more family residences, provided the development standards of the R-4 District are met.
- B. One-family detached dwellings
- C. Uses with drive-through facilities, provided a Development Plan is prepared and approved by the Planning and Zoning Board.
- D. Processing, assembly and/or packaging of products or materials, provided such operations are carried out totally within the building , such operations do not produce levels of noise or odors perceptible outside the building, and such use promotes the purpose of the OTC District as stated in Section 19.01 above.

**Section 19.04 Development Standards**

- 19.04.01 Lot Area
  - No minimum lot area is required.
- 19.04.02 Lot Width
  - No minimum lot width is required.

- 19.04.03            Setbacks
- The distance between any building or structure and the right-of-way line of any public street shall be not greater than that of the most proximate building on the same side of the street. No minimum side yard setback shall be required, unless the building or structure is located adjacent to an R District, in which case the setback shall be twenty (20) feet.
- 19.04.04            Maximum Building Size
- Individual uses within the OTC District shall have a usable floor area of not more than 5,000 square feet, unless the use is located in an existing building, in which case such restriction shall not apply.
- 19.04.05            Parking and Loading
- Uses within new structures within the OTC District shall be required to provide only 25% of the number of parking spaces required in the parking requirements of this Ordinance, provided at least one (1) parking space is provided for each employee during any one business shift. Uses in existing structures shall be exempt from parking requirements, provided that existing parking areas associated with the structure are not reduced.
- 19.04.06            Manufactured / Modular Buildings
- The use of manufactured and/or modular buildings and/or industrialized units for business purposes shall be prohibited.
- 19.04.07            Property Maintenance
- No owner of a property or structure in the OTC District shall by willful neglect, fail to provide sufficient and reasonable care, maintenance and upkeep to such property or structure. For the purposes of this Section, maintenance and upkeep shall include keeping exterior surfaces free from debris, garbage, noxious weeds, or free from hazardous objects or conditions such as holes, broken concrete, broken glass, and dead or dying trees or vegetation.
- 19.04.08            Trash and Garbage Control
- All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view from adjacent properties.

**ARTICLE XX  
(CB) COMMUNITY BUSINESS DISTRICT**

**Section 20.01 Purpose**

The Community Business (CB) District is established to provide areas for a broad range of commercial and business uses in modern suburban type settings. These uses, by their nature, may increase traffic congestion on abutting public roadways and cause impacts on adjacent uses. The intent of the CB District is to encourage the most compatible relationship between permitted uses and overall traffic movement within the Village, while minimizing negative impacts on adjacent land uses.

**Section 20.02 Permitted Uses**

- A. Administrative and business offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers including:
  - 1. Insurance agents and brokers and associated services.
  - 2. Professional, legal, engineering and architectural services, not including the outside storage or equipment.
  - 3. Accounting, auditing and other bookkeeping services.
- B. Retail Stores primarily engaged in selling merchandise for personal or household consumption including:
  - 1. Food and food products, consisting of grocery, meat, fish, fruit or vegetable sales or combinations thereof, including convenience stores;
  - 2. General merchandise, including limited price variety stores and other similar stores selling a variety of general merchandise.
  - 3. Similar retail stores selling specialty goods, including: drug stores, hardware and home repair goods, gift and novelty stores, etc..
- C. Personal Services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible property or the provision of tangible services for personal consumption including:
  - 1. Restaurants and taverns,
  - 2. Banks, savings and loans, and credit agencies
  - 3. Barber and beauty shops.
  - 4. Self-service laundries and/or dry-cleaning establishments.
  - 5. Human medical and/or dental clinics
  - 6. Funeral services.
- D. Business Services engaged in the providing of services to business establishments on a free or contract basis, consulting services, protective services, office equipment rental, lease or purchase, commercial research and development.
- E. Churches and similar places of public assembly.
- F. Commercial recreational facilities such as community and public swimming pools, skating rinks, bowling alleys, physical fitness centers.
- G. Lumber and home improvement sales.
- H. Motor vehicle sales and service establishments.
- I. Hotels and motels.
- J. Garden centers.
- K. Carry out food and beverage establishments with drive-through facilities.
- L. Self-service storage facilities
- M. Off street automobile parking facilities

- N. Similar uses, as determined by the Planning and Zoning Board, in accordance with the provisions by Section 12.02.05 of this Ordinance.

**Section 20.03      Conditional Uses**

- A. Self-service car washes, provided a Development Plan is approved, pursuant to Section 12.02.07 of this Ordinance.
- B. Animal hospitals or boarding facilities
- C. Pet cemeteries
- D. Temporary or seasonal outdoor sales lots having a maximum operating duration of four (4) months, provided a Development Plan, including a plan for all signage, is approved pursuant to Section 12.02.07 of this Ordinance and all other permits are obtained.
- E. Adult Entertainment Facilities, subject to the provisions of Article XXX of this Ordinance.

**Section 20.04      Development Standards**

20.04.01      Minimum Lot Area

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

20.04.02      Minimum Lot Width

100 feet of frontage on a publicly dedicated and improved street or highway.

20.04.03      Minimum Front Yard Depth

Fifty (50) feet.

20.04.04      Minimum Side Yard

A. When abutting a non-residential zoning district:

Twenty (20) feet for structures, ten (10) feet for paved areas.

B. When abutting a residential zoning district:

Fifty (50) feet for structures, thirty-five (35) feet for paved areas.

20.04.05      Minimum Rear Yard

A. When abutting a non-residential zoning district:

Thirty (30) feet for structures, ten (10) feet for paved areas.

B. When abutting a residential zoning district:

Fifty (50) feet for structures, thirty-five (35) feet for paved areas.

20.04.06      Screening

If side or rear yards are adjacent to property in which single family residences are a permitted use, the screening of such yards shall be required. Such landscaping shall consist of walls, fences, mounding, natural vegetation or a combination of these elements.

20.04.07 Trash and Garbage Control

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

## ARTICLE XXI

### (OTI) OLD TOWN INDUSTRIAL DISTRICT

#### Section 21.01 Purpose

The OTI District is established to provide for the continuance of existing industrial uses within the older portions of the Village of Thornville, thereby encouraging private reinvestment and revitalization in such areas, while maintaining adequate development standards.

It is recognized that property within the OTI District is likely to be located in older areas of the Village that are characterized by mixed land use and higher densities. It is the intent of this Ordinance, and this District in particular, to protect and preserve the basic property rights of such existing industrial uses, while promoting the compatibility of such uses with adjacent neighborhoods. Specific provisions are made for the continuance, substitution and extension of such uses, pursuant to Article X of this Ordinance and Section 713.15 of the Ohio Revised Code.

Permitted uses within the OTI District shall comply with the following standards:

A. Fire and Explosion Standards

All activities, including storage, involving flammable or explosive material shall comply with regulations as enforced by the Ohio State Fire Marshall. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency (OEPA)

B. Air Pollution

No emission of air pollutants shall be permitted which violates the Clean Air Act as enforced by the OEPA.

C. Glare, Heat and Exterior Light

Any operation producing intense light or heat, such as high temperature processes like combustion, welding, or otherwise, shall be performed within and enclosed building and not be visible beyond the lot line bounding the property whereon the use is conducted.

D. Liquid or Solid Wastes

No discharge at any point into any public sewer, private sewage disposal system, or stream, or onto the ground, of any materials of such nature or temperature as may contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the OEPA shall apply.

E. Vibration and Noise

No uses shall be located and no equipment shall be installed in such a manner as to produce intense, earth shaking vibration which is discernable without

instruments at or beyond the property line of the subject premises. Noise standards of the OEPA shall be adhered to.

F. Odors

The applicable standards of the OEPA shall be adhered to.

G. Open Storage and Display of Material and Equipment

The open storage and display of material and equipment incidental to permitted uses shall be permitted, provided the area used for open storage shall be effectively screened from all adjoining properties in any residential district by means of walls, fences or plantings. Walls or fences shall be a minimum of six (6) feet in height without advertising thereon. In lieu of such wall or fence, a strip of land not less than ten (10) feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting may be substituted.

**Section 21.02 Permitted Uses**

- A. Manufacturing, compounding, processing, assembling, packaging, or treatment of goods, materials, and products, consistent with the purpose of the OTI District.
- B. Warehousing, wholesale establishments, manufacturing retail outlets, distribution and related uses, including truck and transfer terminals.
- C. Industrial product sales or service, consisting of firms engaged in the sale, rent or lease of products intended for industrial or commercial users, or the repair and/or servicing of industrial or commercial machinery, equipment or products.
- D. Administrative, professional and business offices associated with and incidental to another permitted use.
- E. Similar uses, as determined by the Planning and Zoning Board, in accordance with the provisions of Article XII of this Ordinance, and the purpose of the Old Village Industrial District.

**Section 21.03 Minimum Development Standards**

21.03.01 Minimum Lot Area

No minimum lot size is required; however sufficient area shall be provided to meet the requirements of 21.03 - 21.05 below.

21.03.02 Minimum Lot Width

No minimum lot width is required; however, all lots shall abut a publicly dedicated and improved street and shall have adequate width to provide for yard spaces and parking areas.

21.03.03 Side Yards

When the lot abuts a residential zoning district, the required side yard shall be not less than twenty-five (25) feet. When the lot abuts a non-residential zoning district, the required side yard shall be not less than ten (10) feet for structures and paved areas.

21.03.04

Front Yard Depth

Front yard depth shall be equal to or more than the average of the five (5) nearest structures on the same side of the street. In those cases where there are no structures on those properties adjacent to the subject property, the front yard depth shall be not less than twenty-five (25) feet from the right-of-way of the street on which the property has frontage. i

21.03.05

Minimum Rear Yard Depth

Minimum rear yard depth shall be at least twenty-five (25) feet.

21.03.06

Height

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

21.04.07

Trash and Garbage Control

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

## **ARTICLE XXII**

### **(GE) GENERAL EMPLOYMENT DISTRICT**

#### **Section 22.01 Purpose**

The purpose of the General Employment (GE) District is to provide suitable areas for a the development and expansion of a range of industrial activities, particularly on the periphery of the older Village, while protecting the character of nearby residential and commercial areas. Permitted uses within the Industrial District must operate:

- A. primarily within enclosed structures.
- B. In compliance with the performance standards cited in Section 21.01 of this Ordinance.
- C. with minimal adverse environmental or economic impact on adjacent properties.
- D. free from noise, odor, dust, smoke, light, glare or vibration at levels in excess of the average level on adjacent streets and properties.
- E. without imposing unusual burdens upon utility or governmental services.

#### **Section 22.02 Permitted Uses**

- A. General office activities, consisting of facilities where activities are conducted in an office setting and generally focus on business services.
- B. Personal services, consisting of firms providing personal services or entertainment to the general public, including restaurants, banks and/or savings and loans, credit unions, hotels or motels, medical and related offices, and similar establishments.
- C. Manufacturing, compounding, processing, assembling, packaging, or treatment of goods, materials, and products.
- D. Warehousing and distribution, consisting of firms involved with the storage and/or movement of goods.
- E. Industrial product sales or service, consisting of firms engaged in the sale, rent or lease of products intended for industrial or commercial users, or the repair and/or servicing of industrial or commercial machinery, equipment or products.
- F. Similar uses, as determined by the Planning and Zoning Board in accordance with the provisions of Section 10.02.05 of this Ordinance, and the purpose of the Industrial District.

#### **Section 22.03 Conditional Uses**

Conditional uses may be appropriate as permitted uses within the GE District, but require more detailed evaluation with respect to location, design, size, method and hours of operation, intensity of use, traffic generation and potential impact on surrounding uses. It is the responsibility of the Planning and Zoning Board to perform this evaluation and to attach such necessary conditions and/or safeguards. Conditional uses within the GE District include the following:

- A. Retail sales and service, consisting of firms involved with the sale, lease or rent of products or goods to the general public and/or providing on-site product repair or services for such goods.
- B. Vehicle sales and/or service, consisting of firms servicing automobiles, trucks and other commercial and/or consumer vehicles, including motorcycles, boats and/or recreational vehicles.
- C. Motor vehicle storage and salvage yards, provided those uses meet applicable state requirements related to fencing and other standards, and a Development Plan is approved pursuant to Section 10.02.07 of this Ordinance.
- D. Contractor equipment and storage yards, provided adequate fencing and screening devices are installed.
- E. Quarrying or mining operations, provided that all County, State and federal regulations are met and licenses are obtained and a Development Plan is approved pursuant to Section 10.02.07 of this Ordinance.. The Planning and Zoning Board may impose additional requirements as may be reasonable and appropriate.
- F. Structures and sites associated with drilling for oil and/or natural gas.
- G. Sanitary landfills and similar facilities for the processing and/or disposal of waste materials, provided that all required licenses and permits are obtained and a Development Plan is approved pursuant to Section 12.02.07 of this Ordinance.. The Planning and Zoning Board may impose additional requirements as may be reasonable and appropriate..
- H. PCS, cellular telephone or similar tower facilities
- I. Similar business uses meeting the objectives and standards of the General Employment District, as determined by the Planning and Zoning Board

**Section 22.04 Minimum Development Standards**

22.04.01 Minimum Lot Area

Five (5) acres, provided adequate space is allowed for building and parking setbacks, circulation and landscaping. In addition, all principal and subordinate uses and structures, including parking and paved areas, shall be located not less than 300 feet from any district where residences are a permitted use, and not less than fifty (50) feet from any other zoning district.

22.04.02 Minimum Lot Width

No minimum lot width is required; however, all lots shall abut a publicly dedicated and improved street and shall have adequate width to provide for yard spaces and parking areas.

22.04.03 Side Yards

When abutting a non-residential zoning district, fifty (50) feet for structures, twenty-five (25) feet for paved areas:  
 When abutting a residential zoning district, 150 feet for structures, fifty (50) feet for paved areas, subject to the requirements of Section 22.04.01 above.

- 22.04.04            Front Yard Depth
- Any new structure or parking area must be located not less than 100 feet from the centerline of the road or highway on which the use has frontage.
- 22.04.05            Minimum Rear Yard Depth
- Minimum rear yard depth shall be required so as to meet the spacing requirements of Section 22.04.01 of this Ordinance.
- 22.04.06            Height
- No building shall exceed a height of forty-five (45) feet.
- 22.04.07            Fencing and Screening
- Any area used for open storage related to a permitted or conditional use shall be effectively fenced from all adjoining properties. Walls or fences shall be a minimum of six (6) feet in height without advertising thereon, and shall contain gates, locks and/or other appurtenances so as to prevent illegitimate access. In addition, if side or rear yards are adjacent to property in any R District, the screening of such yards, using fencing or landscaping shall be required. Such landscaping shall consist of walls, fences, mounds, natural vegetation or a combination of these elements, as approved by the Planning and Zoning Board.
- 22.04.08            Trash and Garbage Control
- All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view.

**ARTICLE XXIII**

**(SU) SPECIAL USE DISTRICT**

**Section 23.01 Purpose**

“Special use”, as used throughout this Ordinance, means facilities classified as main and accessory uses listed in Section 23.02. The SU District and regulations are established in order to achieve the following purposes:

- A. To regulate the location and standards for development of such facilities so as to ensure their proper functioning in consideration of traffic, access, and general compatibility
- B. To protect listed facilities and uses from the encroachment of particular incompatible uses and to promote their compatibility with adjoining residential uses

**Section 23.02 Permitted Uses**

Buildings and land within the SU District shall be utilized only for the uses set forth in the following schedule:

**MAIN BUILDINGS / USES**

**ACCESSORY BUILDINGS / USES**

Institutional and/or Educational:  
Public buildings, museums, primary and secondary public, private or parochial schools, nursery schools.

Parking areas, playgrounds, signs

Large Public Assembly Areas:  
Churches, synagogues, arenas/stadiums, commercial and/or similar facilities with a seating capacity of over 300 persons,

Parking areas, signs.

Health Care: General and special hospital and clinics, convalescent centers, institutions for care of children or senior citizens.

Parking areas, signs.

Senior Citizen Housing: Retirement centers, extended care facilities.

Parking areas, signs.

Commercial Recreational Facilities:  
Private parks, golf courses, swim clubs, recreation fields, playgrounds, and similar facilities, not including such facilities developed for private use by occupants or residents of the premises.

Parking areas, clubhouses, administrative and maintenance structures, signs.

Cemeteries and Pet Cemeteries

Signs, maintenance facilities,

Communication: Telecommunications, commercial radio and television antennae/towers

### Section 23.03 Development Standards

The area or parcel of land for a special use shall not be less than that required to adequately provide for the main building, accessory buildings and uses, off-street parking, set backs, yards and open spaces to accommodate the facility and maintain the character of the neighborhood. The suitability of the area or parcel of land for a permitted special use shall be approved by the Planning and Zoning Board through review of the Development Plan, pursuant to Section 12.02.07.

### Section 23.04 Yard Regulations

#### A. Front Yards

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

#### B. Side and Rear Yards

The yards for each building or structure in the SU District shall be not less than the criteria set forth in the following schedule when adjacent to any district where residences are a permitted use.

<b>MAIN BUILDING / USES</b>	<b>MINIMUM SIDE/REAR YARDS (FT)</b>
<u>Institutional and/or Educational:</u>	75
<u>Large Public Assembly Areas:</u>	150
<u>Health Care:</u> Buildings	50
<u>Senior Citizen Housing:</u>	50
<u>Communication:</u> Antennas or antenna towers	100% of the height
<u>Commercial Recreational Facilities:</u> Buildings	75

If the proposed special use is located adjacent to a non-residential zoning district, then the side and rear yards shall be not less than the largest yard required in that district. If side or rear yards are adjacent to a district where single-family residential uses are a permitted use, the screening or buffering of such yards shall be required.

### Section 23.05 Approval By Planning and Zoning Board

In addition to the material required for the application for a zoning amendment, as specified in Section 6.03 of this Ordinance, a Development Plan shall be submitted for land proposed to be zoned into the SU District. Such Development Plan shall include all the information and material required pursuant to Section 12.02.07 of this Ordinance.. The construction of all buildings and development of the site within the SU District shall be in

conformity and compliance with the approved Development Plan. In making its recommendation to Village Council, the Planning and Zoning Board may specify additional conditions to be made part of the approval.

**Section 23.06 Action by Village Council**

In approving the redistricting of land into the SU District, Village Council may specify appropriate conditions and safeguards applying to the specific proposed facility.

## **ARTICLE XXIV**

### **(PUD) PLANNED UNIT DEVELOPMENT**

#### **Section 24.01 Purpose**

The purpose of these regulations is to provide for planned unit development (PUD) within the Village of Thornville, in order to achieve:

- A. A greater choice of living environments by allowing a variety of housing and building types and densities within a single development
- B. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more efficiency in the location of accessory commercial uses and services.
- C. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns.
- D. A more efficient use of land resulting in substantial savings through shorter utilities and streets.
- E. A development pattern in harmony with land use, density, transportation, and community facilities objectives of the Village.

#### **Section 24.02 Definition**

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

#### **Section 24.03 Permitted and Conditional Uses**

Permitted uses within the R-1, R-2, R-4, CB, GE and SU Districts may be combined in the PUD District, provided that the proposed location of non-residential uses are compatible with the design of the overall tract, will not adversely impact adjacent property, and that the location of such uses are specified in the preliminary and final development plans. Permitted uses within the SR and AR Districts may be combined in the PUD-R District.

The amount of land devoted to non-residential uses in a planned unit development combining residential and non-residential components shall require approval by the Planning and Zoning Board.

#### **Section 24.04 Project Area**

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

**Section 24.05 Common Open Space**

A minimum of twenty percent (20%) of the gross land area developed in any planned unit development project shall be reserved for common open space and/or recreational facilities. Such common open space shall be:

- A. dedicated to a homeowner's association who shall have title to the land which shall be retained as common open space. The legal articles relating to the organization of the homeowner's association shall be subject to review and approval by the Planning and Zoning Board and shall provide adequate provisions for the perpetual care and maintenance of all such common areas; or,
- B. dedicated to the Village for parks, open space, or the site of schools or other related public facilities. All land so dedicated to the Village shall be subject to the review and approval of the Planning and Zoning Board and the Board of Park commissioners, subject to size, shape and location; or,
- C. some combination of A and B.

Public utility and similar easements and rights-of-way for water courses or other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a bikeway, trail or similar facility and has been approved by the Board.

**Section 24.06 Utilities**

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

**Section 24.07 Arrangement of Non-Residential Uses and Parking**

When development in the PUD District includes non-residential uses, buildings shall be planned having common parking areas and common ingress and egress points, in order to reduce traffic congestion and mitigate potential conflict points. Planting screens or fences shall be provided on the perimeter of the such areas where they are adjacent to residential areas. Parking areas shall be designed so as to discourage single, large, unbroken paved lots, and shall encourage smaller defined parking areas within the total parking system. Such defined parking areas should be delineated and accented by landscaped areas.

Service, delivery, and loading areas shall be, to the maximum possible extent, located to the rear of structures, and screened from view by landscaping.

The plan of projects developed in the PUD District shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding areas.

**Section 24.08 Residential Density**

The Village of Thornville is prepared to accept a higher density in undeveloped areas than that reflected by current zoning, provided the developer can utilize planned unit development techniques to demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

The maximum density of the residential portions of the entire planned unit development shall not exceed eight (8) dwelling units per acre. The calculation of such density shall be based on the number of proposed dwelling units divided by the area of the site designated for residential use, excluding streets and common areas.

**Section 24.09 Private Roads**

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

- A. The easement shall not be counted as required open space.
- B. The road or street is approved as part of the subdivision plat as the most appropriate form of access to lots and/or structures
- C. Private roads shall not be used to provide access to non-residential areas or as through streets.

**Section 24.10 Procedure for Approval of PUD District**

Planned unit development projects shall be processed in accordance with the procedures specified in Sections 24.12 through 24.21, as follows:

**Section 24.11 Pre-Application**

The developer is encouraged to meet with the Zoning Inspector, Village Engineer and Planning and Zoning Board prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purposes of this section and the criteria and standards contained herein, and to familiarize the developer with the planned unit development process, other provisions of this Code, and the drainage, sewer, and water systems within the Village.

**Section 24.12 Contents of Application for Preliminary Development Plan**

An application for preliminary planned unit development shall be filed with the Planning and Zoning Board by at least one (1) owner of the property for which the planned unit development is proposed. The preliminary plan must cover the entire contiguous ownership of the applicant unless the applicant specifically states in writing that he/she does not intend to develop the withheld portion of the tract for at least five (5) years. At a minimum, the application shall contain the following information and material:

- A. Name, address, and phone number of applicant.
- B. Legal description of property.
- C. Description of existing use.

- D. Present and proposed zoning districts
- E. A vicinity map at a suitable scale, showing property lines, streets, existing and proposed zoning for all property adjacent to and within 200 feet from the proposed site.
- F. A list of all property owners within 200 feet from the proposed site, and their address as appearing on the Perry County Auditor's current tax list.
- G. Proposed schedule for the development of the site.
- H. Evidence that the applicant has sufficient control over the land in question to effectuate the proposed development plan.
- I. A Preliminary Development Plan drawn to scale, prepared by a registered architect, registered engineer and/or registered landscape architect. Such plan shall contain the following information at a minimum:
  - 1. Selected uses by area or specific building location, allocation of land use by type as measured in acres, adjacent existing land use, right-of-way, and relationship to adjacent land use
  - 2. General location of thoroughfares, including type, as well as location and size measured in number of parking spaces for all off-street parking areas, including curb cuts.
  - 3. Open space and the intended uses therein and acreage provided
  - 4. Residential land uses summarized by lot size, dwelling type and density.
  - 5. Existing and proposed roads, buildings, utilities, permanent facilities, easements, rights-of-way and abutting property boundaries.
  - 6. Physical features and natural conditions of the site including soils, the location of vegetation and existing tree lines.
  - 7. Surface drainage and areas subject to flooding.
  - 8. Preliminary plan for water, sewer, storm drainage and other utility systems, as well as a general analysis by a Professional Engineer attesting to the general engineering feasibility of the project, as proposed.

**Section 24.13                    Review Procedure**

Twelve (12) copies of the completed application and Preliminary Development Plan shall be submitted to the Zoning Inspector at least twenty-one (21) days prior to the Planning and Zoning Board's next scheduled meeting. Failure to submit a complete application shall result in a refusal of acceptance. The Zoning Inspector shall transmit the complete application package other parties as the Planning and Zoning Board deems appropriate, for review and comment.

**Section 24.14                    Action by Planning and Zoning Board**

Within seventy-five (75) days after the first regular meeting of the Planning and Zoning Board after receipt of the application, the Planning and Zoning Board shall make a recommendation to Village Council, following the procedures as cited in Section 6.05 of this Ordinance.

**Section 24.15                    Criteria for Recommendations by Planning and Zoning Board**

Before making its recommendation as required in Section 24.14, the Planning and Zoning Board shall find that the facts submitted with the application and presented at the public hearing establish that:

- A. Each individual part of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability; the uses proposed will not impose undue adverse impacts on adjacent uses, but will have a beneficial effect which could not be achieved under standard district regulations.
- B. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate volumes of traffic which would overload the street network outside the development.
- C. Any proposed commercial development can be justified at the proposed locations
- D. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan.
- E. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- F. The existing public services are adequate for the population densities and uses proposed, and in conformance with capital improvements planned for the area.

In making its recommendation, the Planning and Zoning Board may seek the assistance and input of outside consultants and/or experts procured for that purpose.

**Section 24.16                    Action by Village Council**

Upon receipt of the recommendation by the Commission, Village Council shall review and take action on the application, following the procedures specified in Section 6.06 of this Ordinance. Following approval by Village Council, the subject property shall be considered as zoned PUD . The approval of that zoning shall be conditioned on development of the tract being in conformance with the Final Development Plan.

**Section 24.17                    Final Development Plan**

Not later than twelve (12) months from the approval of the Preliminary Development Plan, the developer shall submit ten (10) copies of the Final Development Plan to the Zoning Inspector. The Final Development Plan shall be in general conformance with the Preliminary Development Plan. Failure to submit a Final Development Plan within the specified time period shall render the approved Preliminary Development Plan and the rezoning of the property null and void.

**Section 24.18                    Contents of Application for Approval of Final Development Plan**

An application for approval of the Final Development Plan shall be filed with the Zoning Inspector at least twenty-one (21) days prior to the Planning and Zoning Board's next scheduled meeting, by at least one (1) owner or lessee of property for which the planned unit development is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for Final Development Plan. The Final Development Plan shall be prepared by a registered architect or engineer and, at a minimum, shall the information and materials as follows:

- A. A survey of the proposed development site, showing the dimensions and bearings of the property lines, areas in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
- B. All the information required in the Preliminary Development Plan; including the location and sizes of lots, location and proposed density of dwelling units, non-residential building intensity; and land use considered suitable for adjacent properties.
- C. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres on the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population, anticipated timing for each unit; and population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other resolution governing development.
- D. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements, and, nature and extent of earth work required for traffic circulation and street improvements, and nature and extent of earth work required for site preparation and development.
- E. Site plan, showing building(s), various functional use areas, circulation and their relationship.
- F. Architectural renderings and accompanying narrative to discuss in detail the design treatment of all buildings and structures where applicable.
- G. Plans for landscaping
- H. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of land, and the improvements thereon, including those areas which are commonly owned and maintained.

**Section 24.19                      Action by the Planning and Zoning Board**

Within sixty (60) days from submittal of the items specified for approval of the Final Development Plan, or such other time as has been agreed to by the Developer, the Planning and Zoning Board shall approve, or approve with modification, the Final Development Plan. Approval shall mean that it finds that said plan is in conformance with the approved Preliminary Development Plan, and that no significant constraints exist to construction of the project as planned.

**Section 24.20                      Expiration and Extension of Approval Period**

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

**Section 24.21                      Platting**

The creation of new parcels under any planned unit development shall be subject to the subdivision requirements of this Ordinance. To reduce the length of the review and approval process, a preliminary subdivision plat can be submitted simultaneously with the Development Plan for rezoning to the PUD District. A final subdivision plat cannot be submitted for review until an amendment to the Zoning Ordinance has been approved by Village Council and such amendment has become effective.

**ARTICLE XXV**

***RESERVED FOR FUTURE USE***

**PART FOUR**

**ADDITIONAL ZONING REQUIREMENTS**

**ARTICLE XXVI**

**GENERAL DEVELOPMENT STANDARDS**

**Section 26.01 Lot Width**

A. Frontage Required

No building, structure, or improvement shall be constructed or altered, nor any new lot be established, unless such lot fronts on a publicly dedicated and improved street or thoroughfare within the Village.

B. Lot Width

Lot width shall be measured along the minimum building setback line for the district within which such lot is located.

**Section 26.02 Front Yards**

A. Front Yard Requirements

All front yard space shall be maintained in a neat and orderly state.

B. Front Yard Measurements

Front yard depth shall be measured from the right-of-way line of the street or highway to the building line.

C. Open Porches

In a residential district, an open, uncovered porch or paved terrace may project into a required front yard not more than ten (10) feet.

D. Architectural Features

Cornices, canopies, eaves, pilasters, sills or other architectural features may project into a front yard .

C. Corner Lots

Lots fronting on more than one street shall provide the required front yard on both streets.

**Section 26.03 Side Yards**

A. Measurement

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

B. Open Porches

In a residential district, an open, uncovered porch or paved terrace may project into a required side yard, if a minimum of five (5) feet is maintained to any adjoining lot line.

C. Architectural Features

Cornices, canopies, eaves, pilasters, sills or other architectural features may project into a side yard so long as the minimum side yard is maintained..

D. Accessory Structures

Accessory structures are allowed in the side yard space, subject to the requirements of Section 27.01

**Section 26.04 Rear Yards**

A. Measurement

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

B. Accessory Uses or Structures

Accessory uses or structures may be allowed in a rear yard, subject to requirements of Section 27.01 of this Ordinance.

**Section 26.05 Height**

Height regulations specified in the various zoning districts shall not apply to chimneys, tanks, cupolas, domes, spires, or similar structures attached to a structure.

## ARTICLE XXVII

### ACCESSORY USES AND STRUCTURES

#### Section 27.01 Accessory Buildings and/or Structures

"Accessory building or structure" shall mean a structure and/or use which is subordinate, secondary, and incidental to the principal building or use and is located on the same property as the principal building or use. Residential accessory structures include detached garages, tool and garden sheds, tennis courts, swimming pools and similar facilities. Such accessory structures are subject to the following additional requirements:

- A. An unattached accessory structure shall be located within any side or rear yard. Such accessory structure shall be constructed not closer to the side lot line than the side yard requirement of the district where it is located, and not less than ten (10) feet from the rear lot line, unless such lot backs unto a dedicated right-of-way or alley, in which case such setback shall not be less than five (5) feet from such right-of-way or alley.
- B. An accessory use or structure shall not exceed eighteen (18) feet in height.
- C. In the R-1, R-2, R-3 and R-4 Districts, no separate accessory structure can be erected on a vacant lot, or any lot where there is no principal residential structure, without the specific approval of the Planning and Zoning Board. Such approval, if granted, shall specify the conditions under which such accessory building can be erected. This provision shall not apply if an adjacent developed property is owned by the same person or entity.
- D. Not more than one (1) moveable storage building shall be allowed on any single residential property, and such structure shall comply with the location requirements of Section 27.01 A above,
- E. The use of all accessory structures shall conform to the definition above, and no accessory structure shall be used for human habitation.
- F. All accessory buildings shall be maintained in good repair in a safe and sanitary condition so as not to pose a threat to public health, safety and welfare. All structural members shall be maintained free from deterioration and shall be capable of safely supporting imposed dead and live loads. Upon receipt of a signed written complaint by a citizen of the Village, the Zoning Inspector shall have the authority to investigate the complaint and the subject property, and shall report his/her findings to the Planning and Zoning Board and the Village Administrator. If the Board determines that such conditions constitute a violation of these requirements, the procedures and penalties pursuant to Article IX may be invoked.

## **Section 27.02 Home Occupations**

Home occupations shall be considered as an accessory or conditional use as specified in the respective zoning districts. In addition, all home occupations shall comply with the following standards:

- A. The 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.
- B. The home occupation shall not generate greater vehicular traffic volume than is normal for a residential neighborhood.
- C. The home occupation shall be performed by the occupant of the premises. Not more than one (1) person, other than immediate family residing at the premises, shall be employed in such occupation.
- D. External indication of such home occupation shall be limited to one non-illuminated sign, not more than eight (8) square feet in area.
- E. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the lot, particularly during non-daylight hours.
- F. No home occupation shall involve the uncovered exterior storage of equipment or inventory.
- G. No home occupation shall be conducted from any accessory building on the lot, unless specific approval is granted by the Planning and Zoning Board.

Generally, home occupations shall be regulated not by the specific activity performed, but rather by the presence of external impacts that may affect the residential character of the surrounding area. In particular, a home occupation shall consist primarily of rendering specific personal services. Examples would include a salesperson, member of the clergy, lawyer, engineer, architect, real estate consultant, accountant, artist, computer or telecommunications worker or private teacher.

## **Section 27.04 Residential Fences and/or Hedges**

### Section 27.04.01 Definition

"Fence" or "wall" means any structure composed of wood, metal, stone, brick or other material, including hedges or other plants, erected in such a manner and location so as to enclose, partially enclose or divide any premises or part of premises for the purpose of confinement, screening, partitioning, or decoration. Trellises or other structures for the purpose of supporting vines, flowers or other vegetation, when erected in such a position so as to enclose, partially enclose or divide any premises or any part of premises shall also be considered fences.

Section 27.04.02 Permit Required

No fence or wall, as defined above, may be erected within the Village unless the property owner or his agent files application with the Zoning Inspector. Such application shall include a drawing of the lot, showing the actual location of the proposed fence or wall. The property owner shall determine property lines and certify that the fence or wall does not encroach upon another lot or parcel of land.

Section 27.04.03 Height and Location

The permitted height of a fence or wall shall be determined by its location on the property as follows:

- A. No fence, hedge or wall shall be constructed within six inches (6") of the property line.
- B. A decorative fence or wall not exceeding forty-two inches (42") in height may be erected within the front yard provided that the following conditions are met:
  - 1. The fence or hedge is located not less than three (3) feet from the street right-of-way line, and
  - 2. Such decorative fence shall not be opaque, and shall not consist of discarded wood or debris, and
  - 3. the provisions of 27.04.03C below, are met.
- C. A fence or wall not exceeding seventy-two inches (72") in height may be erected in any portion of the lot so long as a minimum distance of twenty-five feet (25') is maintained from the front lot line, and adequate sight distance is maintained from streets and/or alleys.
- D. No fence, hedge, or wall shall be erected on any lot in such a manner so as to obscure the vision of motorists approaching a street intersection, within a twenty-five (25) feet clear sight distance along either street approaching said intersection.

Section 27.04.04 Prohibited Fences

In any residential district, no person shall erect or maintain any fence or wall charged with electrical current, nor shall any person erect or maintain any fence or wall having wire or metal prongs or spikes, or other cutting points or edges.

**Section 27.05 Group Residential Facilities**

"Group residential facilities" shall be defined and classified in Article II of this Ordinance. A Class I Type B group residential facility, as defined in Article II, is permitted by right in any zoning district that permits single-family dwellings. A Class I Type A group residential facility shall be considered as a conditional use in the R4 and CB Districts, subject to the standards below. A Class II Type A or Type B group residential facility shall be treated as a conditional use in the CB District subject to the standards below:

- A. The facility shall obtain all approvals and/or licenses as required by state and local laws.
- B. The facility shall provide 24-hour supervision by trained and qualified professional personnel.
- C. No exterior alterations of the structure, other than those mandated by the American Disabilities Act (ADA) or other applicable laws, shall be made which would be inconsistent with the residential character of the residential structures in the surrounding neighborhood.
- D. The facility shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
- E. Such facilities shall be required to provide appropriate sleeping quarters without using normal living areas, such as living rooms, dining room or kitchen for sleeping.
- F. Such facilities shall meet all applicable local and/or state building, safety and fire safety requirements for the proposed use and level of occupancy.
- G. Such facilities shall be reasonably accessible, by virtue of location or transportation provided by the applicant, to medical, recreational and retail services, and employment opportunities.
- H. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, including a structured procedure whereby their grievances may be filed and resolved.

**Section 27.06 Portable and Permanent Family Swimming Pools** (*Reference Ordinance 14-01*)

**Definitions:**

The following definitions, terms, phrases, words and their derivations shall apply to this Section:

- A. “Zoning Inspector” means the Village of Thornville authorized representative.
- B. “Portable Family Swimming Pool” means a swimming pool used for non-commercial purposes, resting entirely above ground and designed to be easily dismantled, stored and moved from one place to another and uses a re-circulating and or filter pump.
- C. “Permanent Family Swimming Pools” means a swimming pool, used for non-commercial purposes, which is built either upon or below the level of the ground and which is not designed or intended to be readily dismantled, stored or moved from one place to another and uses a re-circulating and or filter pump.
- D. “Kiddie/Blow-Up/Wading Pools” means a swimming pool used for non-commercial purposes, resting entirely above the ground, designed to be easily stored and moved from one place to another, designed and/or used by and for young children, and not equipped with a recirculation and/or filter pump.

**Access Equipment:**

All access ladders, steps, and other equipment not permanently affixed shall be removed from the Portable or Permanent Family Swimming Pool at the close of the swimming season.

**Location of Pools:**

No Portable or Permanent Family Swimming Pool shall be placed, located, constructed, or installed in the front yard and/or side yard, as described in the Village of Thornville Zoning Code, applicable to the lot or parcel upon which such pool is to be placed or located.

There are no restrictions on where Kiddie/Blow-Up/Wading Pools may be placed or located when being used. However, no Kiddie/Blow-Up/Wading Pool may be placed, located, or stored in the front yard and/or side yard when not being used.

No swimming pool shall be located, constructed, installed, used, operated or maintained except in compliance with the provisions and regulations of this Section and the provisions and regulations of the zoning district in which the swimming pool is located, constructed, installed, used, operated, or maintained.

**Construction Permit:**

Before work is commenced on the construction of a Portable or Permanent Family Swimming Pool or any alteration, addition, remodeling or other improvement thereto, an application for a Construction Permit, together with the required plans, specifications and other relevant explanatory data, shall be submitted to, and approved by, the Zoning Inspector. No work shall be commenced until the Zoning Inspector has evidenced his/her approval by a suitable endorsement upon such plans and specifications, and has granted a Construction Permit therefore and, if required, the State of Ohio Board of Health has permitted and authorized the Portable or Permanent Family Swimming Pool. No permit is required for a Kiddie/Blow-Up/Wading Pool.

**Safety Precautions:**

All reasonable precautions shall be taken to protect the users of all Portable and Permanent Family Swimming Pool from injury or accident.

Kiddie/Blow-Up/Wading Pools must be completely emptied of water on a daily basis.

**Pollution:**

Water shall not be allowed to remain in any unused, inoperable, or abandoned Portable or Permanent Family Swimming Pool. The definition of an unused, inoperable or abandon swimming pool swimming pool is one that is not undergoing active filtration, is not filled to capacity, and/or is in disrepair or otherwise damaged.

**Fence:**

- A. Every Portable and Permanent Family Swimming Pool shall be completely surrounding by an appropriate fence not less than four (4) feet in height and shall be so constructed as not to have openings, holes or gaps larger than four (4) inches in any dimension. A building or existing wall may be used as a part of such enclosure.
- B. All gates or door opening through such enclosure shall be of self- closing and self- latching construction and shall be designed to permit locking and shall be kept locked when pool is not in actual use, or is left unattended.

- C. These requirements shall apply to both new and existing Portable and Permanent Family Swimming Pool, except the owners of existing outdoor Portable and Permanent Family Swimming Pool shall be giving a reasonable period, not to exceed thirty (30) days from effective date of this Section, in which to comply. No person in possession of land within the Village either as owner, purchaser, lessee, tenant or a licensee, upon which is situated a Portable or Permanent Family Swimming Pool shall fail to provide and maintain such fence or wall as herein provided.
- D. No fence is required around a Kiddie/Blow-Up/Wading Pool.

**Plan and Specification:**

Plans, specifications and relevant explanatory data required to be submitted in connection with an application for a Construction Permit to construct a Portable or Permanent Family Swimming Pool or any alteration, addition, remodeling or other improvements thereto shall comply with the following requirements, and shall include the following information, as well as such other information as may be requested by the Zoning Inspector:

- A. Plans shall be drawn to a scale of not less than one-eighth per foot, indicating all materials and method of construction and indicating all dimensions, including the length, width and depth of the pool and the width of the pool deck and location of re-circulating and or filtration pump:
- B. Plot plan showing the position of the pool in relation to the building and lot.
- C. The water capacity of the pool.
- D. The location of the enclosing fence.

**Penalty:**

Whoever violates any of the provisions of this Section shall be fined fifty dollars (\$50.00). Each day that any violation exists, or continues to exist, shall be deemed a separate offense.

## ARTICLE XXVIII

### OFF-STREET PARKING REQUIREMENTS

#### Section 28.01 Purpose

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

#### Section 28.02 Provision for Parking Required

In all zoning districts, at the time any building, structure or use is changed, established, erected, developed, or is enlarged or increased in capacity, there shall be provided off-street parking places in accordance with the provisions of this Article.

#### Section 28.03 General Requirements

##### A. Residential Access Drives

Access drives (any access from a public right of way onto private property intended for vehicular use) shall be a minimum 12 feet in width including all access entrances. All access drives shall not exceed 25 feet in width, except curb return. All access drives, exclusive of curb returns, shall be located no less than 3 feet from any side lot line. Access drive for any uses utilizing a common drive may be adjacent to and coterminous with a side lot line.

##### B. Commercial Access Drives

1. Access drives shall have a minimum pavement width of 20 feet. All access drives, exclusive of curb returns, shall be located no less than 10 feet from the side lot lines. Access drive for any uses utilizing a common drive may be adjacent to and coterminous with a side lot line.
2. An access drive serving a commercial property, which is expected to have a traffic frequency of more than 5 vehicles in a 24 hour period, shall be so designed to allow a maximum length semi-truck and trailer to make a right turn without crossing the centerline of the street being accessed.

##### C. Quantity Permitted

The number of access drives shall be kept to a minimum to promote safe and reasonable access, improve the convenience and ease of movement of travelers and permit reasonable speeds and economy of travel while maintaining roadway capacity. For lots with less than 200 feet of frontage on public right(s)-of-way and less than 5 acres in total area, shall be limited to one access driveway.

D. Surfacing

All access driveways shall be graded for proper drainage and surfaced with concrete, asphaltic concrete, premixed asphalt pavement, blacktop, brick, or other Village approved durable and dustless surfaces. All driveway and apron designs shall be reviewed and approved by the Zoning Inspector prior to a permit being issued.

E. Maintenance

Private access driveways serving residential or commercial developments shall be maintained reasonably free of potholes and surface irregularities.

F. Location of Parking Spaces-Proximity to Street Right-of-Way

In all districts, a five (5) foot clear zone shall be maintained between the street right-of-way line and any parking space. Parking areas shall be so designed and arranged as to not allow protruding of any vehicle (or portion thereof) over the clear zone.

G. Proximity to Use

In the Old Town Center (OTC) District, any required parking and loading spaces shall be provided either on the same lot or within 200 feet of the principal use they serve. In all other districts, required parking and loading spaces shall be provided on the same lot as the principal use which they serve.

H. Joint Provision of Parking Facilities

Two or more buildings or uses located in the same area may meet parking and loading requirements by the joint provision of parking and loading facilities, provided those facilities are located so as to meet the requirements of Section 28.03(F) and the number of spaces as provided shall not be less than the sum of required spaces as per Section 28.04 of the Ordinance.

I. Fire and Emergency Access

Off-street parking areas shall be designed so as to allow efficient and effective access by fire and emergency vehicles to buildings.

J. Noncompliance

In the event the Zoning Inspector finds, upon investigation, that an access drive or parking area is not in compliance with this section, he/she shall issue the owner of the access drive or parking area a violation letter pursuant to Section 9.02 via certified mail. Such notice shall advise that repairs are to be completed within thirty (30) days from receipt of notice. In the event of continued noncompliance, the Zoning Inspector shall cause the issuance of a violation citation pursuant to Section 3.02.03.

*K. Drainage (Reference Ordinance 12-17)*

No driveway shall cause water to be retained.

**Section 28.04 Required Number of Off-Street Parking Spaces**

Parking spaces shall be provided according to the following Schedule which is hereby made a part of this Ordinance.

The Old Town Center (OTC) District is exempt from the minimum off-street parking spaces as dictated in Section 28.04 Schedule of Required Off-Street Parking Spaces as the district contains small lots and is served by on-street parking.

## Section 28.04 SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES

<u>USE</u>	<u>NUMBER OF REQUIRED SPACES</u>
<b>A. Residential</b>	
1. Single or multiple- family residences	Two (2) per dwelling unit
2. Institutional housing, other residential uses	One (1) per three (3) occupants plus two (2) for each main work shift
<b>B. Commercial</b>	
1. Professional, administrative and business	One (1) for each 400 S.F. of gross floor area.
2. Food, department, general merchandise, hardware, drugs, or other retail sales	One (1) for each 300 S.F. of gross floor area
3. Eating or drinking establishments <i>without</i> drive-through facilities	One(1) for each 100 S.F. of gross floor area
4. Eating or drinking establishments <i>with</i> drive-through facilities.	One (1) for each 75 S.F. of gross floor area plus additional space in the drive-through lanes equal to twenty-five percent (25%) of the required number of parking spaces.
5. Personal services, including banks, savings and loans, and repair services <i>without</i> drive-through facilities.	One (1) for each 300 S.F. of gross floor area.
6. Personal services, including banks, savings and loans, and similar services <i>with</i> drive-through facilities	One (1) for each 300 S.F. of gross floor area. plus additional space in drive-through lanes equal to eighty percent (80%) of the required number of parking spaces.
7. Barber and beauty shops	Two (2) for each work station
8. Gasoline and service stations, automobile service	Two (2) for each service bay plus one (1) for each pump, plus one (1) for each employee during the main shift
9. Self-serve laundries	One (1) for each three (3) washers.
10. Medical and dental offices, human clinics	Four (4) for each doctor or dentist
11. Veterinary clinics, animal hospitals	Three (3) for each doctor.
12. Hotels, bed-and-breakfast establishments	One (1) for each sleeping room plus one (1) for each employee during the main shift
13. Funeral homes	One (1) for each 400 S.F. of gross floor area.

**Section 28.04 SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES  
(CONTINUED)**

<u>USE</u>	<u>NUMBER OF REQUIRED SPACES</u>
<b>C. Industrial</b>	
1. Any manufacturing, processing, packaging, warehousing, distribution or service industry	Two (2) for each three (3) employees during work shift having greatest number of employees, plus one (1) for each vehicle maintained on the premises.
<b>D. Institutional</b>	
1. Churches and places of public worship	One (1) for each four (4) seats in main sanctuary
2. Public or private elementary or secondary school	Four (4) for each classroom, or one (1) for each in main auditorium, whichever is greater.
3. Business, trade, or technical school, college or university	One (1) for each two (2) students and one (1) for each faculty member.
4. Nursery School/Day Care	One (1) for each fifteen (15) students
5. Libraries, museums, community centers and similar facilities	One for each 400 SF of gross floor area
6. Civic, social and fraternal organizations	One (1) for each three (3) persons allowed in main meeting room at full capacity.
7. Hospitals, nursing facilities	One (1) for each four (4) beds plus one (1) per employee on main shift.
<b>E. Recreational</b>	
1. Baseball, softball, football, soccer or similar organized sport playfield	Twenty (20) for each playfield, plus one for each six (6) seats in stands.
2. Tennis, handball or racquetball courts	Three (3) for each court
3. Bowling alleys	Four (4) per lane, plus necessary spaces as required for auxiliary uses such as restaurants.
4. Theatres, stadiums, sports arenas, auditoriums or other assembly halls other than schools	One (1) for each four (4) seats
5. Indoor recreational facilities in which seating is secondary to the principal use, e.g., roller rinks and similar venues.	One (1) for each three (3) persons allowed in main room/area at full capacity

## ARTICLE XXIX

### SIGNS

#### Section 29.01 Purpose

The purpose of these regulations is to prevent signs from becoming a distraction or obstruction to the safe and efficient flow of pedestrian and vehicular traffic, to prevent signs from having an adverse impact on adjacent properties or uses, to encourage the development of signage systems that promote an active economic and business environment, and thereby protect the general health, safety, and welfare of the citizens of the Village of Thornville.

#### Section 29.02 Definitions

As used in this Article, the following words or phrases shall have the meanings herein:

- A. “Sign” means any device for visual communication which is designed, intended, or used to convey a message, advertise, inform or otherwise direct attention to a person, institution, organization, activity, business, place, object or product. Unless otherwise indicated, the term “sign” shall include any support structure(s).
- B. Other Definitions
  - 1. “Awning” means a hood or cover that projects from the wall of a building. An “awning sign” means a sign that is attached to or otherwise a part of an awning.
  - 2. “Banner” means a nonrigid cloth, plastic or canvas sign typically related to a special event or promotion. For the purposes of this Article, the term "banner" shall not include official flags of public entities, or civic, philanthropic, educational or religious organizations
  - 3. “Billboard” means an off-premises sign more than 200 square feet in area, which is owned by a person, corporation or other entity that engages in the business of selling the advertising space on that sign. The term “billboard” shall include digital, video or LED display signs.
  - 4. “Canopy” means a structure separate from, but associated by use with a principal building. Such structure is supported independently by posts or columns, is open on all sides, and is intended only for shelter or ornamentation. A “canopy sign” is a sign that is attached to or a part of the roof of such a structure.
  - 5. “Changeable copy sign” means a sign which, in whole or in part, provides for periodic changes in the material or message composing the sign. This definition includes both electronically and manually changeable signs.

6. "Directional sign" means any sign which indicates the direction or specific location of an institution, organization or business, which does not include advertising or any information regarding product lines or services offered
7. "Freestanding sign" means a sign which is mounted to the ground and is wholly independent of any building for support.
8. "Mural" means a large picture or graphic illustration that is painted or mounted directly to the surface of an existing building, and covers more than 30% of the building face on which it is displayed.
9. "Off-premises sign" means any sign that identifies or provides information related to a good, service or event that is not located on the property where such sign is located.
10. "Permanent sign" means a sign intended to be erected or used, or in fact which is used for time period in excess of ninety (90) days.
11. "Portable sign" means a sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.
12. "Portable freestanding changeable copy sign" means a changeable copy sign that is mounted on a portable structure.
13. "Projecting sign" means a sign which extends outward perpendicular to the building face
14. "Temporary sign" means a sign intended to be used, or in fact used, for a time period of ninety (90) days or less.
15. "Vending machine sign" means a sign that is attached or integral to a vending machine.
16. "Wall sign" means a sign attached to a building face, with the exposed face in a plane parallel to the plane of the wall. Wall signs include painted murals, messages, graphics and other designs painted along with any letters or numerals mounted directly on buildings.
17. "Window sign" means a sign, graphic, poster, symbol or other identification which is physically affixed to or painted on the glass or other structural component of the window.

### **Section 29.03 Signs Excluded from Regulations**

The following signs are excluded from the requirements of this Article:

- A. Signs not exceeding two (2) square feet in area that are customarily associated with residential use and are not of a commercial nature, including address and/or name of occupants of the structure, signs on mailboxes or newspaper tubes, signs posted on property related to private parking, and signs warning against trespassing or danger from animals. Signs associated with home occupations shall not be excluded from these regulations.

- B. Signs erected by a governmental entity for a recognized public purpose and duly authorized by any law, statute or ordinance. Such signs include legal notices and traffic control or safety devices, provided such signs carry no supplementary advertising.
- C. Temporary signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election, provided such signs are removed no later than one (1) week after such election. Such signs shall not exceed twenty-four (24) square feet in area, shall not be illuminated, and shall not be located within a public right-of-way nor be affixed to any public utility pole or street tree. In addition such sign shall not be located in any manner so as to create a safety or visibility hazard.
- D. Signs located on the inside of a structure or building, that are not designed or located so as to be typically visible from outside the building.
- E. Signs which are in the nature of cornerstones, commemorative tables and historic designations, provided such signs are less than nine (9) square feet in size.
- F. Signs clearly in the nature of decorations customarily associated with a national, local or religious holiday. Such signs shall be of any illumination or animation provided that a safety and/or visibility hazard is not clearly created.
- G. Temporary signs not exceeding sixteen (16) square feet in area which promote special business sales, promotions or occasions. No business shall display more than three (3) such signs at any one time.
- H. Flags or insignias of any governmental entity when not displayed as an advertising device, or in connection with any commercial promotion.
- I. A sign which advertises the sale of personal property, such as a garage, yard, porch or moving sale sign provided such sign, is located on the sale premises for a time period not greater than three (3) consecutive days, and is not to be located in a public right-of-way nor affixed to any public utility pole or street tree. Such signs shall not be located in such a manner so as to create a safety or visibility hazard.
- J. Signs promoting community events and programs which last for a time period of fourteen (14) days or less and which are sponsored by nonprofit, public, educational, religious and charitable organizations. All such signs shall be removed not later than three (3) days after the scheduled activity.

**Section 29.04 Prohibited Signs**

Signs that are not specifically permitted in this Article shall be considered as prohibited. Without restricting or limiting the generality of the foregoing provisions, the following signs are specifically prohibited and shall be subject to immediate removal by the Village, with the costs associated with such removal being assessed to the owner of the property.

- A. Signs mounted on motor vehicles that are parked in a prominent location for the primary purpose of displaying the sign

- B. Banners, streamers, pennants and similar air-activated moving signs intended for permanent display
- C. Flashing or high intensity lights mounted on a sign
- D. Any sign that obstructs any part of a doorway, exit or fire escape.
- E. Any sign that resembles or is intended to resemble a traffic control device, or is located in such a manner so as to obscure or impact the effectiveness of such traffic control device or signal.
- F. Any sign affixed to any utility pole or otherwise located within the street right-of-way, except as specifically exempted herein.
- G. Any sign located so as to obscure the clear vision within a twenty foot (20') triangle from any street and/or alley intersection.

**Section 29.05 Sign Permits and Administration**

A. Permit Required

No permanent or temporary sign, except as exempted in Sections 29.03 or 29.06 of this Ordinance shall hereafter be erected, constructed or maintained within the Village of Thornville unless a permit for the same has been issued by the Zoning Inspector. Application for a permit to construct or erect a sign shall be made by the owner of the property upon which the sign is proposed, or his agent. An application for a permit to erect a sign shall contain, at a minimum, a drawing of the sign including its size, its location on the lot, and specific information regarding its construction. The applicant shall certify that the sign will be constructed in compliance with all applicable building, electrical and safety codes. The application for a temporary sign shall also include the date which the sign shall be removed

B. Action on Sign Permit

The Zoning Inspector shall issue a sign permit upon submittal of a completed application and payment of applicable fees if he/she determines that the provisions of this Ordinance have been met. If the application for a sign permit is denied, the applicant shall be given written notice of such denial, along with the reasons therefore.

C. Appeals

Any decision made by the Zoning Inspector under the terms of this Article may be appealed to the Planning and Zoning Board in the manner set forth in Article VII of this Ordinance.

**Section 29.06 Signs Which Do Not Require a Permit**

The following signs may be erected without a permit; such signs, however, shall be subject to all other provisions of this Article:

- A. Signs that indicate the sale, development, rental or lease of a particular structure or land area, provided such sign does not exceed sixteen (16) square feet in area.

One such sign shall be allowed per street front. Such signs shall not be located in a public right-of-way.

- B. Credit card decals, store hour specifications, "open" or "closed" signs, or similar signs that do not exceed an aggregate area of two (2) square feet.
- C. Signs, which are less than two (2) square feet in size and mounted or attached flat or parallel onto a building face of an administrative, business or professional office building, which denote the name and address of an occupant in a building where more than one tenant is located and which has individual and separate entries.
- E. Temporary construction signs which display the identification of the construction project, including identification of the contractors, architects and other construction principals. Such construction sign shall be limited to one (1) per construction site, shall not exceed thirty-two (32) square feet in area and shall be removed upon the completion of construction or the commencement of occupancy, whichever event occurs first. Such signs shall not be located within the public right-of-way.
- G. Signs determined by the Planning and Zoning Board to be similar to those specified in A. through E. above

#### **Section 29.07 Temporary Signs**

Temporary signs shall be subject to the following general requirements:

- A. The application for a permit for a temporary sign shall include the time period for which the sign is to be displayed, not to exceed ninety (90) days during any consecutive twelve (12) month period. Such permit may be renewed for an additional ninety (90) days with the approval of Planning and Zoning Board.
- B. Temporary signs shall be constructed of such material that will allow the sign to be maintained in good repair for the period it is to be displayed. Generally, the use of unprotected cardboard or paper products as sign material shall be prohibited, unless it is demonstrated that this standard is met.
- C. Banners less than twenty (20) square feet in area are permitted as temporary signs, provided such banners are secured to prevent movement which would allow any portion of the banner to extend into the street right-of-way.
- D. Streamers and/or inflatable devices may be permitted as temporary signs, provided such devices are not displayed for a period exceeding ninety (90) consecutive days during any consecutive twelve (12) month period.
- E. Temporary portable freestanding changeable copy signs and other portable signs shall be permitted in nonresidential districts, provided such signs are not displayed for a period exceeding thirty (30) days during any consecutive twelve (12) month period.

#### **Section 29.08 General Requirements - Permanent Signs**

Permanent signs shall be subject to the following requirements:.

A. Wall Signs

Wall signs shall be permitted in the CB, OTC, OTI, GE and SU Districts and may be erected on any building wall or extension of a building wall which faces a street, parking lot or service drive, and such sign may not extend beyond any building setback line. Wall signs shall be attached parallel to the building face and extend outward perpendicular from the building face a maximum of twelve (12) inches. Wall signs shall not exceed thirty-two (32) square feet in area in the OTC District, and sixty (60) square feet in area in other non-residential districts.

B. Canopy and/or Awning Signs

Canopy signs shall be permitted in the OTC, CB, OTI, GE and SU Districts and may be painted on an awning area or attached to a canopy or roof which projects beyond the building provided that no part of such sign may extend above the roof line, canopy or marquee. Canopy or marquee signs shall be a minimum of nine (9) feet above ground level.

C. Projecting Signs

Projecting signs shall be permitted in the OTC, CB, OTI, GE and SU Districts provided such signs do not exceed twelve (12) square feet in size, are placed not less than nine (9) feet above the sidewalk or ground level, and project not more than six (6) feet outward from the building face

D. Freestanding Signs

Freestanding signs shall be permitted in the CB, OTI, GE and SU Districts. Freestanding signs shall not exceed twenty-five (25) feet in height. No portion of any freestanding sign shall be erected over the street right-of-way. The area of a freestanding sign shall not exceed seventy-five (75) square feet in the CB District, and fifty (50) square feet in the OTI, GE and SU Districts. Freestanding signs of not greater than twenty-five (25) square feet in area may be allowed as a conditional use in the OTC District, with specific approval of the Planning and Zoning Board.

E. Off-Premises Signs

Off-premises signs as defined in Section 29.02.02 B.10 shall be considered as an accessory use in all nonresidential districts. Not more than one (1) off-premises sign with a sign face area not exceeding twenty (20) square feet is permitted on a single lot. Off-premises signs shall conform to all applicable yard, setback and height restrictions for structures in the zoning district where they are located.

Billboards, as defined in Section 29.02 B.3, shall be considered as a special use, subject to the requirements of the Special Use (SU) District. Such signs shall require specific approval of the Planning and Zoning Board following the procedures outlined in Article XXIII. Billboards shall not be located within 1,500 feet from any residence or district where single-family residences are a permitted use.

F. Vending Machine Signs

For the purposes of this Article, vending machines with attached signs shall be treated as permanent signs. Vending machine signs shall not be included in the number of permitted signs pursuant to Section 29.08 G.11 below; however,

vending machine signs shall meet the requirements for illuminated signs in Section 29.08 G.1 below. In addition, if a vending machine sign is located on a lot adjacent to any single-family residence, such sign shall be positioned or shielded so as not to be visible from such residence.

G. General Requirements

1. Illumination

Illuminated signs shall be permitted only in the OTC, CB, OTI, GE and SU Districts. Illumination shall be from a concealed or indirect light source and shall not flash, blink, fluctuate in intensity, travel, move or in any manner fail to provide constant illumination, and shall not create a hazard or visibility problem or interfere with or impair vehicular traffic. The level of illumination emitted from a sign shall not be of an intensity to constitute a safety hazard to vehicular movement on any street. Illuminated signs shall be constructed and maintained so that the source of illumination is shielded or otherwise prevented from beaming directly onto adjacent properties or streets.

2. Pennants and/or Streamers

No permanent sign shall contain or consist of banners, pennants, ribbons, streamers, balloons or similar devices.

3. Construction

All signs and parts thereof, including any electrical wiring, shall be erected, constructed, and maintained so as to not constitute a safety hazard. The construction and installation of all signs shall be subject to inspection and approval by the Village and/or the State of Ohio.

4. Location

No part of any sign shall be placed in, over, or extend onto any public right-of-way.

5. Changeable Copy Signs

Changeable copy signs, as defined in Section 29.02 B.5 above, shall be permitted in the CB, GE and SU Districts. The number, height and area of changeable copy signs shall be determined by the structural type of the sign, i.e., freestanding, wall, projecting, etc. as cited elsewhere in these regulations. The light and/or perceived movement from such sign shall not be of such intensity to constitute a safety hazard to vehicular traffic.

6. Permanent Subdivision Identification Signs

Such signs shall be limited to wall mounted or freestanding signs only, with placement on walls, columns or similar architectural or landscaped entrance features used to denote the entrance to the subdivision. Such sign shall be not more than five (5) feet in height

and shall set back at least twenty (20) feet from the right-of-way of both streets.

7. Joint Identification Signs

Joint identification signs shall be limited to wall or freestanding signs, and to premises where there are two (2) or more uses located on one (1) property (e.g., a shopping center) on one (1) or more public street(s). If the property fronts on one (1) public street, only one (1) joint identification sign is permitted. If the property fronts on two (2) public streets, two (2) joint identification signs shall be permitted. Each joint identification sign shall not exceed 100 square feet and twenty-five (25) feet in height.

8. Signs in OTC District

A proposed sign within the OTC District may extend into the right-of-way, provided the applicant demonstrates that, due to the location of the building or other physical characteristics of the lot, the erection of an alternative sign outside the right-of-way is not feasible. In addition, such applicant shall certify that such sign shall be subject to subsequent removal at the owner's expense, if so required by the Ohio Department of Transportation (ODOT) and/or the Village for purposes of public safety.

9. Murals

Murals, as defined in Section 29.02 above, shall be allowed as a conditional use within the OTC District, subject to approval by the Planning and Zoning Board

10. Signs in SU and PUD Districts

Signs in the SU and/or PUD Districts shall reflect the standards for similar uses in other districts. The applicant shall submit a total signage plan for the proposed development as part of the Development Plan.

11. Playfield Scoreboards

One (1) manual or electronic scoreboard of not more than sixty (60) square feet shall be allowed on an established sports playfield operated by the Village of Thornville or other public or not-for-profit entity. The application for a sign permit for such scoreboard shall include a site plan for placement of the scoreboard, as well as methods that will be employed to identify and minimize any potential **adverse impacts on adjacent or proximate R districts. The site plan** must be approved by the Planning and Zoning Board prior to issuance of a sign permit.

12. Number of Signs

The permitted number and type of permanent on-premises signs shall be as specified in **TABLE I** as follows:

**SECTION 29.08 G.11 / TABLE I  
 PERMITTED NUMBER AND STRUCTURAL TYPE OF SIGNS  
 (PERMANENT ON-PREMISES SIGNS)**

USE / DISTRICT	PERMITTED SIGN TYPES	MAXIMUM NUMBER OF SIGNS
<b><i>Residential</i></b>		
Subdivision Identification Sign	Wall, freestanding (all districts)	2 per entry (4 total)
Two- and Multi-Family Dwellings	Wall, freestanding (all districts)	1
<b><i>Commercial/Office/Institutional</i></b>		
Schools, churches, hospitals and other institutions and/or public facilities in all districts	Wall, freestanding window	1 per frontage
Permitted / conditional uses in the B-1 or B-2 District	Wall, freestanding, window, awning, marquee	2 per frontage
Permitted / conditional uses in the DB District	Wall, window, awning, marquee, canopy	2 per frontage
<b><i>Industrial</i></b>		
Permitted / conditional uses in the I District	Wall, freestanding, window	2 per frontage

## NOTES / TABLE I:

- *For the purposes of calculating the number of permitted signs, "frontage" shall be interpreted as frontage on a publicly dedicated and improved street.*
- *Not more than one (1) sign per business per street frontage in any district shall be a freestanding sign.*
- *Buildings or single developments with multiple business occupants sharing a common entrance from the street, i.e., shopping centers, shall be permitted one (1) joint identification sign in addition to signage permitted above. If such sign is a freestanding sign, no individual business within such center shall use a separate freestanding sign. Such joint identification sign shall meet the requirements of Section 29.08 G.7 above.*
- *In addition to the designated number of permitted signs, nonresidential uses shall be allowed a maximum of four (4) directional signs, each not exceeding four (4) square feet in area. Such directional signs shall clearly be for the purpose of designating entrances and/or exits and directing customers to the internal circulation network on the site.*

### **Section 29.09 Measurement of Signs**

For the purposes of this Article, the measurement of sign area shall comply with the following standards:

- A. Sign area shall include the face of all the display area of the sign not including bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the design.
- B. Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign, unless two (2) display faces join back to back and parallel to each other and not more than twelve inches (12") apart. For spherical signs, the sphere shall be bisected by an imaginary line through the center of the sphere, and the surface area of the half sphere shall be counted as the sign face. For cubical signs, the area of all display faces shall be included in determining the area of the sign.
- C. The area of the letters, numbers or emblems mounted directly on a building wall or wall extension shall be computed by enclosing the entire word or words formed by such letters, numbers or emblems with the smallest single continuous perimeter consisting of rectangular or series of rectangles, and determining the area within such perimeter.

### **Section 29.10 Nonconforming Signs**

- A. Continuance of Existing Signs

Except as otherwise provided below, nothing in this Article shall require the removal or discontinuance of an existing sign.

- B. Abandonment

The continuance of an existing sign which does not meet the regulations and requirements of this Article shall be deemed a nonconforming sign which shall terminate by abandonment when any of the following conditions exist:

- 1. When the sign is associated with an abandoned use.
- 2. When the sign remains after the termination of a business. A business has ceased operations if it is closed to the public for at least ninety (90) consecutive days. Seasonal businesses are exempt from this requirement.
- 3. When the sign the sign, together with all supports, braces, guys and anchors is not in maintained in a proper state of repair and/or the immediately surrounding premises is not maintained by the owner, or his agent, in a clean, sanitary and inoffensive condition, free from all obnoxious substances, rubbish and weeds.

Upon finding that the sign is abandoned, the right to maintain and use such sign shall terminate immediately.

- C. Relocation or Replacement

A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Section. Should any replacement or relocation occur without being brought into compliance, the sign shall be subject to removal.

D. Maintenance

A nonconforming sign shall be maintained or repaired in accordance with the following provisions:

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

D. Inspection and Removal

If any existing sign is found, upon inspection by the Zoning Inspector, to constitute a hazard to public safety, such sign shall be subject to immediate removal by order of the Village, with the costs associated with such removal assessed to the owner of the property. .

**Section 29.11 Variances**

Variations to this Article may be granted pursuant to the procedures and policies set forth in Article VII of this Ordinance.

**Section 29.12 Penalties**

Any person, firm, corporation, partnership or association violating any provision of this Article or failing to obey any lawful order issued pursuant to its terms shall be subject to fines and penalties as specified in Article IX.

## ARTICLE XXX

### ADULT ENTERTAINMENT FACILITIES

#### Section 30.01 Purpose

The purpose of this Article is to promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of this section 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 existing adult entertainment businesses, residential areas, schools, churches, parks and playgrounds within the Village.

#### Section 30.02 Definitions

- A. "Adult Entertainment Facility" means any establishment which is involved in one or more of the following listed categories.
1. "Adult Book Store" means an establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on "specified sexual activities" or "specified anatomical areas" as defined below.
  2. "Adult Motion Picture" means a facility for the display of motion pictures which is regularly used or utilizes fifteen percent (15%) or more its total viewing time for presenting material distinguished or characterized by an emphasis to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
  3. "Adult Entertainment Business" means any establishment involved in the sale or services of products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live male or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.
- B. "Specified Sexual Activities" means any of the following:
1. Human genitals in a state of sexual stimulation or arousal.
  2. Acts, real or simulated, or human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic sexual abuse.
  3. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.

- C. “Specified Anatomical Areas” mean any of the following:
  - 1. Less than completely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.
  - 2. Human male genitals in a discernible turgid state.
- D. “Fine Art Gallery” means any display of art work which is individually crafted and signed by the artist or which is limited in edition to 1,000 or less.
- E. “Sexually explicit nudity” means the sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depiction in such position or manner which present or expose such nudity to prominent, focal, or obvious viewing attention.
- F. “Sadomasochistic sexual abuse” means actual or simulated flagellation, rape, torture, or other physical or sexual abuse, by or upon a person who is nude or partially denuded, or the condition of being fettered, bound for sexual gratification or abuse or represented in the context of a sexual relationship.
- G. “Visibly displayed” means the material is visible on a billboard viewing screen marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonable anticipated access and presence.

**Section 30.03 Exceptions**

Nothing in this Article shall be construed to pertain to:

- A. The purchase, distribution, exhibition and/or loan of any work of art, book, magazine or other printed material or manuscript by an accredited museum, library, fine art gallery, school or museum of higher learning.
- B. The exhibition and/or performance of any play, drama tableau, or motion picture by any theater, museum, library, fine art gallery, school, or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

**Section 30.04 Location**

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

- A. No adult entertainment facility shall be established within 1,500 feet of any residence or district where residences are a permitted use.

- B. 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, when such school, library, or teaching facility is attended by persons under 18 years of age.
- C. No adult entertainment facility shall be established within a radius of 1,500 feet of any park or recreational facility attended by persons under 18 years of age.
- D. No adult entertainment facility shall be established within a radius of 1,500 feet of any church, synagogue, or permanently established place of religious services attended by persons under 18 years of age.
- E. No adult entertainment facility shall be established within a radius of 1,000 feet of any other adult entertainment facility.
- F. No advertisements, displays or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
- G. All building openings, entries, windows, etc. for adult entertainment uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street.
- H. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned from public or semi-public area.

## **ARTICLE XXXI**

### **OUTDOOR WOOD BURNING FURNACES**

#### **Section 31.01 PURPOSE**

It is generally recognized that the types of fuel used, and the scale and duration of burning by outdoor wood burning furnaces, creates noxious and hazardous smoke, soot, fumes, odors and air pollution, can be detrimental to citizens' health, and can deprive neighboring residents of the enjoyment of their property or premises. Therefore, it is the intention of the Village of Thornville to establish and impose restrictions upon the construction and operation of outdoor wood furnaces within the limits of the Village for purposes of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the Village and its inhabitants.

#### **Section 31.02 DEFINITION**

For the purposes of the Zoning Ordinance, an outdoor wood burning furnace shall be defined as any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An outdoor wood burning furnace may also be referred to as an outdoor wood burner, outdoor wood boiler or outdoor wood-fired hydronic heater.

#### **Section 31.03 REGULATIONS FOR OUTDOOR WOOD FURNACES**

No person shall construct, install, establish, operate or maintain, or cause the construction, installation, establishment, operation or maintenance, of an outdoor wood furnace within the Village of Thornville.

**APPENDIX A**  
**STREET CLASSIFICATION SYSTEM**

## STREET CLASSIFICATION SYSTEM WIDTHS AND GRADES

<u>STREET CLASS</u>	<u>ADT RANGE</u>	<u>MINIMUM R.O.W. (FT.)</u>	<u>PAVEMENT WIDTH (FT.)</u>	<u>MINIMUM LANE WIDTH</u>	<u>MINIMUM GRADE</u>
Arterial	5,000+	100	60	12	.5%
Collector	500-5,000	80	41	11	.5%
Local	under 500	50	30	11	.5%
Cul-de-Sac	under 500	50	31	11	.5%
Alley	under 100	16	10	10	.5%
Industrial	NA	80	41	12	.5%