

ORDINANCE NO. 09-09

To Amend Article II, Section 2.02 and Article XIV, Section 14.05 of the Planning and Zoning Code of the Village of Thornville, Ohio.

WHEREAS, the Council of the Village of Thornville, Ohio, has determined that it is necessary to update the Zoning Code of the Village in order to better protect the general health, safety, and welfare of the citizens of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THORNVILLE, OHIO, THAT:

Section 1. Existing Article II, Section 2.02 is hereby amended:

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.

“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, conduits, 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.

“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 space (off-street)” means any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in Article XXXI of this Ordinance.

“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.

Section 2. Existing Article XIV, Section 14.05 is hereby amended:

Section 14.05 Development Standards

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

**SUBURBAN RESIDENTIAL DISTRICTS
DEVELOPMENT STANDARDS**

	R-1	R-2
MINIMUM LOT AREA	20,000 S.F.	10,000 S.F.
MINIMUM LOT WIDTH	100	80
MINIMUM FRONT YARD DEPTH	35 feet	25 feet
MINIMUM SIDE YARD WIDTH	10 feet	8 feet
MINIMUM REAR YARD DEPTH	30 feet	25 feet
MAX. % OF LOT COVERAGE	30%	35%
MIN. BLDG AREA (1 STORY)	1,800 S.F.	1,600 S.F.
MIN. BLDG AREA (1.5 – 2 STORY)	2,000 S.F.	1,900 S.F.

Section 3. All previous existing sections inconsistent with the revisions above are hereby repealed.

Section 4. This Ordinance shall take effect at the earliest time provided by the laws of the State of Ohio.

