

ARTICLE II

DEFINITIONS

201 INTERPRETATION OF TERMS OR WORDS

For the purpose of this resolution, certain terms or words used herein shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
4. The words "used" and "occupied" include the words "intended, designed, or arranged to be used, or occupied".
5. The word "lot" includes the words "plot" or "parcel".

202 DEFINITIONS

Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing sexual activities or specified anatomical areas.

Adult Bookstore, Adult Novelty Store, or Adult Video Store: A commercial establishment which has a significant or substantial portion of its stock in, trade in, or derives a significant or substantial portion of its revenues from, or devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales display space to the sale or rental, for any form of consideration, to any one or more of the following: (1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations which are distinguished or characterized by their emphasis upon the exhibition or

description of specified sexual activities or specified anatomical areas; or (2) instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

Adult Motel: A motel, hotel or similar commercial establishment which: (1) offer public accommodations, for any form of consideration, and which regularly provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, DVDs, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas and which regularly advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including but not limited to, newspapers, magazines, pamphlets, or leaflets, radio or television; and (2) offers a sleeping room for rent for a period of time less than ten (10) hours.

Adult Motion Picture Theatre: A commercial establishment where films, motion pictures, videocassettes, DVDs, slides or similar photographic reproductions which are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

Adult Nightclub: A bar, cabaret, juice bar, nightclub, restaurant bottle club or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: (1) persons who appear nude or semi-nude; (2) live performances which are distinguished or characterized by an emphasis upon the exposure of specified anatomical areas or specified sexual activities; (3) films, motion pictures, videocassettes, digital video discs ("DVDs"), slides, or other photographic reproductions which are distinguished or characterized by their emphasis upon the exhibition or description of specified anatomical areas or specified sexual activities.

Adult Theatre: A theatre, concert hall, auditorium, or similar commercial establishment, which, for any form of consideration, regularly features: (1) persons who appear nude or seminude, or (2) live performances, which are distinguished or characterized by an emphasis upon the exposure of, specified anatomical areas or specified sexual activities.

Agriculture Production: The production for commercial purposes and sale for the purpose of obtaining a profit in money by raising, harvesting, and selling of crops and forage; by feeding or breeding or management of and sale of, or the produce of livestock, poultry, fur-bearing animals, or honey bees; or for dairying and the sale of dairy products of animal husbandry or any combination thereof; or any other agricultural, horticultural or floriculture use such as fruits, plants, ornamental trees, timber, shrubs, nursery stock and vegetables.

Agricultural Land- Prime: The land that is best suited (typically capability Class I and II) for agricultural production (as defined). It is now or could be available for such uses and could be cropland, pasture land, forest and other land. It does not include urban buildup or water areas.

Agricultural Land- Unique: Land other than prime agricultural land (land utilized that is other than Class I and II that is being used for specific high value agricultural production (as defined). It has the special combination of soil quality, location, climate, exposure, air drainage, and moisture supply needed to produce sustained high quality and/or high yields of a specific crop when treated and managed according to modern farming methods.

Airport: Any runway, land area or other facility designed, used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxi ways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces.

Alley: See Thoroughfares

Alterations, Structural: Any change in supporting members of a building such as bearing walls, columns, beams or girders.

Area Variance: Variance of area, size, setback requirements and anything relating to area. Adopted 5/20/96 Effective 6/20/96

Arterial Street: See Thoroughfares

Attached Structure: An attached structure is any structure permanently affixed by nailing, mechanical fasteners, welding or any other method, to the main structure or building, and which cannot be supported independently of the main structure or building; and which is directly connected by common wall or roof.
Adopted 5/1/95 Effective 6/1/95

Automotive Dismantling & Recycling: The use of land with the sole purpose of dismantling motor vehicles for the sale of usable parts. This use does not include a junkyard or overnight outside storage of vehicles

Automotive Repair: The repair, rebuilding or reconditioning of motor vehicle or parts thereof, including collision service, painting, and steam cleaning of vehicles.

Automotive, Mobile Home, Trailer and Farm Implement Sales and Service: The sale, rental or service of new and used motor vehicles, mobile homes, trailers, or farm implements.

Backyard Composting: The breakdown of organic matter in a pile, preferably in a composting bin of the homeowner's choice. A layered pile of organic yard

waste and kitchen scraps with the exception of meat, bones, and fatty foods such as cheeses, salad dressings and cooking oils. Maximum backyard compost site or bin size should not exceed fifteen (15) cubic yards, 10' x 10' x 4' high. The Ohio Cooperative Extension Service guidelines on composting shall be followed.

Basement: That portion of a building, which is partly or completely below grade (see Story Above Grade).

Boarding House, Rooming House, Lodging House, or Dormitory: A building or part thereof, other than a hotel, motel or restaurant where meals and /or lodging are provided for compensation, for three (3) or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

Building Accessory: A subordinate building detached from, but located on the same lot as the principal building, or use of which is incidental and accessory to that of the main building or use.

Building Area for Cottage Housing District: The area used for the total number of cottage housing units per lot

Adopted

Effective

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to be the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the main height between eaves and ridge for gable, hip and gambrel roofs.

Building Line: See Setback Line.

Building Principal: A building in which is conducted the main or principle use of the lot on which said building is situated.

Business, Convenience: Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barbershops, carryouts, dry cleaning and laundry pickup facilities, and in this classification tend to serve a day-to-day need in the neighborhood.

Business, General: Commercial uses which generally require, locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day to day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but

need not be limited to, such activities as supermarkets, stores that sell hardware, apparel, foot wear, appliances, and furniture; department stores; and discount stores. Highway business uses include, but need not be limited to, such activities as service stations, truck and auto sales and service; restaurants and motels; and commercial recreation.

Business Services: Any activity conducted for gain which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes or businesses.

Capability: The ability of the land to accommodate certain land uses without creating significant problems for either the inhabitants of the area or its environment.

Cemetery: Land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Clinic: An establishment where patients who are not lodged overnight are admitted for examination and treatment of any of a group of physicians practicing medicine together.

Club: A building or portion thereof or premises owned or operated by person(s) for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

Commercial Composting: A composting site, which is operated by any business, corporation, municipality, or government agency for the purpose of handling yard waste.

Commercial Landfill Facility: A facility incorporating the best available technology (BAT) specifically designed for collection and storage of non-hazardous refuse, trash, rubbish and other waste materials.

Common Open Area for Cottage Housing District: Shall be four hundred (400) square feet pr unit with fifty percent (50%) of the units to abut the Common Open Area.

Adopted

Effective

Composting: The biological reclamation of organic materials by a natural decomposition process.

Conditional Use: A use of buildings or land, which by the nature of it, requires review by the Board of Zoning Appeals, as set forth in Article XVII in order to determine its affect upon adjacent existing uses.

Corner Lot: See Lot Types.

Cul-de-sac: See Thoroughfares

Dead –end Street: See Thoroughfares

Demolition Materials: Means materials from construction operations and from demolition operations including those items that are affixed to a structure, including driveways and highways, being constructed or demolished such as brick, concrete, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing fixtures, wiring and insulation materials.

Development Plan: A proposal for the development of land as an RPD Residential Planned Development, represented by drawings and other documents as required to illustrate the proposed design, layout and features of the development and to document compliance with the requirements of this Resolution. Adopted 6/6/05 Effective Date 7/6/05

Disabled Vehicle: Any vehicle meeting the following two (2) conditions:

1. Extensively damaged, such damage including but not limited to any of the following: a broken window or windshield, missing wheels, tires, motor or transmission.
2. Apparently inoperable

Amended 2/16/87

Effective Date 3/16/87

Distinguished or Characterized by an Emphasis Upon: The dominant or principle theme of the object described by such phrase. For instance, when the phrase refers to films, "which are distinguished or characterized by an emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas," the films so described are those in which the dominant or principle character and theme are the exhibition or description of specified anatomical areas or specified sexual activities.

Dwelling: Any building or structure (except a house trailer or mobile home as defined by Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

Dwelling-Detached Single Family: A building designed and used exclusively for one dwelling unit and physically separated from any other dwelling.

Dwelling- Earth Shelter Unit: Shall mean a building either partially or completely below grade having fixed and completed construction of walls, foundation and roof, serving as a habitable home, containing living, dining, sleeping room or rooms, storage closets, as well as space and equipment for

cooking, bathing and toilet facilities, all used by only one family and it's household employees.

Dwelling- Farm: Any building or portion thereof, which is designated as the primary dwelling structure on the farm and designed for human habitation.

Dwelling- Farm Related: Any building which is designed for and occupied by one family; other than the primary residence, which is occupied by either the owner or operator; or operation exists as a separately deeded property, whether by the same owner of the farm or separate owners, conforming to the County Subdivision Regulations, County Health Code and this zoning text.

Dwelling- Multifamily: A building consisting of four or more dwelling units including condominiums with varying arrangements of entrances and party walls.

Dwelling- Single Family: Any group of rooms located within a residential building (No. 1 below) or within an industrialized unit (No. 2 below) that is placed upon a permanent foundation with tie-downs and industrialized steps or better and rails at wall entrances which is utilized by one family as opposed to two families for it's living, sleeping, cooking and eating needs.

1. Residential – Building: Any structure consisting of foundations, walls, columns, girders, beams, floors, and roof, or a combination of any number of these parts, with or without appurtenances which is designed for occupancy as a dwelling and conforms to the County Building and Health Codes.
2. Industrialized- Units: Any portable structure (excluding recreational vehicles) which is an assembly of materials or products comprising all or part of a total structure which when constructed, whether on a chassis or not, is self-sufficient or substantially self-sufficient, and when installed constitutes the structure or part of a structure, except for it's preparations for placement, which will permit the use thereof for human habitation and which is approved and complies with the Department of Housing and Urban Development Regulations (part 280 and 3282 of the Federal Register) as authorized by the National Mobile Home Construction and Safety Standards Act of 1974 Public Law 93-383 as amended and the Ohio Building Code (OBC) BB-51 and BB-75 as applicable.

Dwelling-Two Family: A building consisting of two (2) dwelling units, which may be either attached side by side or one above the other and each unit having separate or combined entrance or entrances.

Dwelling Unit: Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family and it's household employees.

Entertainment Facility: Any profit making activity, which is generally related to the entertainment field.

Essential Services: The erection, construction, alteration, or maintenance, by public utilities or municipal or other government agencies of underground gas, electrical steam or water transmission, or distribution systems, collection, communications, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other government agencies or for the public health or safety or general welfare, but not including buildings.

Extraction, Mineral: Any mining, quarrying, excavation, processing, storing, separating, cleaning or marketing of any mineral or natural resource.

Family: One or more persons occupying a single dwelling, provided that there shall not be more than three (3) persons in addition to those related by blood, adoption or marriage or who are children placed in the dwelling by a social agency.

Farm: Includes tracts, lots and/or parcels of land totaling not less than five (5) acres, which are devoted exclusively to commercial agricultural production.

Financial Institution: Those institutes engaged in receiving, exchanging, lending and safeguarding moneys.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas.

1. **Base Flood:** Means the flood having one (1) percent chance of being equated or exceeded in any given year.
2. **Flood Plain:** Means any land area susceptible to being inundated from any source.
3. **Flood Way Fringe:** Is that portion of the base flood plain located outside the regulatory flood way.
4. **Regional Flood Plain:** Is the area inundated by the base flood. This is the flood plain area, which will be regulated by the standards and criteria of this resolution.
5. **Regulatory Flood Way:** The channel of a river or the watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than .5 foot.

Floor Area of a Residential Dwelling: The sum of the gross horizontal area of the several floors of residential dwelling, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed

NEW RUSSIA Twp.

Interpretations and Definitions

202.0440
7/21/92

DWELLING, INDUSTRIALIZED UNIT

An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit but not a mobile home.

202.0450
7/21/92

DWELLING, ROOMING HOUSE (Boarding House, Lodging House, Dormitory)

A dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

202.0460

FAMILY

One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit.

202.0464
11/04/2009

TYPE A FAMILY DAY-CARE HOME (R1-1, R1-2, R1-3)

Any adult administering to the needs of seven to twelve non-related children or non-related adults at one time, or four to twelve children at one time if four or more of the children at one time are under two years of age, within the permanent residence of the administering adult. Day care for children shall comply with the requirements for "Family Day-Care Home, Type A" as defined in the Ohio Revised Code, section 5104.01. See Section 426 under Article IV, Conditionally Permitted Uses.

202.0465
11/04/2009

TYPE B FAMILY DAY-CARE HOME (R1-1, R1-2, R1-3, R2-1)

Any adult administering to the needs of one to six non-related children at one time within the permanent residence of the administering adult. Day care for children shall comply with the requirements for "Type B Family Day-Care Home" as defined in the Ohio Revised Code, section 5104.01, and which is exempt from conditional use permitting as per 5104.054. See Section 309.05 under Article III, General Regulations, 309 Special Requirements.

202.0470
9/6/79

FARM

Any parcel of land containing at least five (5) acres which is used for raising of agricultural products; livestock, poultry and dairy products from which \$1,000.00 or more of agricultural products are sold or would normally be sold during a year. It includes necessary farm structures and the storage of equipment used subject, however, to applicable regulations.

202.0480

FILLING STATION - See GASOLINE STATION

202.0490

FLOOD STAGE

The highest point at which flood waters have risen in the specific area in question.

202.0500

FLOOR AREA OF A RESIDENTIAL BUILDING

The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

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November 30, 2015

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terraces. All dimensions shall be measured along the outside foundation area less the garage areas.

Floor Area of a Nonresidential Dwelling: (to be used in calculating parking requirements); The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms and similar areas.

Floor Area, Usable: Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the outside walls.

Food Processing: The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and similar businesses.

Garage, Private: A detached accessory building or portion of principle building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises, provided that not more than one (1) commercial vehicle per dwelling is parked or stored.

Garage, Public: A principle or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

Grade Plane: A reference plane representing the average finished ground level adjoining the building at all exterior walls.

Hazardous Waste: Means materials as are described in Ohio Revised Code Section 3734.01 (J) or is such statute as it may hereafter be amended.

Highway Major: A Street or road of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.

Home Occupation: An accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or services.

1. Home occupation within a dwelling. Such occupation shall be clearly incidental and subordinate to its use for residential purposes and not more than twenty (20) percent of the floor area of the dwelling unit and shall be used in the conduct of the home occupation. See criteria in Section 409.

Hotel or Motel and Apartment Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the

public in contrast to a boarding house, a lodging house or an apartment, which are herein separately defined.

Infectious Waste: Means such materials as are described in Ohio Revised Code section 3734.01 @ or in such statute as it may hereafter be amended.

Institution: Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or correctional services.

Junk Yard: Is the use of more than one hundred (100) square feet of any land, building, or structure, whether for private and/or commercial purposes, where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicles, paper, rags, rubber, cordage, barrels, etc., are sold, bought, exchanged, baled, packed, sorted, disassembled, dismantled or handled. One or more disabled motor vehicles or deteriorated and/or inoperable equipment constitutes a junk yard.

Kenel or Cattery: Any lot or premises on which four (4) or more dogs or cats more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold.

Loading Space: A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks, and having a minimum dimension of twelve (12) by forty (40) feet and vertical clearance of at least fourteen (14) feet.

Local Street: See Thoroughfare

Lot: For the purposes of this resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved, accepted and dedicated public street, and may consist:

1. A single lot of record
Amended 7/17/89

Effective 8/17/89

Lot Coverage: 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.

Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets provided as indicated Yards in this section.

Lot, Minimum Area Of: The area of a lot is computed exclusive of any portion of the right-of-way of any public street.

Lot Measurements: A lot shall be measured as follows:

1. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. Width of a lot shall be considered to be the distance between straight lines at each side of the lot, measured at the building setback line, provided however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall be equal to the lot front unless otherwise specified herein.

Lots of Record: A lot, which is recorded in the office of the County Recorder, or a lot or parcel described by, metes and bounds, the description of which has been so recorded.

Lot Types: Terminology used in this resolution with reference to corner lots, interior lots, and through lots is as follows:

1. A corner lot is defined as a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
2. An interior lot is a lot other than a corner lot with only one (1) frontage on a street.
3. A through lot is a lot other than a corner lot with frontage lot.
4. A reversed frontage lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

Major Thoroughfare Plan: The plan adopted by the Regional Planning Commission indicating the general location recommended for arterial, collector and local thoroughfares within the unincorporated areas.

Maintenance and Storage Facilities: Land, buildings and structures devoted primarily to the maintenance and storage of construction equipment and materials.

Manufacturing, Light: Manufacturing or other industrial uses which are usually controlled operations, relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust, operating and storing within enclosed structures and generating little industrial traffic and noise.

Manufacturing-Extractions: Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any mineral natural resource.

Mezzanine: (1) An intermediate level or levels between the upper surface of a finished floor and the top of the ceiling joists. (2) An intermediate level or levels between the upper surface of a finished floor and the top of the roof rafters when there is not a ceiling. (3) Exceeding 1/3 of the total area of the room in which it is located.

Mineral Extraction, Storage and Processing: See Extractions.

Mobile Home: Any portable structure having no foundation other than wheels, jacks or skirting and so designed or constructed to be towed on it's own chassis and running gear and also designed and constructed as to permit occupancy for dwelling or sleeping purposes and which is approved and complies with the Department of Housing and Urban Development Regulations (Part 280 and 3282 of the Federal register) as authorized by the National Mobile Home Construction and Safety Standards Act of 1974, Public Law 93-383 and subsequent and the Ohio Building Code (OBC) BB-51 and BB-75 as applicable.

Mobile Home Park: Any site, or tract of land of not less than ten (10) acres, under single ownership, upon which twenty or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of such park.

Modular Units: Any portable structure which is an assembly of material or products comprising all or part of a total structure except for it's preparations for placement and so designed and constructed as to permit occupancy for dwelling or sleeping purposes and which is approved and complies with the Department of Housing and Urban Development Regulations (Part 280 and 3282 of the Federal Register) as authorized by the National Mobile Home Construction and Safety Standards Act of 1974, Public Law 93-282 as amended, and the Ohio Building Code (OBC) BB-51 and BB-75 as applicable.

More Restrictive: In reference to a nonconforming use, the changing of a use to more nearly conform to the permitted use, thus increasing the requirements such as side yards etc., or generally increasing compatibility of a nonconforming use to the requirements of the district in which it is located.

Motor Vehicle: Any device in, upon, or by which any person or property may be transported or drawn upon a highway under its own power.

Effective 01/01/2015

Non-Conformities: A building, structure or use of land existing at the time of enactment of this resolution, and which does not conform to the regulations of the district or zone in which it is situated.

Nude Model Studio: Any place where a person who regularly appears nude or semi-nude is provided money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons, except that such a modeling class operated: (1) by a college, junior college, or university supported entirely or partly by taxation; (2) by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or (3) in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing and where, in order to participate in a class a student must enroll at least three days in advance of the class, is not a "Nude Model Studio."

Nudity, State of Nudity, or Nude: The showing of the human male, or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the areola.

Nursery: A home or facility for the care and or treatment of babies and children. Also called a day care facility.

Nursing Home: 1) A long-term healthcare facility that provides full-time care and medical treatment for people who are unable to take care of themselves; **2)** A residential facility for persons with chronic illness or disability, particularly older people who have mobility or eating problems. Also called a convalescent home or long-term care facility.

Office: A room, set of rooms, or building where the business of a commercial or industrial organization or of a professional person is transacted.

Open Spaces: An area substantially open to the sky, which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the zoning commission deems permissible. Streets, parking areas, structures for habitation, and the like shall not be included.

Open Space Uses: Uses approved in the development plans for a Residential Planned Development which may include and are generally intended to be such uses as: conservation of significant natural, historical and cultural features; agriculture; outdoor recreation; storm water management; utilities; buffers and landscaping.

Owner: Includes but is not limited to any person owning a fee simple, fee title, life estate, or a buyer on a land installment contract.

Parking Space- Off-Street: For the purposes of this resolution, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening all doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Parsonage: The official residence of a parson, rector, minister, or other director of worship as provided them by their religious institution.

Personal Services: Any enterprise conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, barbershop, beauty parlors and similar activities.

Planned Unit Developments: An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, then those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

Pond: A water impoundment made by constructing a dam or embankment or by excavating a pit or dugout, i.e. man made ponds, lakes, reservoirs, retention basins or other bodies of water.

Adopted 1/20/92

Effective 2/20/92

Printing and Publishing: See Manufacturing, Light.

Private Road: A local private road which is not dedicated as a public right-of-way, but which is owned and maintained by a homeowner's association.

Professional Activities: The use of offices and related spaces for such professional services as are provided by doctors, dentists, lawyers, architects and engineers and similar professions.

Public Service Facility: The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other government agency, including the furnishing of electrical, gas, rail transport, communication, public water, and sewage services.

Public Uses: Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

Recreation Camp: An area of ten (10) acres or more of land on which two (2) or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

Recreational Facilities-Noncommercial: Private and semipublic recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, golf courses, game preserves, hunting and trapping, and other private community swimming pools.

Recreational Facilities- Restricted Commercial: Boat dock and fishing piers, boat launching, maintenance repair and fueling facilities; concessions for sale of food, nonalcoholic beverages and boating and fishing supplies and accessories.

Recreational Vehicle: A vehicle regardless of its size, which was not designed to be used as a permanent dwelling, and in which the plumbing, heating, electrical and air-conditioning systems included within the structure may be operated without connection to outside utilities and which are self-propelled or towed by a light duty vehicle for use as a temporary dwelling for travel, recreation, and vacation use such as travel trailers, folding tent trailers, pickup campers and motorized homes, and for the purpose of this resolution, it must carry a current vehicle license as required by law.

Rectory: The official residence of rector, minister, parson or other director of worship as provided them by their religious institution.

Regularly Featured or Regularly Shown: A consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of films or performances offered as a part of the ongoing business of the sexually oriented business.

Religious Institution: Any building used solely for the purpose of worship by a legally established nonprofit sect or denomination. The term religious institution does not include uses such as schools, facilities for temporary or permanent residence, which are connected or related to religious institutions, the principle buildings on the site or located on the same site, even if the curriculum or service is offered as part of such use includes religious services and/or training.

Restricted Open Space: A lot or lots designed, platted and regulated or held in common ownership in perpetuity by a homeowners association or other approved entity for the purposes of open space uses as required by this Resolution.

Restricted Open Space for Cottage Housing District: Established to encourage the maintenance of natural features of the land and limit building to a compact state to allow for pavilions, gardening, and limited recreational uses.

Adopted

Effective

Right-of-way: A strip of land taken or dedicated for use in a public way. In addition to the roadway, it normally incorporated 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.

Road: See Thoroughfare

Roadside Market: A permanent structure designed or used for the display or sale of agricultural and related products.

Roadside Stand: A temporary structure designed or used for the display or sale of agricultural and related products. Motor vehicles and trailers shall not be considered roadside stands.

Seasonal Commercial: Sale of produce in season, a majority of which was raised on the land owned or leased by the same organization as where the sale is occurring.

Seasonal Dwelling: Summer cottages and similar housing occupied less than six (6) months during a year.

Seat: For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or spaces for loose chairs.

Semi-Nude or State of Semi-Nudity: A state of dress in which opaque clothing covers no more than the genitals, anus, anal cleft or cleavage, pubic area, vulva, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Semipublic Use: Churches, Sunday schools, parochial schools, colleges, hospitals, and other structures of an educational, religious, charitable or philanthropic nature.

Service Station: Any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts, accessories and motor replacements, but not including major repair work, such as body and fender repair or spray painting.

Setback Line: A line parallel to the street right-of-way line and at a distance there from equal to the required depth of the front yard for each district and extending across the full width of the lot. Where the right-of-way shall be assumed to be sixty (60) feet. Where a major thoroughfare or collector thoroughfare is designated on the Land Use and Thoroughfare Plan, the setback line shall be measured from the proposed right-of-way line.

Sewage Sludge: The stabilized sludge end product of a sewage treatment plant (2/15/88)

Sewers, Central or Group: An approved sewage disposal system, which provides a collection network, and disposal system and central sewage treatment facility for a single development, community or region.

Sewers, Individual: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Sexual Encounter Establishment: A business or commercial establishment, that as one of its principle business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" or when one or more of the persons is nude or semi-nude. The definition of sexual encounter establishment shall not include any establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

Sexually Oriented Business: An adult arcade, adult bookstore, adult novelty store, adult nightclub, adult motel, adult motion picture theatre, adult theater, sexual encounter establishment, or nude model studio.

Shopping Center:

Neighborhood Shopping Center: Sale of convenience goods and personal services (leading tenants-super market and drugstore 5 to 20 stores.)

Community Shopping Center: Some functions of the Neighborhood Center plus sale of shopping goods, e.g. wearing apparel, appliances, etc. (leading tenants-variety store and small department stores-15-40 stores.)

Regional Shopping Center: Some functions of Community Shopping Center plus sale of general merchandise, apparel, furniture etc. (leading tenants one or more large, major department stores-40-80 stores.)

Sign: Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

1. **Sign, On-Premises:** Any sign related to a commodity or service sold or offered upon the premises where such sign is located.
2. **Sign, Off-Premises:** Any sign unrelated to a commodity or service sold or offered upon the premises where such a sign is located.
3. **Sign, Illuminated:** Any sign illuminated by electricity, gas or other artificial light including reflecting or phosphorescent light.
4. **Sign, Lighting Device:** Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
5. **Sign, Projecting:** Any sign which projects from the exterior of a building.

Solid Waste: Means such materials as are described in Ohio Revised Code, section 37345.01 (E) or in such statute as it may hereafter be amended.

Specified Anatomical Areas: The human genitals, anus, cleft of the buttocks, or the female breast.

Specified Sexual Activity: Any of the following: (1) sex acts, normal or perverted, including intercourse, oral copulation, masturbation or sodomy; or (2) excretory functions as a part of or in connection with any of the activities described in (1) above.

Stable, Private: A building for the feeding and lodging of domesticated animals, especially having stalls for horses.

Story: (1) That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. (2) The vertical distance from top-to-top of two (2) successive tiers of beams or finished floor surfaces. (3) The vertical distance from the top of the finished floor surface to the top of the roof rafters where there is not a ceiling. (4) A horizontal division of a building extending from a floor to a ceiling directly above it. (5) All the rooms on the same level of a building.

Story Above Grade: Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is (1) More than 6'0" above the grade plane (2) When 51% of the total building perimeter is more than 6'0" above the finished ground level (3) More than 12'0" above the finished ground level at any point.

Street: See Thoroughfare

Structure: Anything constructed or erected, use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.

Swimming Pool: A pool, pond, lake or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager.

1. **Private:** Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multifamily development, or a community, the members and guests of a club, or the patrons of a motel or hotel, and accessory use.
2. **Community:** Operated with a charge for admission; a primary use.
Adopted 10/15/90 Effective 11/15/90

Thoroughfare, Street or Road: The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

1. **Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. **Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
3. **Collector Street:** A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
4. **Cul-de-sac:** A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. **Dead-end Street:** A street temporarily having one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. **Local Street:** A street primarily for providing access to residential or other abutting property.
7. **Loop Street:** A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degrees system of turns

are not more than one thousand (1,000) feet from said arterial or collector street, not normally more than six hundred (600) feet from each other.

- 8. Marginal Access Street:** A local or collector street parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection for arterial or collector streets. (Also called Frontage Street).

Transportation and Trucking: See Manufacturing, General.

Trailer: Any unpowered vehicle designed or used for carrying persons or property wholly on its own structure and for being drawn by a motor vehicle.
Effective 01/01/2015

Use: The specific purpose, for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Use Variance: Variance of use of land, building or other structure.
Adopted 5/20/96 Effective 6/20/96

Variance: A variance is a modification of 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 the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Veterinary Animal Hospital or Clinic: A place used for the care, grooming, diagnostic and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

Warehousing: Any building or structure used for the storage of goods, raw or finished materials.

Yard: A required open space other than a court occupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction or visibility.

- 1. Yard, Front:** A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principle building.

2. **Yard, Rear:** A yard extending between side lot lines across the rear of a lot line and from the rear lot line to the rear of the principal buildings.

3. **Yard, Side:** A yard extending from the principle building to the side lot line on both sides of the principle building between the lines establishing the front and the rear yards.

Total Planned Area: The total area of land included within an approved RPD, Residential Planned Development.

Zoning Permit: The document issued by the Zoning Inspector authorizing the use of the land or buildings.