

Section 2

DEFINITIONS

(Amended 07/01/1991, Effective 08/01/1991)
(Revised Effective 11/16/1995)
(Revised Effective 12/01/2004)
(Effective 07/06/2005), (Revised Effective 07/06/2006)
(Revised Effective 01/29/2009), (Revised Effective 5/12/2010),
(Revised Effective 5/2/2012)

2.01 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 included 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” or “occupied” include the words “intended, designed, or arranged to be used or occupied”.
5. The word “lot” includes the words “plot” or “parcel.”

ACCESSORY USE (OR STRUCTURE): Accessory use means a use, object or structure constructed or installed on, above or below the surface of a parcel, which is located on the same lot as a principal use, object or structure and which is subordinate to or serves the principal use, object or structure.

ADMINISTRATIVE, BUSINESS AND PROFESSIONAL OFFICES: The use of offices and related spaces for such professional services as are provided by lawyers, architects, engineers, insurance, real estate, interior design, graphic design, travel agents and similar professions. (Effective 5/2/2012)

ADULT GROUP HOME: A residence or facility that provides accommodations to six (6) to sixteen (16) unrelated individuals and provides supervision and personal care services to at least three (3) of the unrelated adults. (Revised effective 5/2/12)

AGRICULTURE: The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry

1. The operation of any such accessory uses shall be secondary to that of normal agricultural activities.

2. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within one hundred (100) feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a stockyard or feed yard.

AGRICULTURE includes 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. ORC 519.01 (Revised effective 5/2/2012)

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

ALTERATIONS, STRUCTURAL: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

ASSISTED LIVING HOME: A residential home in which the owners and/or staff, for a fee, provide family-type housing, supervision, assistance and companionship for eight (8) or fewer retired, frail, elderly, adult residents requiring such services. These adult residents shall be individuals who are in need of assistance with Activities of Daily Living (ADL) and who cannot provide sufficient self-care due to age, physical limitation or frailty, and whose limited function does not require ongoing medical management or nursing supervision.

AUTOMOTIVE RENTAL: The use of any building, land area or other premises for the rental of automobiles, vans, and/or single axle trucks or trailers. The minor care of vehicles may also be included as an accessory use. (Effective 5/2/2012)

AUTOMOTIVE REPAIR: A building or portion of a building in which major repairs are conducted. Major repairs include structural repair, rebuilding or reconditioning of motor vehicles, or parts thereof, including collision service; spray painting; body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of the engine cylinder, head or crank case pan; repairs to radiators requiring the removal thereof; or similar activities. (Effective 5/2/2012)

AUTOMOTIVE SERVICES (INCLUDING INSTANT OIL CHANGE): A building, or part of a building which is used for the routine maintenance and service, and the making of repairs to motor vehicles including instant oil changes, except that repairs described as

major repairs in “Automotive Repair” shall not be permitted. Retail sale of lubricants and motor vehicle accessories may also be included as an accessory use. (Effective 5/2/2012)

AUTOMOTIVE, MOBILE HOME, TRAVEL TRAILER AND FARM IMPLEMENT SALES: The sale or rental of new and used motor vehicles, mobile homes, travel trailers or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

AUTOMOTIVE WRECKING: The dismantling or wrecking of used motor vehicles, mobile homes, trailers or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts.

BED AND BREAKFAST RESIDENCE: An owner-occupied single family dwelling with one to four guest rooms for hire. (Effective 7/9/03)

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

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

2. **BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the lot on which said building is situated.

3. **BASEMENT:** A space with a floor level four (4) feet or more below the adjoining ground, but having more than one-half (1/2) its clear height below the adjoining ground.

CABIN: A cabin is a building or structure for temporary sleeping which may contain heating facilities but no culinary or sanitary facilities and is not a cottage. (Effective 12/1/04)

CAR WASH: A building or enclosed area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower or other mechanical devices and/or which may employ hand labor. (Effective 5/2/2012)

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

CHILD DAY CARE: Administering to the needs of infants, toddlers, preschool children and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage or adoption for any part of the twenty-four (24) hour day in a place or residence other than the child’s own home and caring for more than six (6) said person

CHURCH OR PLACE OF WORSHIP: A building wherein persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to sustain public worship. (Effective 12/1/04)

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

COLLECTOR'S VEHICLE: Any motor vehicle or agricultural tractor or traction engine that is of special interest that has a fair market value of one hundred dollars or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or operated, but not as the owner's principal means of transportation. (Effective 7/6/06)

COMMERCIAL ENTERTAINMENT FACILITIES: Any profit making activity which is generally related to the entertainment field such as, but not limited to, motion pictures and live action theatres (including comedy), dancing, convention or trade show center and similar entertainment activities. (Amended Effective 5/2/2012)

COMMERCIAL INDOOR RECREATION: An establishment engaged in providing activities for the general public by means of games or sports for a fee including but, not limited to, bowling alleys, billards, indoor inflatable amusements, indoor miniature golf, indoor golf, space for competition such as indoor basketball courts, indoor baseball fields, batting cages and indoor soccer fields, and other similar activities. (Effective 5/2/2012)

COMMON DRIVES: A driveway shared by adjacent property owners and privately owned and maintained. (Effective 5/12/10)

COMPREHENSIVE DEVELOPMENT PLAN: A plan, or any portion thereof, showing the general location and extent of present and proposed physical facilities including housing, industrial, and commercial uses, major thoroughfares, parks, schools and other community facilities. This plan establishes the goals, objectives, and policies of the community

COMMUNITY CENTER: A building for social, educational, and recreational activities of a neighborhood or community provided such building is not operated for commercial gain.

CONDITIONAL USE: A use permitted within a zoning district other than a principally permitted use, requiring a Conditional Use Permit and approval of the Board of Zoning Appeals.

CONDITIONAL USE PERMIT: A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

CONDOMINIUM: A building or group of buildings in which units are individually owned in fee simple, but the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners.

CONSTRUCTION EQUIPMENT SALES AND RENTAL: Establishments primarily engaged in the sale or rental of tools, tractors, construction equipment, yard care equipment, and similar industrial equipment. Included in this use type is the outdoor storage and display, maintenance, and servicing of such equipment. (Effective 5/2/2012)

COTTAGE: A building or structure designed and built as an independent and separate housekeeping establishment with separate culinary and sanitary facilities, provided for the exclusive use of one family for temporary occupancy during vacation periods and not for permanent occupancy. (Effective 12/1/04)

CUL-DE-SAC BULB LOT: A lot with frontage on the terminus vehicular turnaround, or bulb, of a permanent cul-de-sac. (Effective 5/12/10)

CUL-DE-SAC PERMANENT: A minor street, one end of which connects with another street and the other end terminates in a vehicular turnaround. (Effective 5/12/10)

CUL-DE-SAC TEMPORARY: A minor street, one end of which connects with another street and the other end terminates in a vehicular turnaround. This type of street has the ability to be extended and the cul-de-sac removed when future development occurs. (Effective 5/12/10)

DAMAGED OR DISEASED TREES: means trees that have split trunks; broken tops; heart rot; insect or fungus problems that will lead to imminent death; undercut root systems that put the tree in imminent danger of falling; lean as a result of root failure that puts the tree in imminent danger of falling; or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a water course or on to a building or structure.

DANGEROUS PETS: Dangerous Pets refers to any wild animal, reptile, bird, fish, or insect, which is trained, restrained, confined, which poses a threat of physical harm to humans or which creates a nuisance to the neighborhood. **dB –(DECIBELS):** Means a unit of measure (abbreviated dB) used to compare sound intensities and subsequently electrical or electronic power outputs. (Effective 5/12/10)

DECOMMISSIONING PLAN: A submitted written plan describing that all properties will be restored to their original state before the project was started after the project is no longer used or in useable condition (Effective 5/12/10)

DESIGNATED WATERCOURSE: means a river or stream within the township that is in conformity with the criteria set forth in these regulations.

DEVELOPMENTALLY DISABLED: Defined as meeting a severe chronic disability that is characterized and is attributable to mental or physical impairment or a combination of mental and physical impairments. (Effective 12/1/04)

DISTRICT: A part, zone, or geographic area within the Township within which certain zoning or development regulations apply.

DRIVE-THRU FACILITY: Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly between an employee of the business and the customer while the customer is located within a motor vehicle during the business transaction. The term “drive-thru” shall also include “drive-up” and “drive-in”. (Effective 5/2/2012)

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

DWELLING, SINGLE FAMILY: A building consisting of a single dwelling unit only separates from other dwelling units by open space.

DWELLING, TWO FAMILY/DUPLEX: 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 a separate or combined entrance or entrances. (Effective 7/9/03)

ENCLOSED STRUCTURE: A building enclosed by a permanent roof and exterior walls or party walls pierced only by windows and doors.

FAA: Federal Aviation Administration is an agency of the United States Department of Transportation with the authority to regulate and oversee all aspects including safety of civil aviation in the United States. (Effective 5/12/10)

FAMILY: Any number of individuals living together in a dwelling unit as a single housekeeping unit, including domestic employees. (Effective 12/1/98)

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA); means the agency with overall responsibility for administering the National Flood Insurance Program.

FEEDLOT: A relatively small, confined land area for fattening or temporarily holding cattle for shipment.

FINISHED GRADE: (1) The final elevation of the ground surface after development (2) the average elevation of the finished surface of the ground at ground level measured on any side of a building or structure. (Effective 12/1/04)

FINANCIAL INSTITUTIONS: Those institutions engaged in receiving, exchanging, lending and safeguarding monies. (Effective 5/2/2012)

FLAG LOT: A lot utilizing a strip of land to provide access to or legal frontage on a dedicated road right-of-way, but where the majority of the area of the lot is situated immediately behind one or more lots relative to the right-of-way to which the flag lot has access or frontage. The pole portion or flag stem of such lot is not considered a building site. (Effective 5/12/10)

FLOOD PLAIN: That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

FLOOD, REGIONAL: Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.

FLOOR AREA OF A RESIDENTIAL BUILDING (LIVING QUARTERS): The floor space of a residential building, excluding basements, porches, utility rooms, garages, breezeway, terraces, or attics.

FLOOR AREA OF A NON-RESIDENTIAL BUILDING (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, fitting rooms and similar areas.

FRONTAGE: Width of contiguous land between property lines abutting upon a dedicated and accepted road or a private road as defined in the county subdivision regulations to a specified depth. On a corner lot, the frontage is measured along the road the building primarily faces. Frontage does not include the end of a dead end street.

FUGITIVE DUST: Airborne dust particles generated through manufacturing processes or the operation of machinery when such particles travel beyond the property where such dust is generated. (Effective 12/1/98)

FUNERAL SERVICES: A building or part thereof used for human funeral services and which may include: space for embalming and other services used in the preparation of the dead for burial, the storage of caskets, funeral urns and other related supplies, the storage of funeral vehicles, and other related uses, excluding crematories. (Effective 5/2/2012)

GARAGE, PRIVATE: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers, boats, and recreational vehicles of the occupants of the premises.

GAS STATIONS: Any establishment that supplies motor fuel, oil, and other minor automobile accessories at retail to the customer, and may include facilities for the sale of other retail products, minor accessories, and services for motor vehicles. (Effective 5/2/2012)

GARDEN OR NURSERY RETAIL SALES (NON-WHOLESALE): Land , building, structure, or combination thereof used for the storage, and display of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping. (Effective 5/2/2012)

GENERAL BUILDING CONTRACTORS: An individual or company engaged in the construction or remodeling of buildings. Such establishments include areas for office use, fabricating shops and/or interior storage areas. This definition includes, but is not limited to, builders or general contractors specializing in HVAC, painting, plumbing, electrical, or roofing. (Effective 5/2/2012)

GROUP RESIDENTIAL FACILITY: A group residential facility is a community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services.

HISTORICAL MOTOR VEHICLE: Any motor vehicle that is over 25 years old and is owned solely as a collector's item and for participation in club activities, exhibitions, tours, parades, and similar uses, but that in no event is used for general transportation. (Amended Effective 5/2/2012)

HOME OCCUPATION: An occupation conducted for gain in a dwelling by members of one family residing in the dwelling, provided that the use is clearly secondary to the use of the dwelling and does not change the external character of the dwelling as a private residence. (Effective 12/1/04)

HOSPICE CARE FACILITY: A facility operated by a Hospice Care Program licensed under section 3712.04 of the Revised Code that is used exclusively for the care of hospice patients. (See definition for "Hospice Care Program"). (Effective 5/2/2012)

HOSPICE CARE PROGRAM: Means a coordinated program of home, outpatient, and inpatient care and services that is operated by a person or public agency and that provides the following care and services to hospice patients, including services as indicated below to hospice patients' families, through a medically directed interdisciplinary team, under interdisciplinary plans of care established pursuant to section 3712.06 of the Revised Code, in order to meet the physical, psychological, social, spiritual, and other special needs that are experienced during the final stages of illness, dying, and bereavement (From: Ohio Revised Code Section 3712.01 (A)).

a. Nursing care by or under the supervision of a registered nurse;

- b. Physical, occupational, or speech or language therapy, unless waived by the department of health pursuant to rules adopted under division (A) of section 3712.03 of the Revised Code;
- c. Medical social services by a social worker under the direction of a physician;
- d. Services of a home health aid;
- e. Medical supplies, including drugs and biologicals, and the use of medical appliances;
- f. Physician's services;
- g. Short-term inpatient care, including both palliative and respite care and procedures;
- h. Counseling for hospice patients and hospice patients' families;
- i. Services of volunteers under the direction of the provider of the hospice care program;
- j. Bereavement services for hospice patients' families.

(Effective 5/2/2012)

HOSPITAL: An institution providing health care services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central service facilities and other similar facilities.

(Amended Effective 5/2/2012)

HOTEL/MOTEL: A building with a minimum of nine (9) rooms in which lodging is provided and offered to the public for compensation at a daily rate, and which may include facilities for meetings, banquet rooms, restaurants and recreational facilities as incidental uses. (Effective 5/2/2012)

IMPERVIOUS COVER; means any paved, hardened or structural surface regardless of its composition including (but not limited to) buildings, roads, driveways, parking lots, loading/unloading spaces, decks, patios, and swimming pools.

INTRA-PROJECT POWER LINES: Means all power and transmission lines leading to and or away from any wind tower and or solar panels. (Effective 5/12/10)

JUNK BUILDINGS, JUNK SHOPS, JUNK YARDS: A lot with or without buildings where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, paper, rags, cordage, barrels, machinery, inoperable vehicles, etc., are sold, bought, exchanged, baled, packed, sorted, stored, disassembled or handled.

1. Junk Vehicle: A junk motor vehicle means a motor vehicle that meets all of the following criteria:
 1. Three model years old, or older.
 2. Apparently inoperable.
 3. Extensive damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

A collector's vehicle, whether licensed or unlicensed, is a junk motor vehicle if it meets the above three criteria. (Revised effective 7/06/06)

2. Inoperable Vehicle: Means any motor vehicle, car, truck, motor home, camper, trailer, or equipment that has missing wheels, tires, motors, transmissions or drivelines or major body parts. Vehicle must be in compliance with State of Ohio Motor Vehicle Laws.

KENNEL: Any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained or sold and/or which offers minor medical treatment.

LAND DEVELOPMENT ACTIVITY; means any change to the surface area of a lot including (but not limited to) clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, cut and fill, construction of buildings or structures, paving, and any other installation of impervious cover.

LANDSCAPE SERVICES: A business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds.

LIBRARY/MUSEUM: A room or building for exhibiting, or an institution in charge of a collection of books, digital media, and artistic, historical, or scientific objects.

LOT: For the purposes of this Resolution, a lot of a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and open spaces as are herein required. Such lot shall have frontage on an improved/unimproved street, or on an approved private street, and may consist of:

1. A single lot of record.
2. A portion of a lot of record.
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

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 shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section. Frontage shall not be construed as land facing the end of a dead end street. (Effective 12/1/98)

LOT, MINIMUM AREA OF: The area of a lot is computed inclusive of no more than half of the road or street right-of-way when the lot owner holds title to the same. (Revised 7/06/06)

LOT OF RECORD: A lot which is a part of a subdivision recorded in the office of the County Recorder, of a lot *or* parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES: Terminology used in Resolution with reference to corner lots, interior lots and through lots is as follows:

1. Corner Lot: 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 one hundred thirty-five degrees (135°).

2. Interior Lot: A lot with frontage on only one (1) road or street).

3. Through Lot: A lot other than a corner lot with frontage on more than one (1) road or street. Through lots, abutting two (2) streets may be referred to as double frontage lots.

4. Reversed Frontage Lot: A 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.

LUMBER AND BUILDING MATERIAL DEALER: An establishment for the storage, distribution, and sale of finished or rough-cut lumber and lumber products, but not including the manufacture or fabrication of lumber, lumber products, or firewood. (Effective 5/2/2012)

MANUFACTURED HOME PARK: A lot upon which two (2) or more manufactured homes are located for residential use, free either of charge or for revenue purposes, including any roadway, building, structure, vehicle or enclosure used or intended to be used as a part of the facilities of such park.

MANUFACTURING, HEAVY: Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character, require large sites, open storage and service area, extensive services and facilities, ready access to regional transportation, and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution and water pollution, but not beyond the district boundary.

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 no nuisances.

MANUFACTURING, EXTRACTIVE: Any mining, quarry, excavation processing, storing, separating, cleaning, or marketing of any mineral natural resource.

MEETING/BANQUET FACILITY: A building or group of rooms which are rented by individuals or groups to accommodate private functions including but not limited to, banquets, weddings, anniversaries and other similar functions. Such use may or may not include: 1) kitchen facilities for the preparation of catering of food; 2) the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not

open to the general public; and 3) outdoor gardens or reception facilities. (6/15/2007)
(Amended Effective 5/2/2012)

MEMBERSHIP SPORTS/FITNESS CLUB: An indoor facility including uses such as game courts, exercise equipment, indoor and/or outdoor swimming pools, locker rooms, whirlpools, hot tubs and/or saunas, restaurant or snack bar, pro-shop and training facilities.

MINI STORAGE: Compartmented or bayed buildings where one or more compartments or bays are rented to individuals or businesses for the storage of personal or business goods.

MIXED USE BUILDING: (Effective July 6, 2005)

1. A building containing a mixed use.
2. A building in a Commercial District used partly for residential use and partly for community facility or commercial use.

MOBILE HOME: Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks or other temporary foundation, and used or so construed to permit its being used as a conveyance upon public streets and highways and exceeding a gross weight limit of four thousand five hundred (4500) pounds and an overall length of thirty (30) feet and in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974.

MOBILE HOME PARK: Any site, or tract of land under single ownership, upon which three (3) 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 a part of the facilities of such park.

MOTOR VEHICLE: Any vehicle, including mobile homes and recreational vehicles, that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. (Effective 5/2/2012)

MOTOR VEHICLE DEALER, (NEW/PRE-OWNED): An establishment engaged in activities such as displaying, offering for sale and selling new motor vehicles at retail, and which may also include operating a service facility to perform repairs and maintenance on motor vehicles, offering for sale and selling motor vehicle parts at retail, offering for sale and selling used or pre-owned motor vehicles at retail, but only as incidental to the sale of new motor vehicles and conducting all other acts that are usual and customary to the operation of a new motor vehicle dealership. See also "New Motor Vehicle." (Effective 5/2/2012)

NEW MOTOR VEHICLE: A motor vehicle, the legal title to which has never been transferred by a manufacturer, remanufacture, distributor or dealer to an ultimate purchaser. (Effective 5/2/2012)

NONCONFORMITIES: Lots, uses of land, structures and uses of structures and land in combination lawfully existing at the enactment of this Resolution or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

NURSING HOME: A nursing home means a home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing care. A nursing home is licensed to provide personal care services and skilled nursing care. (From: Ohio Revised Code Section 3721.01(A)(6)) (Amended Effective 5/2/2012)

OHIO ENVIRONMENTAL PROTECTION AGENCY; means the governmental agency referred to herein as the Ohio EPA.

ONE HUNDRED YEAR FLOODPLAIN; means any land susceptible to being inundated by water from a base flood. The base flood is the flood that has a one percent or greater chance of being equaled or exceeded in any given year. The one hundred year floodplain shall be identified by the Federal Emergency Management Agency maps of the township.

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 the Zoning Commission deems permissive. Streets, parking areas, structures for habilitation and the like shall not be included.

ORDINARY HIGH WATER MARK; means the point of the bank to which the presence and action of surface water is so continuous as to leave an area marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic. The ordinary high water mark defines the bed of a watercourse.

OUTDOOR DISPLAY: The placing of merchandise in an outdoor area that is open to the general public when the merchandise on display is removed from its shipping packaging and is representative of merchandise that is available for purchase inside the building and/or is available for purchase by the general public directly from the display area. (Effective 5/2/2012)

OUTDOOR STORAGE: Limited storage of equipment, material, machinery or vehicles outside enclosed buildings for more than twenty-four hours, and related to the principal use of the building or lot, except for merchandise placed in an area for outdoor display. (Effective 5/2/2012)

OUTSIDE DINING: A dining area with seats and/or tables located outdoors of a restaurant, coffee shop, or other food service establishment, and which is located outside the walls of the subject building, and may or may not be enclosed by a separate wall or fence. (Effective 5/2/2012)

PARKING SPACES, 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 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.

PERSONAL CARE SERVICES: Services including, but not limited to the following:

- a. Assisting residents with activities of daily living;
- b. Assisting residents with self-administration of medicine, in accordance with rules adopted by the public health council pursuant to this chapter;
- c. Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted by the public health council pursuant to this chapter;
- d. Personal care serviced shall not include skilled nursing care as defined in Section 3721.01 of the Ohio Revised Code. An adult care facility need not provide more than one (1) of the personal care services listed above to be considered providing personal care services. (From: Ohio Revised Code Section 3721.01(A)(5)(a) and 3721.01(A)(5)(b)). (Effective 5/2/2012)

PERSONAL SERVICES: Any enterprise conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors and similar activities.

POLICE AND FIRE SERVICES: A governmentally owned and operated facility established to provide police, fire, or EMS services to the surrounding area. (Effective 5/2/2012)

PRIMARY HEADWATER HABITAT (CLASS III)' means streams found to have native fauna adapted to cool-cold perennial flowing water characterized by a community of vertebrates (either cold water adapted species of headwater fish and/or obligate aquatic species of salamanders from the lungless family Plethodontidae), and/or a diverse community of benthic macroinvertebrates including cool water taxa, with larval life stages resident in the stream continuously on an annual basis.

PRIMARY HEADWATER STREAM; is a surface water of the state, as defined in Ohio Administrative Code 3745-1-02, having a defined bed and bank, with either continuous or periodical flowing water, with watershed area less than or equal to one square mile (1 sq. mi., 259 ha), and maximum depth of water pools equal to or less than 40 cm.

PRINTING: Commercial printing operation involving a process that is considered printing, reproducing, or duplicating images and using printing methods including but not

limited to offset printing, lithography, web offset, flexographic and screen process printing. (Effective 5/2/2012)

PROFESSIONAL ACTIVITIES: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers and similar professions.

PUBLIC SERVICE FACILITY: The erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental 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.

PUBLIC WAY: An alley, avenue, boulevard, bridge, channels, ditch, easement, expressway, freeway, highway, land, parkway right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, bicycle path or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

PUBLISHING: Activity of preparing and producing material for publication: the trade, profession or activity of preparing and producing material in printed or electronic form for distribution to the public. (Effective 5/2/2012)

RECREATION CAMP: An area 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.

RECREATION FACILITIES: Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to, hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

RECREATIONAL VEHICLE: Means a vehicular portable structure that is designed for the sole purpose of recreational travel (Effective 12/1/04)

1. "Travel Trailer" means a non-self-propelled recreational vehicle and includes a tent type foldout camping trailer, and designed to be used as a temporary dwelling for travel, recreational and vacation uses.

2. "Motor Home" means a self-propelled recreational vehicle designed to be used as a temporary dwelling for travel, recreational and vacation use.
3. "Truck Camper" means a non-self-propelled recreational vehicle without wheels for road use and designed to be placed upon and attached to a motor vehicle. Truck camper does not include truck covers, which consist of walls and roof but do not have floors and facilities for using same as a dwelling.
4. "Boats" and "Boat Trailers" shall include boats, floats and rafts, plus the normal equipment to transport the same on the highway.
5. Snowmobiles and trailers used to transport them, personal watercraft devices and trailers used to transport them, and all terrain vehicles (ATV's) and trailers used to transport them.

RENTAL SERVICES INCLUDING ELECTRONIC/FURNITURE AND PARTY SUPPLIES: An establishment offering electronics, appliances, furniture, party supplies and similar goods and equipment on a rental or rent-to-own basis. (6/15/2007)

RESEARCH ACTIVITIES: Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation and engineering. All research, testing and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, or vibration shall be detected outside of said building.

RESEARCH AND DEVELOPMENT LAB: A structure or group of structures used primarily for applied and developmental research, where product testing is an integral part of the operation and goods or products may be produced on a prototype basis as necessary for testing, evaluation and test marketing. (Effective 6/15/2007)

RESIDENTIAL CARE FACILITY: A home that provides either of the following:

- a. Accommodations for seventeen (17) or more unrelated individuals and supervision and personal care services for three (3) or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment;
- b. Accommodations for three (3) or more unrelated individuals, supervision and personal care services for at least three (3) of those individuals who are dependent on the services of others by reason of age or physical or mental impairment and, to at least one (1) of those individuals, any skilled nursing care authorized by Section 3721.011 of the Ohio Revised Code. (From Ohio Revised Code Section 3721.01(A)(7)).
(Effective 5/2/2012)

RESIDENTIAL SITE PLAN: A drawing to appropriate scale disclosing all proposed uses, existing rights-of-way and all lot dimensions, front, side, rear and riparian setbacks, also dimensions and square footage of all existing and proposed structures. (Effective 5/12/10)

RESTAURANT (COUNTER SERVICE): A retail service establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume servings, for consumption either within the restaurant building or for carry-out, and where

customers are not served their food, frozen desserts or beverages by a restaurant employee at the same table or counter where the items are consumed.
(Effective 5/2/2012)

RESTAURANT (TABLE SERVICE): A retail service establishment wherein the entire business activity, or substantially all of the business activity, consists of the sale of food and service to patrons seated at tables for consumption within the building.
(Effective 5/2/2012)

RETAIL ESTABLISHMENT: An establishment engaged in the selling of goods or merchandise within an enclosed building to the general public for personal or household consumption, which is open to the general public during regular business hours and which has display areas that are designed and laid out to attract the general public.
(Effective 5/2/2012)

RIGHT-OF-WAY: A strip of land taken or dedicated for use as 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.

RIPARIAN AREA; means naturally vegetated land adjacent to designated watercourses that, if appropriately sized, helps to stabilize stream banks, limit erosion, reduce flood size flows and/or filter and settle out runoff pollutants or performs other functions consistent with the purposes of these regulations.

RIPARIAN SETBACK; means the real property adjacent to a designated watercourse located within the area defined by the criteria set forth in these regulations.

ROADSIDE STAND: A temporary structure designed or used for the display or sale of agricultural and related products.

SCHOOL: A public or private facility that provides a curriculum of elementary and/or secondary academic instruction, including pre-schools, kindergartens, elementary schools, middle schools, junior high schools, high schools, vocational high schools, special education schools, colleges, junior colleges, and universities.

SETBACK LINE: A line established by the Zoning Resolution, generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground, except as provided in said code. (See Yard)

SEWERS, ON-SITE: A septic tank or similar installation on an individual lot which utilizes no aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

SEXUALLY ORIENTED BUSINESS: An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, escort agency, nude model studio or sexual encounter center. (Effective 5/2/2012)

SILVICULTURE; means art, science and practice of establishing, tending and reproducing forest stands of desired characteristics based on knowledge of species characteristics and environmental requirements.”

SIGN: Any visual communication display, object, device, graphic, structure or part, situated indoors or outdoors, or attached to, painted on or displayed from a building or structure in order to direct or attract attention to, or to announce or promote an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.

1. Sign, On-Premises: Any sign related to a business so profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
2. Sign, Off-Premises: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
3. Sign, Illuminated: Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.

SIGN, LIGHTING DEVICE: Any light, string of lights, or group of lights located or arranged so as to cast illumination on or in a sign.

SIGN, PROJECTING: Any sign which projects from the exterior of a building.

SITE DEVELOPMENT PLAN: A drawing(s) in compliance with all requirements of section 30 of this resolution. (Effective 5/12/10)

SMALL WIND FARM: Means wind turbines and associated with single interconnection to the electrical grid and / or designed for, or capable of, operation at an aggregate capacity of less than five megawatts. (Effective 5/12/10)

SMALL WIND ENERGY SYSTEM: Means a single-towered wind energy system that:

1. Is used to generate electricity
2. Has a rated nameplate capacity of 50 kilowatts or less
3. Has a total height of 150 feet or less

(Effective 5/12/10)

SOIL AND WATER CONSERVATION DISTRICT (SWCD); means the Lake County, Ohio Soil and Water Conservation District, organized under Chapter 1515 of the Ohio Revised Code, including the Board of Supervisors and its designated employees.

SOIL DISTURBING ACTIVITY; means clearing, grading, excavating, filling or other alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.

SOLAR ENERGY COMMERCIAL OPERATIONS: Means solar energy systems whose main purpose is to generate energy for sale back into the energy grid systems, rather than being consumed on site. (Effective 5/12/10)

SOLAR PANEL: A solar photovoltaic panel, or solar hot air or water panel collector device, which relies upon solar radiation as an energy source for generation of electricity or transfer of stored heat. (Effective 5/12/10)

STORY: That part of a building between the surface of a floor and the ceiling immediately above. (See basement).

STREAM BANK; The sides of a channel that hold or carry water.

STREAM BANK STABILIZATION; Any constructed facility, structure or device that protects the stream bank from the erosive forces of moving water.

STREAM BED; The channel through which a natural stream of water runs or used to run.

STREAM CROSSING; A stabilized area or structure constructed across a stream to provide a travel way for people, livestock, equipment, or vehicles or place for utilities to cross the stream.

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

STRUCTURAL STORM WATER MANAGEMENT PRACTICE; Any constructed facility, structure or device that provides storage, conveyance and/or treatment of Storm water runoff.

STUDIOS FOR INSTRUCTION: A building or a portion of a building that is used or intended to be used for nonacademic group instructional purposes including, but not limited to, art, crafts, dance and other wellness activities. (Effective 5/2/2012)

SWIMMING POOL: A pool, pond, lake or open tank containing at least three (3) feet of water at any point and maintained by the owner or manager, designed or intended to be used for swimming purposes. Ponds used in conjunction with agriculture are exempt.

1. Private Pool: Exclusively used without paying an additional charge for admission by the resident(s) and guest(s) of a household, or a community, the

members and guests of a club, or the patrons of a motel or hotel; an accessory use. (Effective 12/7/05)

2. Community Pool: Operated with a charge for admission; a primary use.

THOROUGHFARE, STREET OR ROAD: The full width between property line bounding every public right-of-way 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 only 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.

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 from arterial or collector streets. (Also called Frontage Street.)

TRUCK STOP AND/OR TRAVEL PLAZA: Any building, premises or land in which or upon which a business service or industry involving the dispensing of motor fuel or petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodation and restaurant facilities solely for the use of truck crews. (Effective July 6, 2005)

URGENT CARE/MEDICAL CLINIC: A facility for examining and treating human patients with medical problems on an outpatient basis, including ambulatory care or similar medical service. (Effective 5/2/2012)

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

U.S. POSTAL SERVICE: A facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail. (Effective 5/2/2012)

UTILITY AND COMMUNICATION SERVICE: A facility that provides for proper service of electricity, gas, steam, telephone, cable, water, sewer, telegraphy, or internet. (Effective 5/2/2012)

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 or practical difficulty.

VETERINARY ANIMAL HOSPITAL OR CLINIC: A place used for the care, grooming, diagnosis 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 treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

WALKWAY: A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

WAREHOUSE: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive. (6/15/2007)

WAREHOUSING (ACCESSORY): A structure engaged in storage (wholesale) of a raw material, in-process or finished product and/or necessary equipment or material as an accessory use, in relation to the primary activity of a manufacturing establishment. (2/20/1997; Amended 6/15/2007) (Amended Effective 5/2/2012)

WASTE WATER TREATMENT PLANT (WWTP); means a facility at the end of a sanitary collection system, which processes the influent waste and discharges water to a receiving stream, treated to the standards of the Ohio EPA.

WATERCOURSE; means any brook, channel, creek, river, or stream having banks, a defined bed, and definite direction of flow, either continuously or intermittently flowing.

WATERSHED; means total drainage area contributing runoff to a single point.

WATER TREATMENT PLANT; Facility that uses physical and chemical processes for making water suitable for human consumption and other purposes.

WETLAND; means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (40 C.F.R. 232, as amended).

WETLANDS, CATEGORY 1; means a low quality wetlands classification as defined in Ohio Administrative Code (OAC) Rule 3745-1-54(C) of the Ohio EPA.

WETLANDS, CATEGORY 2; means a medium quality wetlands classification as defined in Ohio Administrative Code (OAC) Rule 3745-1-54(C) of the Ohio EPA.

WETLANDS, CATEGORY 3; means a high quality wetlands classification as defined in Ohio Administrative Code (OAC) Rule 3745-1-54(C) of the Ohio EPA

WHOLESALE BUSINESS: An establishment primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. (Effective 5/2/2012)

WIND ENERGY SYSTEM: Means equipment that converts and then stores or transfers energy from the wind into forms of energy. This equipment includes any base blade, foundation, generator, nacelle, rotor, tower transformer, vane, wire, inverter, batteries, guy wires or other component used in the system. (Effective 5/12/10)

WIND TOWER: Means the monopole, freestanding, or guyed structure that supports a wind generator. (Effective 5/12/10)

WIND TOWER TOTAL HEIGHT: Means the vertical distance from finished grade to the tip of the wind generator blade at its highest point. (Effective 5/12/10)

WIND TURBINE: Means the parts of the wind energy system including the blades and associated mechanical and electrical conversion components mounted on the top of the tower. (Effective 5/12/10)

YARD: 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 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 of 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 principal building.

2. Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the *rear lot* (instead of front) line to the rear of the principal building.
3. Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

ZONING PERMIT: A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.