

ARTICLE 3

CONSTRUCTION OF LANGUAGE AND DEFINITIONS

3.0 CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the text of this Ordinance:

- 3.1 The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- 3.2 Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- 3.3 The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
- 3.4 The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- 3.5 Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either...or", the conjunction shall be interpreted as follows:

"And" indicates that all the connected items, conditions, provisions, or events shall apply.

"Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in some combination.

3.6 DEFINITIONS

For the purpose of this Ordinance, certain words and terms are defined as follows:

- 3.7 **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, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "Accessory Use" includes anything of a subordinate nature attached to or detached from a principal structure or use, such as fences, walls, sheds,

garages, parking places, decks, poles, signs and billboards. Except as otherwise required in this Ordinance, an accessory use shall be a permitted use.

- 3.8 **Agriculture:** The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, vitaculture, and animal and poultry husbandry,
- 3.9 **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 tiedown areas, hangars and other necessary buildings, and open spaces.
- 3.10 **Alley:** See Thoroughfare.
- 3.11 **Alterations:** Is any structural change, additions, or modification in construction or type of occupancy, or any change in the structural members of a building, such as bearing walls, columns, beams, or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".
- 3.12 **Apartment:** Is a room or suite of rooms in a multi-family building arranged and intended as a place of residence for a single-family or a group of individuals living together as a single housekeeping unit as herein defined.
- 3.13 **Apartment Hotel:** Is a building designed for or containing both dwelling units and individual guest rooms or suites of rooms, which building may include any accessory uses such as a cigar store, coffee shop, etc. permitted in a hotel as defined herein, provided such uses are accessible only from the lobby.
- 3.14 **Attic:** The space between the ceiling beams of the top story and the roof rafters.
- 3.15 **Attic, habitable:** A habitable attic is an attic which has a stairway as a means of access and egress and in which the ceiling area at a height of 7 1/3 feet (2235 mm) above the attic floor is not more than one-third the area of the floor next below.
- 3.16 **Auto Service Stations:** A building or buildings, structures and adjoining space used for the sale and dispensing of motor fuel from fixed equipment into the fuel supply tanks of motor vehicles and for the sale and dispensing into or installation on motor vehicles of lubricants and operating supplies and where automotive tires, batteries, parts and accessories may be sold, installed, serviced and adjusted and where, if within a building such services as tire repairing, battery recharging, cleaning and polishing of vehicles, chassis lubrication, motor repairs and

adjustments may be rendered.

- 3.17 **Auto Repair Station:** Is a place where, along with the sale of engine fuels, the following services may be carried out; general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair, overall painting and undercoating of automobiles.
- 3.18 **Basement:** Is the portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story, except as provided in the definition of story.
- 3.19 **Block:** Is the property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), between the nearest such street and railroad right-of-way.
- 3.20 **Bed and Breakfast Homestay:** Is a private owner-occupied residence with one to three guest rooms. The Bed and Breakfast Homestay must be a subordinate and incidental to the main residential use of the building.
- 3.21 **Bed and Breakfast Inn:** Is operated primarily as a business, even though the owner may live on the premises. The Inn may offer a maximum of twelve guest rooms and include a restaurant open to the general public, as well as to overnight guests.
- 3.22 **Boarding House (Rooming House):** Is a building other than a hotel, where for compensation and by prearrangement for definite periods, meals, or lodging and meals are provided for three or more persons, but not exceeding ten sleeping rooms. A rooming house or a furnished rooming house shall be deemed a boarding house for the purposes of the Ordinance.
- 3.23 **Boathouse:** A structure overhanging or appurtenant to Lake Erie, Sandusky Bay and/or a channel or other body of water connecting thereto within which a boat is or may be kept or stored.
- 3.24 **Boathouse/Residence:** A structure overhanging or appurtenant to Lake Erie, Sandusky Bay and/or a channel or other body of water connecting thereto within which a boat is or may be kept or stored, and within which there exists an area which it utilized for human habitation, residence and/or occupancy, or is suitable for such use.
- 3.25 **Boatport:** An open-sided roofed boat shelter usually

formed by an extension of the roof from the side or end of a building. Also an open-sided roofed boat shelter independent of any attached structure.

- 3.26 **Buffering:** (see also screening) - A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
- 3.27 **Building:** Any structure, whether temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for purposes of a building. A building shall not include such structures as billboards, fences, or radio towers, or structures with interior areas not normally accessible for human use such as tanks, smokestacks, grain elevators, coal bunkers, oil cracking towers, or similar structures.
- 3.28 **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.
- 3.29 **Building, Height:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.
- 3.30 **Building Line:** Is a line parallel to the front lot line at the minimum required front setback line.
- 3.31 **Building, Principal:** A building in which is conducted the main or principal use of the lot on which said building is situated.
- 3.32 **Business, Convenience:** Commercial establishments which cater to and can be located in close proximity to 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, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores, if less than 10,000 square feet in floor area. Uses in this classification tend to serve a day-to-day need in the neighborhood.
- 3.32 **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 used include, but need not be limited to such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture; department stores; and discount stores.

- 3.33 **Business, Highway:** Commercial uses which generally require locations on or near major thoroughfares and/or their inter-sections which tent to serve the motoring public. Highway business uses include, but need not be limited to such activities as filling stations; truck and auto sales and service; restaurants and motels; and commercial recreation.
- 3.34 **Business, Office Type:** Quasi-commercial uses which may often be transitional between retail business and/or manufacturing and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting. Institutional offices of a charitable, philanthropic, or religious or educational nature are also included in this classification.
- 3.35 **Business Services:** Any profit making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.
- 3.36 **Business, Wholesale:** Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.
- 3.37 **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.
- 3.38 **Channel:** A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.
- 3.39 **Child Day-Care:** Administering to the needs of infants, toddlers, pre-school 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 hour day in a place or residence other than the child's own home. The following are child

day-care facilities:

- 3.40 **Child Day-Care Center:** Any place in which child day-care is provided, with or without compensation, for 13 or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation for 7 to 12 children at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.
- 3.41 **Type A Family Day-Care Home:** A permanent residence of the administrator in which child day-care is provided for 4 to 12 children at any one time, if 4 or more children are under 2 years of age. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.
- 3.42 **Type B Family Day-Care Home:** A permanent residence of the provider in which child day-care or child day-care services are provided for 1 to 6 children at one time and in which no more than 3 children may be under 2 years of age at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.
- 3.43 **Clinic:** A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are provided with board or room or kept overnight on the premises.
- 3.44 **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.
- 3.45 **Commercial Entertainment Facilities:** Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, night-clubs, cocktail lounges, and similar entertainment

activities.

- 3.46 **Comprehensive Development Plan:** A plan or any portion thereof, adopted by the planning commission and the legislative authority of the Village of Berlin Heights 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 established the goals, objectives and policies of the community.
- 3.47 **Conditional Use:** A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals.
- 3.48 **Conditional Use Permit:** A permit issued by the Zoning Administrator upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.
- 3.49 **Condominium:** A building or group of buildings in which units are individually owned and common areas and facilities are owned on a proportional, undivided basis by all of the owners.
- 3.50 **Corner Lot:** (see lot types).
- 3.51 **Cul-de-sac:** (see thoroughfare).
- 3.52 **Dead-end Street:** (see thoroughfare).
- 3.53 **Density:** A unit of measurement expressing the number of dwelling units per acre of land.
1. Gross Density - the number of dwelling units per acre of the total land to be developed.
 2. Net Density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.
- 3.54 **Density Bonus:** An increase in the number of allowable dwelling units per acre granted for some specific reason, such as the provision of lower-income housing, open space, or other such amenities, as provided for in the zoning regulations.
- 3.55 **District:** A part, zone, or geographic area within the village within which certain zoning or development regulations apply.
- 3.56 **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.

- 3.57 **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 its household employees.
- 3.58 **Dwelling, Single Family:** A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.
- 3.59 **Dwelling, Two-Family:** A dwelling consisting of two dwelling units which may be either attached side by side or one above the other.
- 3.60 **Dwelling, Multi-Family:** A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.
- 3.61 **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 as defined in Ohio Revised Code Section 4501.01.
- 3.62 **Easements:** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
- 3.63 **Elderly Household:** Not more than three (3) persons, related or unrelated, who occupy a single dwelling unit, of whom one person is elderly.
- 3.64 **Elderly Housing Facility:** A building or buildings containing twelve (12) or more dwelling units where occupancy is restricted to elderly persons or households. Such facilities may include emergency first aid care, day care, therapy, personal care, nursing facilities, recreational facilities, and provide for independent or semi-independent living. For the purposes of this definition, "elderly housing facility" shall not include convalescent homes, nursing homes, group residential facilities, or homes for the aged.
- 3.65 **Elderly Person:** Any person who is 62 years of age or older, or any person under 62 years of age who is handicapped such that his physical impairments are of a long-term duration and impede his ability to live

independently without a suitable housing environment.

3.66 **Essential Services:** The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, 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 governmental agencies or for the public health or safety or general welfare, but not including buildings.

3.67 **Factory-Built Housing:** Factory-built Housing means a factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Resolution, "factory-built housing" shall include the following:

1. Manufactured Home. A factory-built structure that is manufactured or constructed under the authority of 42 United States Code Section 540 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and which wheels or axles. Manufactured homes must comply with the following minimum standards:
 - a) Exterior Siding. Exterior siding shall be made of nonreflective and nonmetallic materials unless approved otherwise. Acceptable siding materials include: vinyl, wood, stucco, brick, stone or other masonry materials, or any combination of these materials.
 - b) Color/Texture. Color and texture of exterior materials shall be compatible with the adjacent single-family structures.
 - c) Roof Structure. Except for authorized deck areas, all roof structures shall be sloped and provide an eave projection of no less than six inches and no greater than 30 inches.
 - d) Roofing Material. All roofing material shall consist of the following categories: wood, shingle, concrete tile or any other material that the Township deems. Metallic roofing surfaces shall not be permitted on the residential structure or on any garage or carport.
 - e) Minimum Floor Area. The minimum floor area for every dwelling located on a lot in an R Zoning District, which is not a part of a mobile home

subdivision, shall be 800 square feet, excluding the area of garage or carport.

f) Minimum Width. The minimum width of a dwelling located on a lot outside of a mobile home subdivision shall be 20 feet.

g) Foundations. All manufactured homes shall be placed on a permanent foundation that meets applicable building code requirements, such as the floor elevation of the proposed dwelling is reasonably compatible with the floor elevations of surrounding dwelling units.

2. Mobile Home. A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

3.68 **Family**: A person living along, or two or more persons living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house, provided, however, that "family" shall not include more than four persons unrelated to each other by blood, marriage or legal adoption, except for Class I Type B group residential facilities.

3.69 **Farm Vacation Enterprises (Profit or Non-Profit)**: Farms adapted for use as vacation farms, picnicking and sport areas, fishing waters, camping, scenery, and nature recreation areas; hunting areas; hunting preserves and watershed projects.

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

3.71 **Fireworks**: Fireworks shall mean and include any combustible or explosive composition, or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloon which requires fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, dago bombs, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing any explosive substance, except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average of twenty five hundredths (.25) of a grain of explosive content per cap, and toy pistols, toy canes, toy guns,

or other devices for the use of such caps.

- 3.72 **Flood Plain:** That land, including the flood fringe and the floodway, subject to inundation by the regional flood.
- 3.73 **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.
- 3.74 **Floodway:** That portion of the flood plain, including the channel, which is reasonable required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.
- 3.75 **Floodway Fringe:** That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.
- 3.76 **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 and the area of roofed porches and roofed terraces and garages. All dimensions shall be measured between interior faces of walls.
- 3.77 **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, and fitting rooms, and similar areas.
- 3.78 **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 interior faces of the exterior walls.
- 3.79 **Food Processing:** The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.
- 3.80 **Garages, Private:** A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises.
- 3.81 **Garage, Public:** A principal 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.
- 3.82 **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. There are two classes of group residential facilities:

- 3.83 **Class I:** Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff.
- 3.84 **Class II:** Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class II Type B group residential facility contains five (5) or less residents, exclusive of staff.
- 3.85 **Historic Area:** A district or zone designated by a local authority, state or federal government within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale, including materials, proportion, form and architectural detail, or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.
- 3.86 **Home Occupation:** Home Occupation means an accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, or elsewhere on the premises by conditional use permit, without any significant adverse effect upon the surrounding neighborhood.
- 3.87 **Hotel or Motel and Apartment Hotel:** A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contrast to a boarding house,

rooming house, lodging house, or dormitory which is herein separately defined.

- 3.88 **Institution:** Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.
- 3.89 **Junk Buildings, Junk Shops, Junk Yards:** Any land, property, structure, building, or combination of the same, on which junk is stored or processed.
- 3.90 **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, sold and/or which offers provisions for minor medical treatment.
- 3.91 **Loading Space, Off-Street:** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.
- 3.92 **Location Map:** (see vicinity map).
- 3.93 **Lot:** For the purposes of this ordinance, 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 public 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.
- 3.94 **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.
- 3.95 **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, one side of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.
- 3.96 **Lot, Minimum Area of:** The area of a lot is computed

exclusive of any portion of the right-of-way of any public or private street.

3.97 **Lot Measurements:** A lot shall be measured as follows:

1. Depth: 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: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

3.98 **Lot of Record:** A lot which is part of a subdivision 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.

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

1. Corner Lot: A lot located at the intersection of two 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 (135) degrees.
2. Interior Lot: A lot with only one frontage on a street.
3. Through Lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two 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.

3.100 **Major Thoroughfare Plan:** The portion of comprehensive plan adopted by the Regional Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

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

3.102 **Manufactured Home Park:** Any lot upon which three or more manufactured homes are located for residential use, either free to 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.

- 3.103 **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 areas, 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.
- 3.104 **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.
- 3.105 **Manufacturing, Extractive:** Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resource.
- 3.106 **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 as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of four thousand five hundred (4,500) pounds and an overall length of thirty (30) feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards act of 1974.
- 3.107 **Mobile Home Park:** Any site, or tract of land under single ownership, upon which three 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.
- 3.108 **Nonconformities:** Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Ordinance or its amendments which do not conform to the regulations of the zone in which they are situated, and are therefore incompatible.
- 3.109 **Nursery, Nursing Home:** A home or facility for the care and treatment of babies, children, pensioners or elderly people.

- 3.110 **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 planning commission deems permissible. Streets, parking areas, structures for habitation, and the like shall not be included.
- 3.111 **Overlay District:** A district described by the zoning map within which, through superimposition of a special designation, furthermore regulations and requirements apply in addition to those of the underlying districts to which such designation is added.
- 3.112 **Parking Space, Off-Street:** For the purpose of this ordinance 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.
- 3.113 **Performance Bond, Surety Bond, or Financial Guarantee:** An agreement by a subdivider or developer with the County for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.
- 3.114 **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.
- 3.115 **Planned Unit Development:** An area of land in which a variety of housing types and subordinated commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than 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.
- 3.116 **Professional Activities:** The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.
- 3.117 **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 other 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, communications, public water and sewage services.

- 3.118 **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.
- 3.119 **Public Way:** An alley, avenue, boulevard, bridge, channel, 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.
- 3.120 **Quasipublic Use:** Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.
- 3.121 **Recreation Camp:** An area of land on which two 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.
- 3.122 **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.
- 3.123 **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, vibration, or odor shall be detected outside of said building.
- 3.124 **Roadside Stand:** A structure designed or used for the display or sale of agricultural and related

products.

- 3.125 **Right-of-way:** A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges.
- 3.126 **Satellite Signal Receiver:** "Dish-type Satellite Signal-Receiving Antennas", "earth stations" or "ground stations", whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one, or a combination of two or more of the following:
- (a) A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.
 - (b) A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals.
 - (c) A coaxial cable whose purpose is to convey or transmit signals to a receiver.
- 3.127 **Seat:** For purposes of determining the number of off-street parking spaces or 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 space for loose chairs.
- 3.128 **Setback Line:** A line established by the zoning ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said code. (see yard)
- 3.129 **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.
- 3.130 **Sewers, On-Site:** 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 and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

- 3.131 **Sidewalk:** That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.
- 3.132 **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 of 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 other 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.
- 3.133 **Special District:** A zoning district created to meet the needs of an area experiencing unusual problems, or one that is designed to meet special needs.
- 3.134 **Story:** That part of a building between the surface of a floor and the ceiling immediately above. (see basement)
- 3.135 **Structure:** Anything constructed or erected, the 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.
- 3.136 **Subdivision:** The division of a lot, tract or parcel into two or more lots, tracts or parcels or other divisions of land for sale.
- 3.137 **Supply Yards:** A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain and similar goods.
- 3.138 **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.

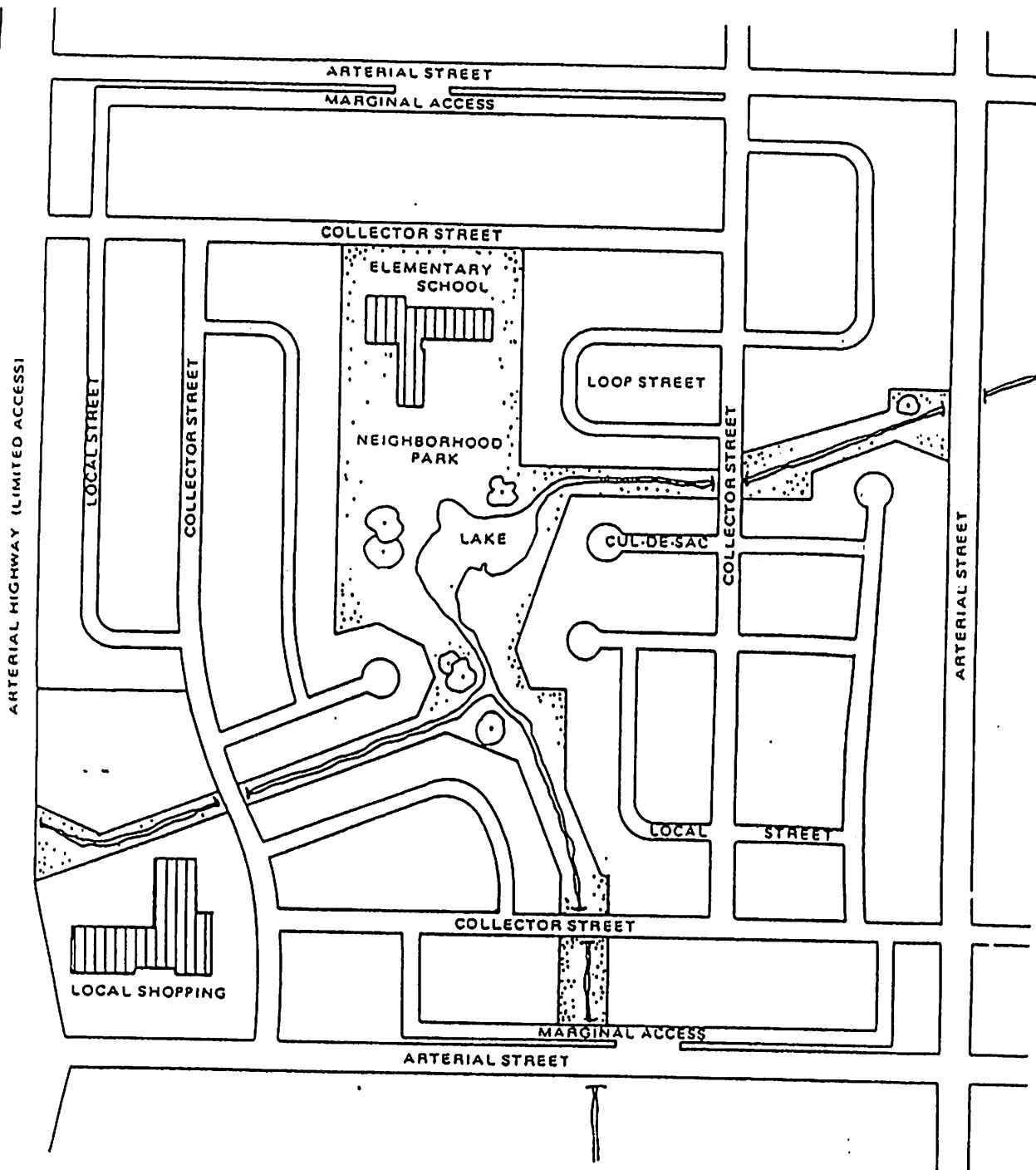
1. Private: Exclusively used without paying an additional charge for admission by the residents, and guests of a single household, a multifamily development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.
2. Community: Operated with a charge for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

3.139 **Thoroughfare, Street or Road**: The full width between property line 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 Streets: 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, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1,000) feet from said arterial or collector street, nor 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 from arterial or collector streets. (also called frontage street)

3.140 **Through Lot**: (see lot types).

3.141 **Transportation, Director of**: The Director of the Ohio



CLASSIFICATION OF THE THOROUGHFARE SYSTEM

Department of Transportation.

- 3.142 **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.
- 3.143 **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.
- 3.144 **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 the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.
- 3.145 **Vicinity Map:** A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision to use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.
- 3.146 **Walkway:** A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.
- 3.147 **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 front lot 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.

- 3.148 **Zero Lot Line Development:** An arrangement of housing on adjoining lots in which the required side yard is reduced on one side and increased on the other so that the sum of the offsets on any lot is no less than the sum of the required offsets. No building or structure shall be closer to a lot line than 5 feet unless it abuts the lot line and is provided with an access easement of 5 feet on the adjoining lot or abuts a building or structure on the adjoining lot. The offset adjacent to property not included in the zero lot line development or a street shall not be less than that required in the zoning district.
- 3.149 **Zoning Inspector(Administrator):** The Zoning Inspector is the person designated by the Village Council to administer and enforce zoning regulations and related Ordinances.
- 3.150 **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.

LOT TERMS

LOT AREA - TOTAL HORIZONTAL AREA
LOT COVERAGE - PER CENT OF LOT OCCUPIED
BY BUILDING

