

Chapter 1230: Definitions

1230.01 RULES OF CONSTRUCTION AND INTERPRETATION

(a) Intent

All provisions, terms, phrases, and expressions contained in this code shall be construed according to stated purpose and intent of this code.

(b) Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as including, such as, or similar language are intended to provide examples, and not to be exhaustive lists of all possibilities.

(c) References to Other Regulations, Publications and Documents

Whenever reference is made to an ordinance, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), ordinance, statute, or document, or to the relevant successor document, unless otherwise expressly stated.

(d) Public Officials and Agencies

(1) All public officials, bodies, and agencies to which references are made are those of the City of Middletown, unless otherwise expressly stated.

(2) Any staff member identified as having a responsibility for the administration or enforcement of this code (e.g., Development Code Administrator, City Engineer, Chief Building Official, etc.) shall be so appointed by the City Manager and the title given by this code may, in certain instances, not correspond directly with any official job titles at the City of Middletown.

(e) Delegation of Authority

Whenever a provision appears requiring the head of a department or another staff person or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department head or staff member to delegate the responsibility to a designee, unless the terms of the provision specify otherwise.

(f) Technical Words

Technical words and phrases not otherwise defined in this code that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(g) Mandatory and Discretionary Terms

The word "shall" is always mandatory, and the words "may" or "should" are always permissive.

(h) Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (1)** "And" indicates that all connected items, conditions, provisions, or events shall apply; and
- (2)** "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.

(i) Tense and Usage

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

(j) Gender

The masculine shall include the feminine, and vice versa.

(k) Meaning

For the purpose of this code, words and phrases shall have the meanings set forth in this chapter.

(l) Other Terms Not Defined

Words and phrases not otherwise defined in this code shall be construed according to the common and approved usage of American English.

(m) Percentages and Fractions

When a calculation required by this code results in a fractional number or percentage, any fraction of $\frac{1}{2}$ or less shall be rounded down to the next lower whole number and any fraction of more than $\frac{1}{2}$ shall be rounded up to the next higher whole number. Any percentage of $\#.5$ percent or less shall be rounded down to the next lower whole number and any percentage greater than $\#.5$ percent shall be rounded up to the next higher whole number.

1230.02 DEFINITIONS

Abutting, Adjoining, or Adjacent

The land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement, or street.

Access

Any driveway or other point of entry and/or exit onto or from a street, road, or thoroughfare, which connects to the general street system.

Accessibility Ramps

Permanent or portable ramps utilized to provide a disabled person with accessibility to a structure.

Active Recreational Facilities

Any park or recreational facility that is owned or operated by a government agency, which requires grading of the land, construction of facilities, lighting, or is developed for athletic fields, tennis courts, swimming pools, skate parks, disc golf, and other similar outdoor facilities.

Addition

Any act or process that changes one or more of the exterior architectural features of a building or structure by adding to, joining with, or increasing the size, height, or capacity of the building or structure.

Administrative Waiver

A review process that allows the City Planner to waive certain dimensional standards by up to 10 percent based on the provisions of Section [1226.11](#).

Agricultural and Agricultural Services (Use Category)

The agricultural and agricultural services use category is comprised of uses characterized by general active and on-going agricultural uses, activities, and related uses. An agricultural use, in general, means the use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income.

Agriculture (Livestock)

Any use of land for the raising and caring of livestock. This includes necessary buildings and structures which shall be used for agriculture, raising and caring for livestock and animal and poultry husbandry including necessary accessory uses for parking, treating or sorting the products; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Buildings occupied as residences by persons engaged in agricultural operations shall not be considered to be used for agricultural purposes.

For the purposes of this code, this use shall also include commercial stables and riding academies defined as the use of a building for animals to lodge and feed in, especially having stalls for horses. Such building may also be used for educational instruction in the care or riding of horses.

Agriculture (Raising of Crops)

Any use of land for the growing and harvesting of legal agricultural crops and trees for commercial agricultural purposes. Agricultural uses include, but not limited to, raising of crops, horticulture, floriculture, and viticulture and the necessary accessory uses for parking, treating or sorting the products; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Buildings occupied as residences by persons engaged in agricultural operations shall not be considered to be used for agricultural purposes.

Air Activated Graphic

A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.

Airport

Any runway, landing area or other facility designed, used or intended to be used for the landing or taking off of aircraft, either public or private, including the necessary taxiways, storage and tie-down areas, hangars and other necessary buildings and open spaces.

Alley

Any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration

- Any change, addition or modification in construction, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed;" any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction or removal of any structure.
- Any change of copy, sign face, color, size, height, shape, illumination, position, location, construction, or supporting structure of any sign.

Alternative Equivalent Review

A review procedure by which an applicant can propose an alternative approach to meeting a standard of this code that meets or exceeds the original standard. See Section [1226.09](#).

Amateur Radio Antenna

A system of cables, electrical conductors, insulators, metallic or non-metallic tubing, poles, reflecting discs, rods, wires, or similar objects used for transmission or reception of radio signals or electromagnetic waves for amateur radio service.

Amateur Radio Service

A radio communication service for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest.

Amateur Radio Tower

A structure whose principal function is to support one or more amateur radio antennas.

Animal Care (Use Category)

The animal care use category is comprised of uses characterized by the caring, grooming, and treatment of animals, including vet services.

Antenna-Tower

A standard aerial and its supporting mast or tower structure in combination. It is contrasted to the more typical chimney mounted aerial.

Appeal

A review procedure by which a person may call into question an administrative decision made in accordance with this code. See Section [1226.13](#).

Applicant

Unless otherwise specified, an owner of a property or an agent for the owner, including, a subdivider, developer, attorney, or similar representative, who has filed an application for development review pursuant to [Chapter 1226:Review Authority and Procedures](#).

Application

The process by which the applicant submits a request for any type of development review or approval identified in [Chapter 1226:Review Authority and Procedures](#). Applications include all written documentation, verbal statements, and representations, in whatever forms and quantities as required by the City.

Architectural Feature

A prominent or significant part or element of a building, structure or site.

Architectural Review Board (ARB)

The Architectural Review Board of the City of Middletown as established in Section [1226.01\(d\)](#).

Assembly Halls or Conference Centers

Facilities or buildings available for lease by private parties that may include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption during scheduled events not open to the public, and/or outdoor gardens, decks, or reception facilities.

Auction Houses or Flea Markets

Establishments used for the sale of goods that were homemade, homegrown, handcrafted, old, obsolete or antique that are either:

- Places where the goods are temporarily stored until they are sold at auction, by an auctioneer, who operates out of the establishment; or
- Buildings or open areas in which sales areas or stalls are set aside or rented and which are intended for use by individuals or by educational, religious or charitable organizations to sell such goods.

Automotive Repair (Heavy) or Towing Services

Any general repair, rebuilding, reconditioning, body or fender work, framework, painting or the replacement of major parts of motor vehicles (e.g., major engine repair). This use type may also include towing services that provide towing or conveyance of a wrecked, inoperable, disabled, or illegally parked motor vehicle.

Automotive Sales and Leasing

Any building or land used for the display, sale or rental of new or used motor vehicles in operable condition. This use type is intended to be for the sale and lease of typical passenger vehicles including, but not limited to, cars, passenger trucks, and motorcycles.

Automotive Service Station and Part Sales

Any structure or premises used for dispensing or sale of automotive vehicle fuels or lubricants, including lubrication of motor vehicles and replacements or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair, or spray painting. Such uses shall also include establishments that sell parts or tires for vehicles as a retail establishment, regardless if the parts are installed on-site.

Awning

As defined in Chapter 1434 of the City of Middletown Code of Ordinances.

Balloon

A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached or held in place by a cord, rope, cable, or similar method. See also "Air Activated Graphic."

Bars and Taverns

Establishments providing or dispensing, for on-site consumption, any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors. The sale of food products including, but not limited to, sandwiches and light snacks may be a secondary use to the service of the aforementioned drinks.

Base

The structural elements, design features, and materials associated with the first floor elevation of a building façade.

Basement

A portion of a building located partly underground but having half or more of its floor-to-ceiling height below the average grade of the adjoining ground.

Basketball Hoops

Small accessory basketball hoops, not related to a "tennis or other recreational court" either mounted to a wall or freestanding, by which occupants of the principal use can play basketball.

Bed & Breakfast Establishments

A resident-managed and resident-occupied residential structure used as a lodging establishment where up to five rooms are rented on a nightly basis and in which breakfast is the only meal and is included as part of the basic compensation.

Bike and Skateboard Ramps

An accessory structure utilized for recreational purposes related to bicycle and skateboard use.

Block

All land and or lots that, as a whole, are bordered on all sides by streets, or by one or more streets and a railroad right-of-way, stream, ravine, canal, or unsubdivided acreage.

Block Face

The properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intersecting street and railroad right-of-way, un-subdivided land, watercourse or City boundary.

Board of Zoning Appeals (BZA)

The Board of Zoning Appeals for the City of Middletown, Ohio as established in Section [1226.01\(e\)](#).

Body

The remainder of the building visible between the building base and cap.

Buffer

An area of natural or planted vegetation adjoining or surrounding a land use and unoccupied in its entirety by any building structure, paving (with limited exceptions) or portion of such land use, for the purposes of separating, screening, and softening the effects of the land use. A buffer may include a wall, fence, or berm as provided in accordance with the provisions of [Chapter 1216:Landscaping and Buffering](#).

Building

A structure, of more or less permanent construction, having a roof and intended to be used for sheltering people, animals, property, or business activity.

Building Height

The vertical distance of a building or structure, measured in a manner established in Section [1204.09\(a\)\(6\)](#).

Building Line

A line running parallel to applicable lot line (e.g., the front building line runs parallel to the front lot line).

Building Material Sales and Contractor Yards

An establishment engaged in the sale of building supplies or equipment that typically includes lumber yards, builder supplies, and other related activities.

Building or Structure, Detached

Any building or structure not sharing common walls with another building.

Building, Accessory

See definition for "Structure, Accessory."

Building, Nonconforming

See "Structure, Nonconforming."

Building, Principal

A building that is the primary use of the lot.

Bulk Storage of Liquids

A use associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals, food products, and similar liquids.

Business and Professional Offices

Establishments providing executive, management, administrative, or professional services including, but not limited to, real estate, architecture, legal, travel, employment, advertising, design, engineering, accounting, and similar uses.

Business Services

Establishments primarily engaged in rendering services to office, business, or industrial establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; office equipment rental and leasing; commercial research; development and testing; photo finishing; machine repair, and personal supply services.

Canopy

As defined in Chapter 1434 of the City of Middletown Code of Ordinances.

Cap

The structural elements, design features, and materials associated with the top floor elevation of a building façade.

Cemeteries

Land used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery. This definition shall not be construed to include the burial of animals or pets.

Certificate of Appropriateness

A certificate issued by the Historic Commission indicating that a proposed change, alteration, addition or demolition of a historic building or structure within a historic landmark or historic district is in accordance with the provisions of this chapter and the adopted design guidelines. See Section [1226.08](#).

Certificate of Zoning Compliance

A certificate issued by the Development Code Administrator stating that a proposed development or activity complies with this code as established in Section [1226.12](#).

Change

Any alteration, addition, demolition, removal or construction involving any property subject to the provisions of this chapter.

City

The City of Middletown, Ohio

City Council

The City Council of the City of Middletown, Ohio

City Engineer

The City Engineer of the City of Middletown, Ohio

Code Text or Map Amendment

An amendment or change to the text of this code or to the zoning map as reviewed and decided upon by the City Council in accordance with Section [1226.03](#).

Colleges and Higher Educational Institutions

Any private or public secondary educational institution that includes, but is not limited to: secretarial schools, colleges and universities, business schools, seminaries, or any other institution providing collegiate level curriculum.

Co-Location

The process of providing space for more than one user on a telecommunications tower or facility.

Community Centers

A building used for the meeting, recreation, or social activity designed to accommodate and serve the residents of a subdivision or development to which the use is associated with and that may be privately owned or jointly owned by property owners.

Community Gardens

A single piece of land that is gardened collectively by a group of people that may include individual garden plots designated for individual gardens.

Completed Application

An application that contains all information and/or data necessary to enable an informed decision to be made with respect to an application.

Condominium

A multi-family dwelling or development containing individual owners' dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of a homeowners association and/or Ohio law.

Construction

The act of constructing an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property subject to the provisions of this chapter.

Construction Dumpster

A container used for the temporary storage of rubbish or materials related to the related construction site or project.

Construction Trailer or Office

A mobile home, trailer, or similar temporary structure that is used as an office or for storage in conjunction with a construction project.

Contractor Offices

General office uses that are used by contractors (e.g., painters, HVAC, construction firms, etc.) solely for their administrative activities, but which do not have any storage of materials or storage of vehicles.

Convenience Stores

A retail store that caters to the public where the sale of food items such as hot or cold drinks, prepackaged foods, and tobacco, road maps, magazines and other publications, automotive maintenance items such as brake fluid, oil, polishes, anti-freeze, and similar products, and other retail items that may be readily purchased. A convenience store does not sell gasoline or other fuels unless associated with a "retail fuel sales" use.

County

Butler or Warren County, Ohio, as applicable

Court

Means an open, unoccupied and unobstructed space, other than a yard, on the same lot with a building or a group of buildings, which is enclosed on three or more sides.

Cultural Facilities

Public or private facilities use for display, performance, or enjoyment of heritage, history, or the arts. This use includes, but is not limited to, museums, libraries, art performance venues, cultural centers, and interpretative sites but does not include "theaters."

Curb Cut

The area where a curb is level with the roadway to provide vehicular access from the roadway to an adjoining property.

DBH

See "Diameter at Breast Height."

Demolition

Any act or process that destroys in part or in whole any building or structure.

Density

The number of dwelling or dwelling units per acre expressed as a number.

Detached Garages and Carports

An accessory building primarily intended for and used for the enclosed storage or shelter of private motor vehicles of the owner or occupant of the principal building that is detached from the principal building.

Detached Storage/Utility Sheds, Gazebos, Pool Houses, and other Similar Buildings

An accessory building, other than a detached garage, that are typically uses for storage of items utilized by the occupants of the dwelling or a building used for the general enjoyment of the occupants including, but not limited to, gazebos, structural trellises, playsets, storage sheds, etc.

Developer

Any person, corporation, association, partnership or other entity who or which creates or proposes to create a development, all or a portion of which will be located within the City.

Development

Any manmade change to improved or unimproved land, including but not limited to the construction of buildings or other structure, mining, dredging, filling, grading, paving, excavation, or drilling.

Development Code Administrator

The staff person at the City of Middletown who has the primary responsibility for administering the duties of this code. Such person shall be appointed by the City Manager.

Diameter at Breast Height (DBH)

Diameter-at-breast-height. DBH is used to measure the caliper of a tree trunk at the specific height of 4.5 feet above the ground.

Distribution Centers

A use where goods are received and/or stored for delivery to the ultimate customer or user at remote locations.

District,

See "Zoning District."

Dormitories

A building used principally to provide rooms for sleeping accommodations at an educational, public, or religious institution. Common kitchen, sanitary, and social gathering rooms may also be provided.

Drive-Through Facility

An establishment that encourages or permits customers to receive services, or obtain goods while remaining in their motor vehicles.

Driveway

A private way, other than a street or alley, that provides access to one lot of record for the use of vehicles and pedestrians.

Driveway, Paved

A driveway comprised of a surface of asphaltic, bituminous cement, concrete, or other properly bound pavement so as to provide a durable and dustless surface.

Dwelling

A building or portion thereof designed or used for residential occupancy, but not including hotels, motels, bed and breakfasts, or dormitories.

Dwelling Unit

A single unit of one or more rooms providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation but not including a tent, cabin, hotel, motel, recreational vehicle, or other temporary or transient structure or facility.

Dwelling Unit above Nonresidential Uses

A single or multiple dwelling units that are located in a building with a nonresidential use on the first floor.

Dwelling, Multi-Family (Apartment Building)

A building designed to incorporate nine to 12 dwelling units, each dwelling unit to be totally separated from the other by a wall or a ceiling.

Dwelling, Multi-Family (Apartment House)

A building designed to incorporate four to eight dwelling units, each dwelling unit to be totally separated from the other by a wall or a ceiling. The apartment house is designed to appear as a large single-family dwelling unit rather than a traditional apartment building.

Dwelling, Multi-Family (Attached up to 4 Units)

A group of up to four attached dwelling units, separated by fire walls, in which each residence has its separate exterior entrance and there is no internal access to adjacent dwelling units.

Dwelling, Single-Family

Housing located on individual lots, physically unconnected with any adjacent homes, occupied by a single housekeeping unit. The term "single-family dwelling" shall also include permanently sited manufactured homes when such homes meet all standards that apply to single-family dwellings.

Dwelling, Three-Family

A building or portion thereof, designed to contain three dwelling units.

Dwelling, Two-Family

A building or portion thereof, designed to contain two dwelling units.

Easement

A grant by the property owner of the use of a strip of land by the public or a person for specified purposes.

Eating and Drinking Establishments (Use Category)

The eating and drinking establishments use category is comprised of uses characterized by the preparation and selling of food and beverages for immediate or direct on- or off-premise consumption.

Eave

The projecting lower edges of a roof that overhangs the wall of a building.

Educational Facilities (K-12)

A public or private facility that provides a curriculum of primary, elementary, secondary or college preparatory academic instruction, including, but not limited to, kindergartens, elementary schools, junior high schools, and high schools. This definition shall not be deemed to include colleges, trade or business schools, or other post-secondary education facilities. See "colleges and higher educational institutions."

Electronic Message Centers (EMC)

A sign designed so that the characters, letter or illustrations can be changed or rearranged automatically on a lampbank or through mechanical means (e.g. electronic or digital signs).

Entertainment Device

Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of the person, for the purpose of playing a game, viewing a video display, hearing an audio transmission, or reading entries or outcomes from any other kind of device. An "entertainment device" does not include any vending machines, juke boxes, audio books, video players, or any other device that gives anything of value where the only value given, directly or indirectly, is a video or audio transmission.

Entertainment Device Arcades

Establishments where four or more entertainment devices are kept for use by the general public or by persons other than the owner of the devices, where persons give anything of value to access the use of the entertainment devices or the premises, and the person may be given anything of value by the operator, whether the giving occurs on or off the premises or at the same time or a later time. Entertainment device arcades may include or be referenced to as internet cafes, cybercafes or lounges, internet sweepstakes, video sweepstakes, video gaming arcades, electronic gaming operations, or other similar establishments.

Essential Services

See Section [1202.05\(b\)](#) for a full definition of essential services.

Façade

The exterior wall on the front, side, or rear elevation of the building regardless of whether the building side faces a street.

Façade, Front

The façade of a building that contains the primary entrance of the building.

Face Change

The removal or replacement of an existing surface display panel where the remaining structural frame is not altered. The changing of copy or poster on bulletin boards is not considered a face change.

Fence

An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

Fence, Temporary

A fence that temporarily erected for the purposes of construction, erosion control, etc. that will be removed upon completion of the related activity.

Financial Agreement

Cash, bonds, or other sureties, provided to the City to ensure the construction of parks, open space, public improvements, infrastructure, landscaping, or similar improvements.

Financial Institutions

Establishments engaged in deposit banking. Banks and financial institutions may include, but are not limited to, commercial banks, loan or mortgage companies, stockbrokers, savings institutions, credit unions, and other similar uses.

Flag

Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

Floor Area

The sum of the gross horizontal areas of each floor of the principal building measured from the exterior faces of the exterior walls or from the centerline of common walls separating two buildings. See also the definition of “floor area, livable” as it relates to residential dwelling floor area.

Floor Area, Livable

The livable floor area of a dwelling shall include all finished and habitable spaces including the basement floor area when more than one-half of the basement height is above the finished lot grade level at the front of the building. Garages, outdoor vestibules, and open or closed verandas or porches shall not be included in the floor area of a structure.

Foot-Candle

A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle

Fraternal, Charitable, and Service Oriented Clubs

A building or portion thereof or premises owned or operated by a corporation, association, or group of persons for a social, educational, religious, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Fraternities or Sororities

A building used for a meeting place for a women’s or men’s organization that has been officially recognized by a college, university, or seminary, in which sleeping accommodations may or may not be provided for members.

Frontage

The portion of the boundary of a lot which abuts an existing or dedicated public street right-of-way or easement.

Frontage, Building

The length of an enclosed building facing a public or private street. When a business does not front a public right-of-way the Code Enforcement Officer shall have the authority to designate the building frontage. In structures with more than one business, the frontage of each business shall be calculated separately in determining its sign area. See [Figure 1230-A](#).

Frontage, Street

The distance for which the front boundary line of the lot and the street line are coincident. See [Figure 1230-A](#).

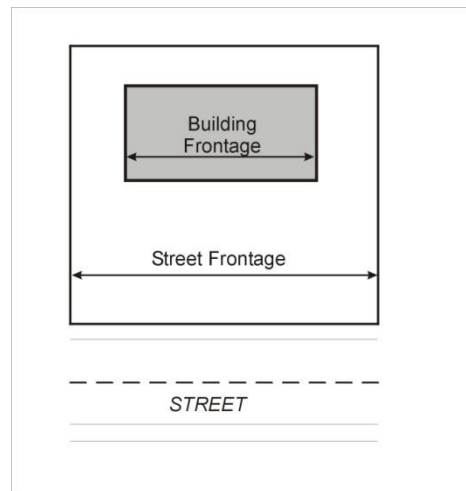


Figure 1230-A: Illustration of building frontage versus street frontage.

Funeral Homes and Mortuaries

Any dwelling or establishment used and occupied by a professional licensed mortician for human burial preparation and funeral services.

Garage Sales

Sales by residents of used or surplus personal possessions including, but not limited to all sales entitled garage, yard, lawn, basement, attic, porch, room, tent, backyard, patio, or moving. This term shall include garage sales, lawn sales, attic sales, rummage sales or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large can be made aware of such sale.

Government Facilities

Any building or structure or portion thereof, used by a government agency for administrative or service purposes. "Government facilities" includes but is not limited to fire stations, police stations, government offices, salt storage, and other similar uses.

Grade

The average level of the finished surface of the ground adjacent to the sign, building, or other structure being measured.

Grass

A species of perennial grass grown as permanent lawns or for landscape purposes.

Green Infrastructure

Stormwater management techniques that use natural systems, or engineered systems that mimic natural process.

Greenhouses and Nurseries

An establishment used for the growing, storage, and sale of legal garden plants, shrubs, trees, or vines for retail or wholesale sales. Greenhouses and nurseries that are part of a larger agricultural use shall be considered accessory to the principal agricultural use of the land.

Ground Cover

A plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Ground covers also provide permanent covering of open ground to prevent erosion and/or create visual appeal.

Ground Floor

The first floor or floor level of any building or structure above or on the same plan as the surface of the sidewalk or street grade. There shall be excluded from this definition basements or cellars the floors of which are below the plane of the surface of the sidewalk.

Group Living (Use Category)

The group living use category is comprised of residential uses characterized by a group of unrelated persons living in a group setting where there are shared bedroom, kitchen, and/or bathroom facilities and where the group is not living as a single housekeeping unit.

Hedge

A barrier of natural vegetation usually consisting of evergreen trees, shrubs, or tall grasses that can be used to enclose, screen, or separate areas.

Historic Commission

The Historic Commission of the City of Middletown, Ohio as established in Section [1226.01\(c\)](#).

Historic District

Any area designated by ordinance of the City which may contain within definable geographical boundaries, buildings, structures, or sites of historic, architectural or archaeological significance.

Historic Landmark

Any individual site designated by ordinance which contains within definable geographical boundaries, buildings, structures, or sites of historic, architectural or archaeological significance.

Historic Structure

Any building or structure which has historic, architectural or archaeological significance and has been designated according to the provision of this chapter. This designation is based on the significance of a property to the history, architectural, archaeology or culture of the community, State or nation. It may be achieved in several ways:

- Association with broad patterns of our history, events, or activities;
- Association with important persons;
- Distinctive physical characteristics of design, construction, workmanship or form;
- Potential to yield information important in history or pre-history.

Home Occupations

A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling and is incidental and secondary to the residential use of the lot and does not adversely or perceptively affect the character of the lot or surrounding area.

Hospitals

An institution providing health services primarily for human in-patient medical/surgical care for the sick or injured and including related facilities such as laboratories. The use may also include out-patient departments, training facilities, central service facilities and staff offices that are an integral part of the facility and goes beyond general care typically administered within a doctor's office.

Hotels

A building or portion thereof used for providing lodging for transient guests and operated for profit which may provide additional services such as restaurants, meeting rooms and recreational facilities. Hotels shall provide access to the rooms via an interior lobby and hallways. See also "motels."

Household Living (Use Category)

The group living use category is comprised of residential uses characterized by a family or group of unrelated persons living together as a single housekeeping unit.

Housekeeping Unit

One or more persons occupying a dwelling unit and living as a single group, and doing their own cooking on the premises as distinguished from a group occupying a bed and breakfast establishment, hotel, or motel.

Impervious Surface

Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to buildings, roofs, parking and driveways, sidewalks, and pavement.

Industrial Uses and Services (Use Category)

The industrial uses use category is comprised of use characterized by the manufacturing, processing, fabrication, packaging, or assembly of goods. Use types also may include those uses that involve the repair or servicing of industrial, business, or consumer machinery equipment, products, or by-products.

Institutional Service Homes

A facility, which provides residential services to a group of individuals of whom one or more, is unrelated. These individuals may be physically, mentally or developmentally disabled, are undergoing rehabilitation or treatment for chemical dependency, and are provided services to meet their needs. This category includes uses licensed, supervised or under contract by any federal, State, county or other political subdivision. These facilities provide room with or without board, resident services, and 24-hour supervision and are distinguishable from "residential facilities."

Institutional Uses (Use Category)

The institutional uses use category is comprised of uses that are generally public or quasi-public in nature that include uses such as schools, parks, cemeteries, religious places of worship, etc. and are generally provided for the betterment of the community.

Junk and Salvage Uses (Use Category)

The junk salvage use category are generally comprised of businesses that deal with the storage of inoperable or damaged vehicles, storage of junk or junk vehicles, and/or the salvage of materials.

Junkyard or Salvage Center

Land or buildings used for one of the following operations:

- The purchase, sale, exchange, storage, baling, packaging, disassembly, or handing of waste, used materials, or secondhand materials including, but not limited to, batteries, scrap iron and other old scrap ferrous or non-ferrous materials, metals, paper, rubber tires, tires, debris or waste, electronic parts, and bottles;
- The dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled, or partially dismantled, obsolete, or wrecked vehicles or their parts; or
- The storage, keeping, buying or selling of wrecked, scrapped or dismantled motor vehicles or motor parts. The presence on any lot of two or more motor vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been removed for reuse or sale, shall constitute a vehicle or automotive wrecking or salvage yard.

Kennels and Animal Boarding

A facility for the boarding, breeding, raising, grooming, selling, training, or other animal husbandry activities for dogs, cats, or other animals for financial or other compensation.

Landscaping

The improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects.

Large Utility Structure

Utility equipment and cabinets that exceed six square feet of surface area on any one side. Such equipment may be associated with telecommunications, video-ready access devices, fiber optics, cable, or similar utility provisions.

Lighting, Cutoff

An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section [1208.04](#).

Lighting, Non-Cutoff

An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section [1208.04](#).

Live/Work Units

A use that combines a commercial activity allowed in the zoning district with a residential living space for the owner of the commercial business, or the owner's employee, and that person's household. The unit is also where the resident owner or employee of the business is responsible for the commercial activity performed.

Loading Area

An off-street space or berth for the loading or unloading of freight carriers on the same lot as the structure they serve.

Loading Space

An off-street space having access to a street or alley for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lot

A parcel of land designated by metes and bounds, plat, registered land survey, auditor's plot, or other accepted means and separated from other lots or portions by the description for the purpose of sale, lease, or separation thereof.

Lot Area

The total area within the lot lines of a lot, excluding any street right-of-way or other legal public dedication.

Lot Coverage

That portion of a lot that is covered by the principal and accessory buildings, structures, and surfaces that prevent the passage or absorption of stormwater including paving and driveways (impervious surfaces).

Lot Depth

The mean horizontal distance between the front and rear property lines.

Lot Line

The property lines bounding the lot.

Lot Line, Front

The line separating the lot from the public street on which it fronts.

Lot Line, Rear

A lot line opposite a front yard. A rear lot line is generally parallel to or less than 45 degrees to the front street right-of-way line. See Section [1204.09\(a\)](#).

Lot Line, Side

A lot line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line. See Section [1204.09\(a\)](#).

Lot of Record

A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Butler County, or a lot, the deed of which was on record as of the effective date of this code (Ordinance 4886, passed December 27, 1968).

Lot Width

The horizontal distance between the side lot lines, measured in accordance with Section [1204.09\(a\)](#).

Lot, Corner

A lot abutting on and at the intersection of two or more streets and/or alleys. See Section [1204.09\(a\)](#).

Lot, Curved or Cul-De-Sac

A lot with frontage along a curved street or cul-de-sac. See Section [1204.09\(a\)](#).

Lot, Double Frontage

A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See Section [1204.09\(a\)](#).

Lot, Interior

A lot that has a single street frontage, a rear lot line, and at least two side lot lines. See Section [1204.09\(a\)](#).

Lot, Nonconforming

A vacant lot that does not meet the minimum lot width, street frontage, and/or lot area requirements of the applicable zoning district.

Lot, Panhandle (Flag)

A lot not fronting or abutting a public street and where access to the public street is limited to a narrow strip of land. See Section [1204.09\(a\)](#).

Machinery and Heavy Equipment Sales, Leasing, and Storage

Any building or land used for the display, sale, storage, or leasing of new or used machinery, heavy equipment, semi-trailers, etc. that are in operable condition and where no repair work is done.

Major Recreational Equipment

A term encompassing any type of vehicle used primarily for recreational pleasure. Examples include, but are not limited to, travel trailers, motor homes, boats, snowmobiles, etc. Recreational vehicles shall include any mobile structure designed for temporary occupancy, but shall exclude manufactured homes.

Manufacturing and Production (Heavy or Outdoors)

An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials, or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its lot line. Such use shall also include any manufacturing or assembly facility that requires outdoor storage areas that exceed 200 square feet in area.

Manufacturing and Production (Indoors)

The manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, or vibrations is not noticeable from the adjacent properties. This use type shall not include establishments that provide electroplating, metal stamping or forging, or vehicle processing. See also "manufacturing and production (heavy or outdoors)" and "manufacturing and production with caustic or hazardous materials."

Manufacturing and Production with Caustic or Hazardous Material

An establishment that is defined as a "manufacturing and production (heavy or outdoors)" use above but that also utilizes caustic or hazardous materials as determined by the Development Code Administrator.

Marquee

As defined in Chapter 1434 of the City of Middletown Code of Ordinances.

Maximum Extent Feasible

That no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize the potential harm or adverse impacts have been undertaken. Economic considerations may be taken into consideration.

Mechanical Equipment

Equipment, devices and accessories, the use of which relate to water supply, drainage, heating, ventilating, air conditioning and similar purposes.

Medical or Dental Clinics/Offices and 24-Hour Urgent Care

Office or clinic uses concerned with the diagnosis, treatment, and care of human beings related to medicine or dental. This term shall also include the operation of an urgent care clinic that may be opened for 24 hours and that is meant to accommodate non-emergency medical situations. This definition does not include "hospitals," "skilled nursing facilities" or "personal care facilities."

Mining and Extraction (Use Category)

The mining and extraction use category is where the use types typically involve the extraction, removal, or basic processing of minerals, soil, or other natural resources from the earth. Such uses also include quarrying, mining, or other procedures typically done at an extraction site.

Mixed Use Buildings (With Residential Uses)

A lot or building that contains a mixture of uses that are permitted in the applicable zoning district but that exclude any uses permitted in the agricultural use category but does include residential dwelling units.

Mixed Uses (Use Category)

Development of a lot or structure with two or more different uses such as, but not limited to, residential, office, retail, public, or institutional.

Mobile Food Vending

See Chapter 1037 of the City of Middletown Code of Ordinances.

Mobile Home

A vehicle or movable structure mounted on wheels, designed and equipped to provide living and sleeping facilities for one or more persons, drawn by its own or other motive power and containing more than two rooms exclusive of a bathroom.

Mobile Home, Commercial Truck, and Recreational Vehicle Sales and Leasing

Facilities where new or used boats, trailers, commercial trucks (not passenger pick-up trucks), mobile homes, and/ recreational vehicles, in operational condition, are sold or leased to customers.

Motels

A building or portion thereof used for providing lodging for transient guests and operated for profit which may provide additional services such as restaurants, meeting rooms and recreational facilities. Motels shall provide access to the rooms via outdoor hallways or sidewalks. See also "hotels."

Multi-Tenant Buildings (Without Residential Uses)

A principal building with multiple nonresidential use types that are all allowed in the applicable zoning district but are located in separate tenant spaces. A strip center with a mixture of retail uses such as restaurants, retail stores, and personal service establishments is an example of a multi-tenant building.

Night Clubs

A place operated for profit, where food may or may not be served for consumption on the premises and one or more forms of amusement are provided or permitted for a consideration that may be in the form of a cover charge or may be included in the price of the food and beverages, or both, purchased by patrons. This use type does not include "entertainment device arcades."

Nonconformity

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 applicable zoning district, and are therefore incompatible. See also the definitions for "use, nonconforming," "lot of record," "building, nonconforming," and "structure, nonconforming."

Nursery Schools or Day Care Centers (Children or Adults)

A facility 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 portion of the 24-hour day in a building other than the child's own home. This use may include, but is not limited to, after school programs, office day care centers and principal structures used for only day care/nursery school programs. This term may also include adult day care centers where persons other than children, family members, or guardians care for adult for a portion of a 24-hour day in a building other than the adult's home.

Nursery Schools or Day Care Centers (Children or Adults) (Accessory Use)

This accessory use shall allow for the same activities as defined for "nursery schools or day care centers (child or adult)" except the use shall be accessory to another principally permitted use.

Offices (Use Category)

The offices use category is characterized by commercial uses that are generally not retail-oriented that are utilized to provide services to residents and business.

Official Thoroughfare Plan²⁵

The Official Thoroughfare Plan for the Middletown urban area as adopted by the Planning Commission, establishing the location and right-of-way width of principal streets in the City, on file in the office of the Director of Planning and Community Development together with all amendments thereto subsequently adopted.

Official Zoning Map

The Official Zoning Map of the City, establishing certain zoning districts in the City, on file in the office of the Planning Commission together with all amendments thereto subsequently adopted, as set forth in Section [1204.02](#).

Open Space

Open areas, including parks, nature areas, playgrounds, and trails. This does not include holding ponds, streets, driveways, or vehicular use areas.

Open Space, Private

An open space that is privately owned and maintained in accordance with [Chapter 1214: Park Dedication](#).

ORC Section 5119.34(B)(1)(b) Residential Facility

As currently defined by ORC § 5119.34(B)(1)(b), a licensed publicly or privately operated home or facility that provides accommodations, supervision, and personal care services to any of the following: (i) one or two unrelated persons with mental illness; (ii) one or two unrelated adults who are receiving residential state supplement payments; or (iii) three to sixteen unrelated adults. All terms herein are as defined by said statute. This definition shall be deemed amended as said statute is hereinafter amended.

ORC Section 5123.19(A)(5) Residential Facility

As currently defined by ORC § 5123.19(A)(5), a licensed home or facility, including an ICF/IID, in which an individual with mental retardation or a developmental disability resides. All terms herein are as defined by said statute. This definition shall be deemed amended as said statute is hereinafter amended.

Outdoor Dining

Areas on sidewalks (public or private), patios, or other unenclosed areas, excluding vehicular use areas) that are designated for outdoor seating where patrons may be served food and beverage for on-site dining.

²⁵ QUESTION – Is this the name or is it the Streets Master Plan?

Outdoor Displays and Sales

The placement of products or materials for sale outside of a retail or wholesale sales establishment.

Outdoor Storage and Bulk Sales (Accessory Use)

The keeping, storage, or sales of any goods, material, merchandise, or vehicles in the same place for more than 24 hours in an area that is not fully enclosed by a structure. This may include areas established for the sale of large and/or bulk items.

Outdoor Storage and Sales

A facility or lot used for the outdoor sales and storage of materials that are to be used for construction or for manufacturing processes and where such uses are the principal use of the lot.

Outdoor Vending Machines and Drop-Off Boxes

Vending machines are small machines that are capable of accepting money in return for the automatic dispensing of goods (e.g., drink machines, snack machines, video machines). Drop-off boxes are small collection facilities where recyclable materials, clothing, or household goods are accepted from the public (e.g., neighborhood recycling stations and thrift store collection boxes).

OUTDOOR WOOD BOILER

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

Owner

Any individual, firm, association, syndicate, co-partnership corporation, trust or any other legal entity, having legal title to or sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

Package Liquor Stores

Any establishment where the primary business is the sale of alcoholic beverages for off-premises consumption.

Parapet or Parapet Wall

A building façade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.

Parking Aisle

The driveway or access drive by which a car enters and departs a parking space.

Parking Area

An area designed for the parking of vehicles that includes parking spaces and any driveways or access drives specifically related to the parking spaces.

Parking Garages

Structures used to provide parking spaces along with adequate drives and aisle, for maneuvering, so as to provide access for entrance and exit for the parking of more than two vehicles. This may be permitted as a principal use of the lot in accordance with [Chapter 1204: Zoning Districts and Use Regulations](#) or as an accessory to a principal use as established in [Chapter 1218: Parking, Access, and Mobility](#).

Parking Space

A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one standard automobile.

Parking, Land Banked

A portion of a parking area that is not initially constructed with the principal use but where the land is reserved for future use as a parking area upon notice by the Development Code Administrator in accordance with Section [1218.04\(f\)](#).

Parking, Off-Site

Parking areas that are located on a separate and removed lot from the use that the parking serves.

Parking, Shared

Parking areas that are used by multiple uses on the same or on adjoining lots.

Passive Parks, Open Space, and Natural Areas

Parks, open spaces, and natural areas where there is no grading of the land, the construction of facilities, lighting, or development of ball fields with the exception that open spaces and conservation areas may include the development of trails and sidewalks.

Patios (Unenclosed)

Uncovered, non-enclosed outdoor hard surfaced areas that are no higher than 18 inches above the ground and does not require a building permit for construction.

Pedestrian Connection

A pedestrian walkway that includes sidewalks but may also include sidewalks on private property (not in the right-of-way) through the form of trails, designated walking areas, and similar walkways that are strictly used for pedestrian activity.

Permanently Sited Manufactured Home

A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with applicable laws subject to the following:

- The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- The home is constructed in accordance with the requirements of Section 3781.184 of the ORC;
- The structure was manufactured after January 1, 1995; and
- The structure is not located in a manufactured home park as defined in the ORC.

The term "permanently sited manufactured home" shall not include travel trailers, park trailers, or mobile homes, as defined in the ORC.

Person

Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, Greene County or State agency within Ohio, the federal government, or any combination thereof. An agency is further defined in the Ohio R.C. 111.15 as any governmental entity of the State and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district or state community college. Agency does not include the general assembly, the controlling board, the adjutant general's department, or any court.

Personal Care

Personal care means the provision of personal services such as help in walking and getting in and out of bed; assistance with bathing, dressing, and feeding; preparation of a special diet; and supervision over medications which can be self-administered.

Personal Care Facility

A long-term or short-term residential facility that provides personal care in a facility that is not in a traditional dwelling type (e.g., single-family dwelling). Such facility shall not mean the same as "hospitals," "large residential facility," or "small residential facility." See also "skilled nursing facility" or "institutional service home."

Personal Service Establishments

Establishments that are primarily engaged in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

Planned Development

A development that is planned for a single use, or to integrate a variety of uses with collateral uses, in which lot size, setback lines, yard areas, and building types may be varied and modified to achieve particular design objectives and make provision for open spaces, common areas, utilities, public improvements, and collateral uses.

Planning Commission

The Planning Commission of the City of Middletown, Ohio as established in Section [1226.01\(b\)](#).

Plat, Final

The final map of all or a portion of the subdivision which is presented to the Planning Commission and City Council for final approvals in accordance with this code, and which, if approved, shall be filed with the proper county recording officer.

Plat, Preliminary

A plat of all parts of a subdivision prepared by a professional registered engineer or surveyor, incorporating recommendations and requirements of planning authorities, and showing topography, means of drainage, roadways, grades, sanitary and water service, and other information for preliminary approval by the Planning Commission in accordance with Section [1226.07](#).

Playsets, Treehouses, and Trampolines

Recreational equipment for children that may include, but is not limited to, swings, slides, monkey bars, and play enclosures.

Porches and Decks

An unenclosed surface area attached to a building, that is not used for livable space but that is elevated above the ground, at its highest point, by at least 18 inches. Porches and decks may have siding and or roof structures but shall not be fully enclosed and protected from the environment. Any such structure that is fully enclosed shall be considered part of the principal structure and subject to any applicable standards.

Preservation

The act or process of applying measures necessary to sustain and retain the original historic form, integrity and materials of a historic property.

Preservation Guidelines

Those standards found in the current issue of the publication "Historic Preservation Plan" of the City of Middletown as adopted by the Historic Commission.

Private Water Towers, Tanks, or Reservoirs

A large container designed to hold water for the private use of the associated, principal industrial use.

Public

Owned, operated or controlled by a public or governmental agency, either Federal, State, county, township or City, including a corporation created by law to perform certain specialized governmental functions.

Public Improvements

All public streets, utilities, and infrastructure installed in accordance with [Chapter 1222: Subdivision Design](#).

Public or Quasi-Public Facilities (Use Category)

The public and quasi-public facilities use category is comprised of uses characterized by the provision of noncommercial or governmental services to the public including, but not limited to, infrastructure, government offices, parks, and other utilities.

Radio and Television Broadcasting Studios

Facilities used to produce, operate, or develop radio or television programs for distribution through various telecommunication formats but that do not include on-site towers or satellites.

Raising of Small Livestock

The non-commercial raising and caring of rabbits on a residential lot, as an accessory use.

Real Estate Sales/Model Homes

A dwelling unit temporarily converted into a sales and display office or a temporary sales office established in a development or subdivision for the purpose of providing an example of the units in the development.

Reconstruction

The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

Recreation and Entertainment (Use Category)

The recreation and entertainment use category is comprised of uses characterized by public or commercial indoor or outdoor activities and recreation including, but not limited to, pool halls, athletic clubs, video arcades, bowling alleys, batting cages, etc.

Recreational Facilities (Indoors)

Facilities operated by a business, non-profit, or group other than a government agency that is open to the general public for a fee that shall include, but is not limited to: roller blade rental, billiard parlors, ice skating rinks, indoor swimming pools, bingo parlors, and other similar activities. All activities take place within an enclosed building. Indoor recreation facilities shall not include "entertainment device arcades."

Recreational Facilities (Outdoors)

Land or facilities operated by a business, non-profit, or group other than a government agency that is open to the general public for a fee that shall include, but is not limited to: pay-to-play athletic fields, golf courses, outdoor swimming pools, amusement parks, racetracks (animal racing only) and other similar activities. Outdoor recreation facilities shall not include "entertainment device arcades."

Redevelopment

The demolition or major structural renovation of existing structures or the clearance and re-use of a lot.

Regional Detention/Retention Basin

A detention/retention basin designed for storm water runoff from the entire drainage area contributing runoff to the basin. Detention basins are dry during dry weather and retention basins are partially filled with water during dry and wet weather.

Rehabilitation

The act or process of making possible a compatible use for a property through repair, alteration, and addition while preserving those portions or features which convey its historic, cultural, or architectural values.

Religious Institutions

A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Research and Development Facilities

A facility for that includes offices and laboratories for operation and/or functioning of a research and development facility.

Residential Facility

A home or facility, as defined and regulated in Section 5123.19 of the ORC, in which a mentally retarded or developmentally disabled person resides, except the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under Section 5126.05 of the Ohio Revised Code, a county home or district home operated pursuant to Chapter 5155 of the Ohio Revised Code, or a dwelling in which the only mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living. See also "adult family home" and "adult group home."

Residential Facility, Large

A "residential facility" where there is supervision in a family setting of nine to 16 persons.

Residential Facility, Small

A "residential facility" where there is supervision in a family setting of six to eight persons.

Restaurants

An establishment whose principal business is the selling of food and beverages to the customer in a ready to consume state, in individual servings.

Restaurants, Drive-In or Drive-Through

A restaurant where customers order and are served food while remaining in their motor vehicles. Such purchases are either made at the building by utilizing a drive-through or the restaurant is designed so that vehicles can drive in and park in a designated parking space, allowing the occupants to be served and consume the food in the vehicle.

Restoration

The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and the reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-related work to make properties functional is appropriate within a restoration project.

Retail and Service Commercial Uses

Establishments primarily engaged in the sale of goods and materials to the general public. Retail commercial uses may include, but are not limited to, bookstores, antique stores, convenience stores, bakeries, grocery stores, and other similar uses.

Retail Fuel Sales

An establishment that sells unleaded and diesel gasoline or any other fuel used for in vehicles.

Retail Sales (Accessory Use)

The sale of goods, products, drinks, or food as an accessory use to another nonresidential use cafeterias, and food or beverage kiosks, book sales, sale of products built on-site, etc. where the retail sales are clearly incidental to the principal use.

Retail Sales and Service (Use Category)

The retail sales and service use category is comprised of uses characterized by the sale, lease, or rental of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.

Right-of-Way

A strip or area of land dedicated for use as a public roadway, railroad, or dedicated for other public uses. For streets, the right-of-way includes the paved roadway, curbs, lawn strips, sidewalks, lighting, drainage facilities and utilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Roof Line

Either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette. Where a building has several roof levels, the pertinent roofline or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

Rooming Houses

A private dwelling unit where rooms are leased out to unrelated individuals with shared kitchen and bathroom facilities.

Satellite Dishes

A parabolic dish antenna including its structural supports, used for reception of various satellite television programming signals.

Screening

A method of visually shielding or obscuring one abutting or nearby structure, mechanical equipment, refuse collection center or incompatible land use, from another and from public view by fencing, walls, beams or densely planted vegetation.

Seasonal Agricultural Sales

A temporary structure or vehicle used in the sale of agricultural products such as fruits, vegetables, and juices where such facilities may sell agricultural products not grown on site. Seasonal sales, including the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products, which may be permitted on a temporary basis pursuant to Section [1206.02](#).

Self-Storage Facilities

A structure containing separate, individual and private storage spaces of varying sizes which are leased or rented on individual leases for varying periods of time and whose tenants have access to such space for the purpose of storing and removing personal property.

Setback

The minimum distance a building or structure must be built from a property line or road right-of-way as defined further in Section [1204.09\(a\)](#).

Setback Line

The line created when applying the required setback distance to a lot. See Section [1204.09\(a\)](#).

Setback, Front

The minimum distance required between a building, structure, or improvement and the front lot line. See Section [1204.09\(a\)](#).

Setback, Rear

The minimum distance required between a building, structure, or improvement and the rear lot line. See Section [1204.09\(a\)](#).

Setback, Side

The minimum distance required between a building, structure, or improvement and a lot that that is shared with another lot where such lot line is defined as a side lot line. See Section [1204.09\(a\)](#).

Shrub

A multi-stemmed woody plant other than a tree.

Sidewalk

That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

Sidewalk Sales

The temporary sale of goods or products on a sidewalk that is located adjacent to the principal building where the goods or products are typically sold as part of the principal use of the lot.

Sign

Any object, device, display or structure or part thereof situated outdoors or adjacent the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.

Sign Area

The entire display area of a sign including the advertising surface located on one or more sign faces and any framing, trim and molding, but not including the supporting structure as measured pursuant to Section [1220.05](#).

Sign Copy

Those letters, numerals, and figures, symbols, logos, and graphic elements comprising the content or message of a sign.

Sign Face

The surface of the sign upon, against or through which the message of the sign is exhibited.

Sign Height

The vertical distance to top of sign structure as measured pursuant to Section [1220.05](#).

Sign, Awning

A sign painted on, printed on or attached flat against the surface of an awning.

Sign, Banner

A temporary sign constructed of canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method. Where a banner sign is supported by stakes or another type of supporting structure for posting in the ground, such sign shall be classified as a "Sign, Yard."

Sign, Blade

A temporary sign that is constructed of cloth, canvas, plastic fabric or similar lightweight, non-rigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure.

Sign, Building

Signs that are attached to the building including wall signs, projecting signs, awning signs, and canopy signs.

Sign, Canopy

A sign attached to the soffit or fascia of a canopy of a covered entrance or walkway, or to a permanent awning or marquee.

Sign, Changeable Copy

A sign designed so that the characters, letter or illustrations can be changed or rearranged manually or electronically without altering the sign display surface. May also be known as readerboards. See also the definition of "electronic message center."

Sign, Drive-Through

Any signage allocated along a drive-through lane that is oriented toward the customer or user in the drive-through lane.

Sign, Driveway

A small permanent sign located near driveway access points and/or at the intersection of internal access drives.

Sign, Entrance

A sign placed at the entrance of subdivisions.

Sign, Flag Banner

Any rigid cloth, plastic or canvas sign with no enclosing framework that is mounted to a building at one or more edges or on a pole. Flags with noncommercial speech shall not be considered flag banner signs.

Sign, Freestanding

Any sign supported upon the ground by a monument, pedestal, pole, bracing, or other permanent measure and not attached to any building. See also the definition of "Sign, Ground-Mounted" and "Sign, Pole."

Sign, Ground-Mounted

A permanent freestanding sign other than a pole sign, not attached to a building, which is placed upon or supported by the ground independently of any other structure, typically on a monument or pedestal structure.

Sign, Illuminated

A sign designed to give forth any artificial light or to reflect such light from an artificial source located internally or externally from the sign.

Sign, Nonconforming

Any sign which was erected legally prior to the adoption of this code, but which does not comply with subsequently enacted sign restrictions and regulations or a sign which does not conform to the sign code requirements.

Sign, Permanent

A sign permitted by this code to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground.

Sign, Pole

A permanent freestanding sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building.

Sign, Projecting

A sign that is affixed perpendicular to a building or wall and extends more than eighteen inches beyond the face of such building or wall and the lowest point of which sign is not less than ten feet above the sidewalk or ground level.

Sign, Sidewalk (A-Frame)

A freestanding sign which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition of T-frame signs. Such signs are placed on a public sidewalk, private sidewalk, or similar walkway, in a manner established in Section [1220.09](#).

Sign, Sidewalk (T-Frame)

A freestanding sign which is ordinarily in the shape of an upside down "T" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition for A-frame signs. Such signs are placed on a public sidewalk, private sidewalk, or similar walkway, in a manner established in Section 1220.09.

Sign, Temporary

A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and/or is intended for a limited period of display.

Sign, Wall

A sign attached directly to an exterior wall of a building and which does not extend more than eighteen inches from nor above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall.

Sign, Window

A sign attached to, in contact with, placed upon or painted on the window or door of a building which is intended for viewing from the outside of such building. This does not include merchandise located in a window.

Sign, Yard

Any temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

Skilled Nursing

Those nursing services and procedures employed in caring for the sick which require training, judgment, technical knowledge, and skills beyond those which the untrained person possesses. It involves administering medications and carrying out procedures in accordance with the orders, instructions, and prescriptions of the attending physician or surgeon.

Skilled Nursing Facility

A long-term or short-term residential facility that provides skilled nursing services in a facility that is not in a traditional dwelling type (e.g., single-family dwelling). Such facility shall not mean the same as "hospitals," "large residential facility," or "small residential facility." See also "personal care facility" or "institutional service facility."

Small Wind Energy Conservation Systems

A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics. SWETs shall have a rated capacity of not more than 60 Kilowatts, be intended primarily to produce energy for on-site power consumption and reduce the need to purchase utility power from the grid, and have the ability to sell power back to the grid.

Soil and Mineral Extraction Activities

See definition of "soil and mineral extraction."

Solar Energy Systems

A structure designed to utilize solar energy as an alternate for, or supplement to, a conventional energy system.

Speech, Commercial

Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

Speech, Noncommercial

Any sign, wording or logo that does not represent a commercial message or commercial speech. See also "speech, commercial."

Stacking Lane

A length of the vehicular use area where stacking spaces are lined up together in a lane.

Stacking Space

A portion of the vehicular use area on a site that is dedicated to the temporary storage or "standing" of vehicles engaged in drive-through use of the site or development.

Static, Instant Message Change

On electronic message centers, a static or instant message change is when one message changes to another message instantly without scrolling, flashing, or other movement of the message.

Storage and Distribution (Use Category)

The storage and distribution use category is characterized by use types that provide individual, self-contained units or areas leased to individuals, organizations, or businesses for storage of household and personal property, equipment, vehicles, goods, etc.

Story

The part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or, if there is no floor above, then the ceiling next above, and having a height consistent with the requirement of occupiable space as defined in the residential building code.

Story, Half

An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet, six inches.

Street

A public right-of-way 50 feet or more in width, which provides a public means of access to abutting property, or a public right-of-way more than 30 feet and less than 50 feet in width, provided that it existed prior to the effective date of this code. The term street includes avenue, drive, circle, road, parkway, boulevard, lane, place, highway, thoroughfare or any other similar term.

Street, Collector

Collector streets are designed to collect and distribute traffic between local access streets and other minor street streets to arterial streets and freeways.

Street, Cul-de-Sac

A street with a single means of ingress/egress and having a turnaround at the terminus.

Street, Dead End

A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

Street, Local

A street that is not a freeway, arterial, or collector street, intended to provide access exclusively to the properties abutting thereon.

Street, Major Arterial

Principal arterial streets are streets designed for the movement of large amounts of fast traffic between points of heavy traffic generation (e.g., freeways, large residential areas or business and industrial areas) and from one section of the community or communities to another. Major arterial streets have the widest right-of-ways and carry the largest volumes of traffic within the City.

Street, Minor Arterial

Minor arterial streets are intended to collect and distribute traffic in a manner similar to principal arterial streets, except that these streets service smaller traffic generating uses and areas within the City and can serve in place of collector streets for the purposes of moving traffic in between other collector streets and the freeway or other arterial streets.

Street, Stub

A street that terminates at a property line with the intention of future expansion to the adjacent property or development.

Structure

Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, freestanding signs, cabins, manufactured homes, and other similar items.

Structure, Accessory

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Structure, Nonconforming

A structure where the use is permitted in the applicable zoning district but the structure does not meet the setbacks, development standards, site development standards, or other dimensional or numerical standards for the applicable district.

Structure, Temporary

A structure permitted for limited duration with the intent that such use will terminate or the structure will be removed automatically upon expiration of the fixed time period. A temporary structure is without a foundation or footing.

Subdistrict

A portion or subdivision of a regular zoning district with special or separate provisions in replace of, or in addition to, the regular provisions of the standard district.

Subdivider

Any individual, firm, corporation or other legal entity commencing proceedings under this chapter to effect a subdivision of land for himself or herself or for another.

Subdivision Modification

A modification to any of the public improvement or subdivision design standards of [Chapter 1222: Subdivision Design](#), as authorized by the Planning Commission in accordance with Section [1226.07\(g\)](#).

Subdivision, Major

A subdivision that is not classified as a minor subdivision in Section [1226.06](#).

Subdivision, Minor

A division of a parcel of land along an existing street not involving the opening, widening or extension of any street or road and involving no more than three lots after the original tract has been completely subdivided. See further distinction in Section [1226.06\(b\)](#).

Swimming Pools (Outdoors)

A water filled enclosure, permanently or portable, having a depth of more than eighteen inches below the level of the surrounding land, or an above-surface pool, having a depth of more than 36 inches, designed, used and maintained for swimming or bathing by the residents, tenants, or occupants of the subject property.

Temporary Classrooms

A temporary structure that is temporarily used as classrooms in situations where an educational facility needs temporary space while planning for or constructing permanent space.

Temporary Events

A temporary use on private property that is not usual or customary for that property and the zoning district in which the subject property is located (e.g., festivals, circuses, and other temporary events).

Temporary Storage

A portable structure or container that allows for storage of goods or materials, on or off-site and which is not permanently affixed to a foundation. This category may be further divided into temporary storage for commercial uses and residential uses

Tennis and Other Recreational Courts (Outdoor)

An area of a yard that is permanently improved and surfaced for the recreational use of the property owner for games such as tennis, basketball, racquetball, and similar sports or games.

Theaters

Any building or part of a building used for the showing of motion pictures or for dramatic, dance, musical, live or pre-recorded performances. Such use may include a lobby area and refreshment stand for the patrons.

Tourism (Use Category)

The tourism use category is comprised of uses characterized by the attraction of large numbers of persons (e.g., assembly halls and conference centers) or the provision of lodging units or space for short-term stays of less than 30 days for rent, lease, or interval occupancy.

Trailer

Any vehicle or structure constructed in such a manner as to permit the conduct of any business, trade or occupation, or use as a selling or advertising device, or for storage or shipping of goods, equipment or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on streets and highways, drawn by a motor vehicle. See also "mobile home."

Trailer, Large Utility

Any trailer that is longer than eight feet.

Train Spurs and Yard Tracks

The extension of a railroad to provide direct access to a private property and where the extension of the railroad line is located on the private property. Yard tracks are where there is additional railroad tracks on the private lot to allow for temporary storage of rail cars.

Tree, Canopy

A tree that has an expected height at maturity greater than 40 feet and which produces significant shade because it has a crown that is oval, round, vase-shaped, or umbrella-shaped.

Tree, Deciduous

Generally, a tree that loses all of its leaves for part of the year. Sometimes called a broad-leaf tree or a hardwood tree.

Tree, Evergreen

A tree that remains green throughout the year.

Tree, Understory

A tree that has an expected height at maturity of no greater than 30 feet.

Type-B Day Care Home (1-6 Children)

A permanent residence of the provider in which child care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted; or as defined in the Ohio Revised Code.

Use

Any purpose for which a lot, building, or other structure, or land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a lot of land.

Use, Accessory

A use subordinate to and servicing the principal use or structure on the same lot and customarily incidental thereto.

Use, Conditional

A use which may be appropriate or desirable in a specified zone, but requires special approval through the Conditional Use Permit (See Section [1226.05](#).) because, if not carefully located or designed, it may create special problems such as excessive height or bulk or abnormal traffic congestion.

Use, Nonconforming

Any use lawfully being made of any land, building, or structure on the effective date of this code or any amendment thereto rendering such use nonconforming, which does not comply with all of the regulations of this code or any amendment thereto.

Use, Principal

The main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted or conditional.

Use, Temporary

A use that may be permitted for a specified period of time. Temporary uses may require a certificate of zoning in compliance with Section 1206.02 and may be subject to additional building and zoning requirements.

Utility Boxes

Any utility equipment or structure that does not meet the definition of a "Large Utility Structure."

Utility Facilities and Buildings

Buildings, structures, or facilities used by a public utility or similar agency for the provision of water, sewer, electric, and other public utilities that is not exempted as essential services. This use may include, but not limited to, electric substations, sewer plants, etc.

Variance

A modification of the strict terms of these 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 these regulations would result in a practical difficulty or unnecessary hardship. See Section 1226.10.

Vehicle Sales and Services (Use Category)

The vehicle sales and services use category is comprised of uses characterized by the direct sale and/or service of passenger vehicles, trucks, motorcycles, farm machinery, and other consumer motor vehicles intended for transport of goods or persons over land, water, or in the air; whether for recreation, commerce, or personal transport.

Vehicle Washing Establishments

A building that has its primary purpose as washing vehicle and may include self-service facilities or automatic washing facilities.

Vehicle, Commercial

Any vehicle that does not fall within the Class 1 (Light Duty) or Class 2 (Light Duty) vehicle classifications as designated by the Federal Highway Administration.

Vehicular Use Area

The entire paved area that encompasses all parking spaces, loading areas, stacking spaces, and the access drives that provide access to those spaces but that does not include the entry drive or driveway with no direct access to a parking space, stacking space, or loading space.

Veterinarian Offices or Animal Grooming (No Boarding)

A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding of animals being treated at the facility. This use type shall also include establishments where the primary service provided is the cleaning and grooming of domestic pets including bathing, brushing, combing, nail and hair trimming, etc., and where there are no boarding facilities.

Violation

The failure of a structure or other development to be fully compliant with these regulations.

Wall

An architectural partition with a height and length greater than its thickness; used to divide or enclose an area or to support another structure

Wall Offset

Projections or recesses organized in a random or repeating pattern along a building wall used to visually interrupt the mass of the façade plane.

Wall Opening

Openings in a façade wall that may include windows or doors.

Wall, Retaining

A retaining wall is a structure that holds back soil or rock from a building, structure or area. Retaining walls prevent downslope movement or erosion and provide support for vertical or near-vertical grade changes.

Warehouses

A business establishment primarily engaged in the storage of merchandise, goods, and materials, not including “self-storage facilities.”

Wholesale Establishments

An establishment for the sale of merchandise to retail and service commercial uses, office uses, or institutional uses, or to other wholesalers. Wholesale business may also mean acting as an agent or broker in the buying or selling of merchandise; but not selling to the general public.

Wireless Telecommunication Facilities (Antenna Only)

The establishment of a new wireless telecommunication facility through the attachment of an antenna to an existing tower, structure or building.

Wireless Telecommunication Facilities (New Towers)

The establishment of a new wireless telecommunication tower.

Wireless Telecommunication Facility

Any antennas, cables, towers, wires and equipment or facilities associated with the transmission or reception of communications as authorized by the FCC.

Wireless Telecommunication Tower

A structure that includes, but is not limited to, monopole, lattice and guyed towers on which telecommunication antennas are installed.

Wireless Telecommunications Antenna

An antenna designed to transmit or receive communications as authorized by the Federal Communications Commission (FCC), excluding amateur radio operators’ antennas.

Yard

An open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this code. See Section [1204.09\(a\)](#) for rules of measurement and determination for all yard types.

Yard, Front

A yard that extends across the front of a lot between the side lot lines, and being the minimum horizontal distance between the front lot line and the main building or the extension thereof, not including the usual steps and entryway. See Section [1204.09\(a\)](#).

Yard, Rear

A yard that extends across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the main building or the extension thereof, not including the usual steps and entryway. See Section [1204.09\(a\)](#).

Yard, Side

A yard that is located between the main building and the side lot line and extending from the front yard line to the rear yard line. See Section [1204.09\(a\)](#).

Zoning District

An area within the City limits for which the regulations and requirements governing use are uniform as defined by [Chapter 1204: Zoning Districts and Use Regulations](#).

Zoning District, Base

The base zoning district is the zoning district established for each property that includes any of the residential zoning districts, nonresidential zoning districts, or special zoning districts established in [Table 1204-1](#). A base zoning district may also be referred to as the underlying base zoning district in cases where a property is subject to an overlay zoning district.

Zoning District, Nonresidential

The term “nonresidential zoning district” shall include the O-1, O-2, B-1, B-2, B-3, BC-I, BC-H, BC-O, BC-F, UC-C, UC-S, I-1, I-2, and PI districts as well as any planned development where the uses are solely nonresidential. Nonresidential zoning district may also include any district that allows residential uses as part of a mixed use development or building.

Zoning District, Overlay

A district described by the zoning map within which, through super-imposition of a special designation, certain regulations and requirements apply in addition to those of the underlying zoning districts to which such designation is added.

Zoning District, Residential

The term "residential zoning district" shall include the R-1, R-2, R-3, R-4, R-5, BC-R districts as well as any planned development where the uses are solely residential.

Zoning Map

See "Official Zoning Map."