

TITLE I

GENERAL PROVISIONS

**CHAPTER 1101
AUTHORITY, INTENT**

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1101.01 TITLE

This Code shall be known, cited and referred to as: The City of Twinsburg Zoning and Development Regulations.
(Ord. 173-2000. Passed 12-17-2000)

1101.03 INTENT

The City of Twinsburg Zoning Code is adopted for the purposes of improving and protecting the public health, safety and welfare of the residents of the City; for the purposes of maintaining and enhancing the quality of life within the City; and for the purposes of preserving and enhancing environmental quality. These purposes are addressed in this Zoning Code by provisions design to assure compatibility of uses and practices within districts; by facilitating the economic provision of public utilities and services; by providing adequate public streets, roads and highways necessary to lessen congestion; by providing for the administration and enforcement of this Ordinance including the provision of penalties for its violation; the provision for sharing of development costs; and by provisions for other purposes stipulated in this Ordinance, the Ohio Revised Code, and under common law rulings. (Ord. 173-2000. Passed 12-17-2000)

1101.05 RELATIONSHIP TO THE COMPREHENSIVE PLAN

The City of Twinsburg sets forth in the City of Twinsburg Zoning Code regulations and performance standards to guide and control land development in conformance with the adopted Twinsburg Comprehensive Plan. The City of Twinsburg Zoning Code is intended to implement the goals, objectives and policies of Twinsburg Comprehensive Plan.
(Ord. 173-2000. Passed 12-17-2000)

1101.07 INTERPRETATION

In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the preservation of the public health, safety and welfare. Whenever the requirements of this Code conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall govern.

In the event that any question arises concerning the application of regulations, performance standards, definitions, or other requirements of the City of Twinsburg Zoning Code, the Chief Building Officer shall be responsible for interpretation. Interpretation shall be limited to standards, regulations, and requirements of this Code. Such responsibility shall not be construed to extend to include interpretation of any technical codes adopted by reference, nor shall it be

construed to substitute for any rights or responsibilities specified to any named commission, board or official.

The following applies to the interpretation of words used in this Code:

- A. Words used in this Code are normally used in their ordinary English usage. Certain terms are however, defined and wherever used in the Code, they shall have the meaning as set forth in Chapter 1105, except where their context clearly indicates a different meaning.
- B. The word "shall" is to be interpreted as mandatory and shall be complied with unless waived; "may" is to be interpreted as having permission or being allowed to carry out a provision; "should" is to be interpreted as expressing that the application of such criteria or standard is desired and essential unless commensurate criteria or standards are achieved.
- C. All words used in the singular shall include the plural, and all words used in the present tense shall include the future tense, unless the context clearly indicates the contrary.
- D. The phrase "used for" shall include "arranged for", "designed for", "intended for", "maintained for" or "occupied for".

(Ord. 173-2000. Passed 12-17-2000)

1101.09 SEVERABILITY

Sections and subsections of this Code and the several parts and provisions thereof are hereby declared to be independent sections, subsections, parts or provisions, and the holding of any such section, subsection, part or provision thereof to be constitutional, void or ineffective for any such cause shall not affect nor render invalid any other section, subsection, part of provision thereof.

(Ord. 173-2000. Passed 12-17-2000)

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**CHAPTER 1103
DUTIES AND POWERS**

1103.01	PURPOSE
1103.03	TWINSBURG CITY COUNCIL
1103.05	PLANNING COMMISSION
1103.07	BOARD OF ZONING APPEALS
1103.09	ARCHITECTURAL REVIEW BOARD
1103.11	ENVIRONMENTAL COMMISSION
1103.13	CHIEF BUILDING COMMISSIONER
1103.15	CITY ENGINEER

1103.01 PURPOSE

This Title sets forth the power and duties of the various judicial and administrative bodies, boards and commissions with respect to administration of the provisions of this Zoning Code. (Ord. 173-2000. Passed 12-17-2000)

1103.03 TWINSBURG CITY COUNCIL

Twinsburg City Council, as the municipal legislative body, shall make such laws as are necessary for the protection of public health, safety and welfare including laws regulating the use of the land. The stated or implied powers and duties in this Zoning Code do not exclude any and all powers of Council as granted by the Charter of the City of Twinsburg and the laws of the State of Ohio. For the purpose of this Zoning Code, Twinsburg City Council shall have the powers and duties described herein:

- A. Approve the appointments of members to all Boards and Commissions.
- B. Act upon a site plan upon a recommendation of the Planning Commission.
- C. Act upon a request for a conditional use certificate, upon a recommendation of the Planning Commission.
- D. Initiate or act upon proposed amendments to the Zoning Code text or Zoning Map. Final action upon a proposed zoning amendment shall be taken at or after a public hearing and after approval by a majority of the electorate, consistent with Section 7A.01 of the Charter of the City of Twinsburg.
- E. Override a recommendation of the Planning Commission provided that such legislative action is passed by a vote of five members of the City Council.
- F. Enter into Development Agreements binding the City and developers to the provision of specific public facilities and infrastructure.
- G. Approve appointments of Consultants to Commissions and Boards
(Ord. 173-2000. Passed 12-17-2000)

1103.05 PLANNING COMMISSION

Planning Commission shall have all powers to consider the following matters:

- A. To adopt and recommend to Council a Comprehensive Plan for the physical development of the City or to adopt and recommend the redevelopment of any area or district through the preparation of a Business Area Plan which shall include the location of streets and other public ways, parks, playgrounds, recreation areas and other public places;

- B. To review and recommend to Council plans and maps for dividing the City or any portion thereof into zones or districts representing the recommendations of the Commission in the interest of the public health, safety, convenience, comfort, prosperity or general welfare for the regulation and restriction of the location of buildings and other structures and of premises to be used for trade, industry, residence or other specified uses; the regulation and limitation of height of buildings and other structures to be erected or altered; regulation of bulk and location of buildings and other structures to be erected or altered, including the percentage of lot occupancy, setback building lines, and the area of yards, courts and other open spaces in such zones or districts.
- C. To Review all site plans required by this Code, and make recommendations to City Council as provided in this Code.
- D. To review all applications for conditional uses for a particular zoning lot according to provisions and criteria stated in this Code and make recommendations to City Council.
- E. Consider and make plans for the location, or vacation of public buildings, thoroughfares, public ways, open spaces, public and private utilities.
- F. To recommend to Council that a proposed use that is not listed or provided for in this Code is substantially similar to a principal or conditionally permitted use that is listed and provided for in this Code.
- G. To review all proposed amendments to the Zoning Code Text and/or Map and to submit to Council the Commission's recommendations with respect to such proposed amendments.
- H. To investigate and to propose on its own initiative such amendments to the Zoning Code which further the public health, safety and general welfare.
- I. To review plans for the completion, restoration, reconstruction, expansion, extension or substitution of nonconforming uses, buildings or site conditions for all uses where the enforcement of the regulations pertaining to nonconforming lots, buildings or uses will result in unnecessary hardship.
- J. To adopt rules and bylaws for the holding of regular and special meetings, for the transaction and disposition of its business and the exercise of its powers.
- K. Review proposals for subdivision of the land and platting of development.
- L. In reviewing impact statements as required by Chapter 1171, Planning Commission is empowered to grant variances of up to fifty percent (50%) of any setback for the purpose of avoiding or minimizing adverse environmental impacts.
- M. Review landscape plans.
- N. Evaluate and recommend consultants for land use and zoning issues.

(Ord. 173-2000. Passed 12-17-2000)

1103.07 BOARD OF ZONING AND BUILDING CODE APPEALS

For the purpose of this Zoning Code, the Board of Zoning and Building Appeals shall have the following powers and duties in addition to those granted by the Charter:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by Planning Commission, Architectural Review Board, or an administrative official in the administration or enforcement of this Zoning Code, unless otherwise provided in this code. In doing so, the Board must carry out the intent or purpose of this code. The Board shall not in the process of interpretation, vary the requirements of this code.

- B. In granting a variance or exception, the Board may impose such conditions as it deems necessary to protect the public health, safety, and welfare and in the furtherance of the purposes and intent of this Zoning Code.
 - C. The Board shall have the power to hear, determine and grant variances to yard, setback, height and area requirements of this Code under the following circumstances:
 - 1. Where practical difficulty or unnecessary hardship will result from the strict application of this Code, the Board shall have the power to vary or modify the regulations so that the spirit of this Code shall be observed, public safety secured, and substantial justice done; however, the Board shall not possess the authority or power to hear, determine, or grant variances to land use classifications, or signs as established by this Code.
 - 2. In every instance of granting a variance by the Board, there must be a showing by the Board that:
 - (a) The strict application of the provisions of the Zoning Code would result in practical difficulty or unnecessary hardship inconsistent with the general purpose of the intent of this Code.
 - (b) There are exceptional circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses in the same zoning district or neighborhood.
 - (c) The granting of such variance will not be of substantial detriment to the public interest or to property or improvements in such district in which the variance is sought, and will not materially impair the purpose of this Zoning Code.
 - 3. When granting a variance the Board shall provide a summary statement in the minutes describing the authority and circumstances justifying said variance.
 - D. The board may grant exceptions, in appropriate cases and subject to appropriate conditions and safeguards, to the application of these regulations in harmony with their general purpose and intent as follows:
 - 1. An extension or alteration of a non-conforming use may be authorized if:
 - (a) Such extension or alteration is necessary and incident to such existing nonconforming uses:
 - (b) Such extension or alteration is not a change in use or a substantial addition;
 - (c) Such extension or alteration will not be of substantial detriment to the public interest or to property or improvements in the neighborhood, and will not materially impair the purpose of this Zoning Code.
 - E. The Board shall not possess the authority or power to hear, determine or grant variances to land use classifications (i.e. uses nor permitted in the district classification) established by ordinance. The Board shall have the authority to hear appeals related to determinations of substantially similar uses as specified in Section 1143.13.
- (Ord. 173-2000. Passed 12-17-2000)

1103.09 ARCHITECTURAL REVIEW BOARD

The Architectural Review Board shall have the following responsibilities and powers in the administration of this Zoning Code.

- A. Review building permit applications, plans and specifications for construction of new buildings, or for remodeling affecting the exterior of buildings or structures as appropriate.
- B. Review applications for sign permits, except as exempted elsewhere in this code, and approve or disapprove the same.

- C. Review site plans referred to it by Planning Commission for improvements proposed in the C-5 Historic Office District and recommend to Planning Commission approval or disapproval of the same based on substantial compliance with the Gateway District Building and Site Design Standards Manual.
- D. Hear, review, grant or deny certificates of appropriateness where a change, alteration, or demolition of a historic site or structure is proposed.

Such review will be confined to building design, scale, materials and to the designs compatibility with adjacent uses and structures. No building permits shall be granted until the Architectural Review Board has taken action to approve the design, scale, materials and design compatibility of the proposed improvement. (Ord.173-2000. Passed 12-17-2000)

1103.11 ENVIRONMENTAL COMMISSION

The Environmental Commission shall have the following responsibilities:

- A. For all land use projects submitted to the Planning Commission the Environmental Commission shall provide conceptual review, preliminary appraisal of on-site impacts of development on environmentally sensitive areas, and provide written recommendations to the Planning Commission.
- B. The Environmental Commission shall provide, for all land use projects on land in the Public Facilities zoning district, conceptual review, preliminary on-site environmental impact assessment and provide written recommendations to the Planning Commission.
- C. The Environmental Commission shall monitor and make written recommendations concerning tree preservation efforts.
- D. The Environmental Commission shall document, investigate and recommend solutions to environmental complaints and concerns.
- E. The Environmental Commission shall review and make recommendations to the Administration and Council concerning wildlife management concerns.
- F. The Environmental Commission shall advise and make written recommendations to Council, the Administration and the Planning Commission concerning the inclusion and implementation of basic environmental standards into the codes, regulations and procedures which govern operation of the various departments of the City of Twinsburg.
- G. The Environmental Commission shall consider all matters referred to it by Council, Planning Commission and the Mayor. (Ord. 173-2000. Passed 12-17-2000)

1103.13 CHIEF BUILDING COMMISSIONER

The Chief Building Commissioner of the City of Twinsburg shall have the following duties and responsibilities in the administration of this code:

- A. The Chief Building Commissioner shall issue all building and zoning permits after appropriate reviews and approvals have been obtained.
- B. Supervise administration and enforcement of this Zoning Code.
- C. Act as the Building Inspector.
- D. Act as the Zoning Inspector.
- E. Keep and maintain all records related to land development, building and public improvements. (Ord. 173-2000. Passed 12-17-2000)

1103.15 CITY ENGINEER

The City Engineer shall have the following powers and responsibilities:

- A. Review all site plans relative to site infrastructure requirements and advise Planning Commission of same.
- B. Recommend to Planning Commission the classification of proposed subdivisions as "minor", "major" or exempt from the provisions of Section 711.001 (B) of the Ohio Revised Code and review subdivisions in accordance with this Zoning Code and Chapter 711 of the Ohio Revised Code.
- C. Advise Planning Commission and the Administration on issues related to capital improvements planning. (Ord. 173-2000. Passed 12-17-2000)

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CHAPTER 1105 DEFINITIONS

1105.01 DEFINITIONS (Ord. 173-2000. Passed 12-17-00; Ord. 112-2009. Passed 06.23.2009)

- A. Within the context of these regulations the following words shall have the following meanings:
1. **Abandon:** To leave, desert, or discontinue a use.
 2. **Absorption Area:** Any designed or natural pervious area capable of allowing water percolation.
 3. **Abut or Abutting:** To physically touch or border upon; or to share a common property line or be separated from such a common border by a right-of-way, alley, or easement.
 4. **Acre:** Means a unit of land equal to 43,560 square feet or 160 square rods. There are 640 acres to a square mile. The acre's equivalent is 0.405 hectares (4,047 square meters).
 5. **Accessory Use (Structure):** A use of land or structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same parcel with the principal use.
 6. **Addition (to an existing building):** Any walled or roofed expansion of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls in new construction.
 7. **Adult Care Facility:** A type of residential care facility, defined by Chapter 3722 of the Ohio Revised Code.
 8. **Adult Book Store or Adult Video Store:** a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas. (Ord.109-2006, Passed by Council 8-22-2006, Passed by Voters 11-7-2006)
 9. **Adult Cabaret:** a nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, whether or not alcoholic beverages are served, which regularly features persons who appear semi-nude. (Ord.109-2006, Passed by Council 8-22-2006, Passed by Voters 11-7-2006)
 10. **Adult Motel:** a motel, hotel, or similar commercial establishment which: (1) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, other photographic reproductions, or live performances which are characterized by the display of specified sexual activities or specified anatomical areas; and which advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of any on or off-premises advertising, including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; (2) offers a sleeping room for rent for a period of time that is less than 10 hours; or (3) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours. (Ord.109-2006, Passed by Council 8-22-2006, Passed by Voters 11-7-2006)

11. **Adult Motion Picture Theater:** a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration. (Ord.109-2006, Passed by Council 8-22-2006, Passed by Voters 11-7-2006)
12. **Adverse Impact:** Any potential or actual effect (impact) that is or may be harmful or injurious to human health, welfare, safety, or property, to biological productivity, diversity, or stability or which unreasonably interferes with the reasonable use of property, including outdoor recreation. The term includes secondary and cumulative as well as direct effects or impacts.
13. **Adversely Affected Person:** Any person who is suffering or will suffer an adverse effect to an interest protected or furthered by local government comprehensive plan, including but not limited to: interests related to health and safety; police and fire protection services; densities or intensities of development; transportation facilities; recreation facilities; educational facilities; health care facilities, equipment, or services; and environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons.
14. **Aesthetics:** Means a design term that describes the visual quality of buildings and spaces.
15. **Affordable Housing:** A dwelling unit(s) that is to be occupied by a person(s) whose annual rent or mortgage payments including taxes, insurance, and utilities, do not exceed thirty (30) percent of the median adjusted gross annual income for households within the City of Twinsburg.
16. **Agriculture:** Means purposes including farming, dairying, pasturage, horticulture, floriculture, viticulture, divaculture and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing of produce.
17. **Air Right:** The right to use space above ground level or above an existing structure.
18. **Alley:** A narrow street, passageway or service way, usually a public right-of-way, providing a secondary means of public access to abutting property and not intended for general traffic circulation.
19. **Alter or Alteration:** means changes made to a building or structure, including the construction of additions. Normal maintenance and repairs are not considered to be alterations.
20. **Amortization:** A method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time.
21. **Anatomical Waste:** human tissues, organs, or body parts removed by trauma, during surgery, autopsy, studies, or other hospital procedures, which are intended for disposal. Anatomical wastes are typically distinguished as recognizable human organs, tissue and body parts, and any require special treatment under some state regulations. (Ord. 40-2009, Passed 4-28-09)
22. **Annexation:** The incorporation of land area into an existing community with a resulting change in the boundaries of that community.
23. **Antenna:** Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, external to or attached to the exterior of any building (see Satellite Dish Antenna and Communications Tower).

24. **Apartment:** Means a multifamily building comprised of three or more dwelling units, separated from each other by fireproof walls, floors, and/or ceilings, or concrete, masonry or the equivalent, arranged one above the other and/or side by side.
25. **Appeal:** A request, through procedures described in the City of Twinsburg Zoning and Development Regulations, for a review by a higher authority of an action on an application, or an interpretation of the Twinsburg Zoning and Development Regulations (Ord. 112-2009. Passed 06-23-2009)
26. **Aquifer:** a water bearing stratum of permeable rock, sand, or gravel.
27. **Aquatic Bench:** A level bench around the inside perimeter of a permanent pool that is less than 1 foot deep, Normally vegetated with emergent plants, the bench augments pollution removal, provides habitat, conceals trash as water level drops, and enhances safety.
28. **Area of Shallow Flooding:** A designated AO, AH or VO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.
29. **Area of Special Flood Hazard:** The land in the flood plain identified by the floodway maps described in Subsection 1150.08.
30. **Automotive Salvage Yard:** Means an establishment or place of business which is maintained, used or operated, for storing, keeping buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.
31. **Auto Wash:** Means a building and land used for cleaning of passenger vehicles and which may include the retail sale of gasoline.
32. **Auxiliary (Subsidiary) Development:** See Subsidiary Development.
33. **Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood. (Ord. 112-2009. Passed 06-23-2009)
34. **Base (100-Year) Flood Elevation (BFE):** The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet). (Ord. 112-2009. Passed 06-23-2009)
35. **Basement (As specifically applied to Chapter 1150 Flood Damage Reduction Overlay District):** Any area of the building having its floor sub grade (below ground level) on all sides. (Ord. 112-2009. Passed 06-23-2009)
36. **Berm:** Means an earth mound that is designed to serve as a visual buffer.
37. **Best Management Practices (BMP):** Techniques used to lessen the environmental impacts of land disturbance. These techniques may involve structures, vegetation, or altering construction operations.
38. **Biodiversity:** A measure of the number of natural community types, different species, and genetic variants of species found in a given area.
39. **Block:** Means a piece of parcel of land entirely surrounded by public or private roads, railroad rights of way, streams, lakes, or other bodies of water or a combination of the aforesaid boundaries.

40. **Board:** Means the Board of Zoning and Building Code Appeals.
41. **Boarding House:** See Rooming House.
42. **Bog:** A peat accumulating wetland that has no significant inflows or outflows and supports mosses, particularly *Sphagnum* spp.
43. **Boundary Line:** A delineation that indicates or defines limits between differing areas.
44. **Breakaway Wall:** Any type of wall(s) constructed using approved materials, which is not part of the structural support of a building and which is designed to break away under abnormally high tides or wave action without damage to the structural integrity of the building on which it is used.
45. **Buffer Zone:** Means a zone in the form of a strip of land usually a landscaped open area, designed to separate incompatible land uses.
46. **Building Area:** Means the land area of a given lot that is potentially available for construction after all zoning and other municipal requirements have been fulfilled. Buildable area would exclude required yards and areas on which construction may be prohibited, such as floodplains.
47. **Building:** Means a structure which is permanently affixed to the land, having one or more floors and a roof, being bounded by either open space or lot lines, and used as a shelter or enclosure for humans or animals or an enclosure for personal property or goods. "Building" may be used synonymously with "structure", and unless otherwise noted, shall be construed as if followed by the words "part or parts" thereof.
48. **Building (Accessory):** Means a detached building whose purpose is related to, but subordinate to, that of the principal building on the same parcel of land. Detached garages, tool sheds and barns are all examples of accessory buildings.
49. **Building (Main or Principal):** Means the building occupied by the main use or activity on or intended for the premises, all parts of which building are connected in substantial manner by common walls and a continuous roof.
50. **Building Code:** Means the ordinance adopted by the City that prescribes minimum standards for the construction of buildings within the boundaries, of the City.
51. **Building Common Wall (Party):** Means a wall shared by two buildings or used to separate units within a building.
52. **Building Frontage:** Means the facade of a building which faces the principal street, or the facade which contains the main entrance to such building.
53. **Building Height:** Means the vertical distance measured from the highest point of the coping of a flat roof, or the deck line of a mansard roof, or the mean height level between the eaves and ridge of a gable, hip, and gambrel roof to the average finished grade across the face of the building containing its principal entrance.
54. **Building Permit:** Means a permit that the City issues before such activities as construction, substantial rehabilitation or alteration can legally take place.
55. **Building Site:** That part of a parcel of land designed to be occupied by the principal building and such accessory buildings or uses customarily incidental to it.
56. **Building and Zoning Inspector:** Means the duly acting building official of the City.
57. **Bylaws:** Means a set of rules that provide for the organization and ongoing operations of a legal body or entity, such as a homeowner's association.
58. **Canopy:** A roof-like cover that is nonpermanent in nature and projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

59. **Capacity to Serve Determination:** An evaluation made by the City of Twinsburg that sufficient capacity for public facilities and/or services is available to serve the proposed development.
60. **Centralized Sewerage System:** Means that individual lots are connected to a common disposal system whether publicly or privately owned and operated.
61. **Certified Survey:** A scaled drawing of the boundaries of a parcel of land containing a written legal description of the property, and a statement regarding its accuracy or conformity to specified standards certified and signed by the registered land surveyor under whose supervision the survey was prepared.
62. **Change of Use:** Any use which substantially differs from the previous use of a building or land, or is in a different zoning category, as defined in this Code, than the proposed use.
63. **Characterized by:** describing the essential character of quality of an item. (Ord.109-2006, Passed by Council 8-22-2006, Passed by Voters 11-7-2006)
64. **Chief Building Commissioner (CBC):** The person designated by the Mayor as the chief building official of the City of Twinsburg.
65. **Child Day Care Center:** Means any place in which child day care or publicly funded child day-care is provided for thirteen or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child day-care or publicly funded child day-care is provided for seven to twelve children at one time. In counting children, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted.
66. **City:** Means the City of Twinsburg.
67. **City Engineer:** Means a duly designated City Engineer of the City of Twinsburg the Engineer assigned by the City to any specific project.
68. **City Planner:** Means the certified professional planner duly designated as the City Planner and assigned by the City to any specific project.
69. **Clerk:** Means the duly acting Clerk of Council.
70. **Cluster Development:** Means a development approach in which building lots may be sited closer together, usually in groups or clusters.
71. **Common Land or Area:** Means land set aside in a subdivision or development area created for common usage by residents within the subdivision or development area and controlled by a private corporation or by an association with restrictions, easements, covenants, or other conditions running with the land.
72. **Communications Tower:** A structure situated on a nonresidential site that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for dispatch communications (see Antenna and Satellite Dish Antenna).
73. **Community Center:** A building used for recreational, social, educational or cultural activities, usually owned and operated by a public or nonprofit group or agency.
74. **Community Facilities Plan:** Means that plan which shows the location and extent of existing and planned parks, playgrounds, schools, other public land and building, duly adopted and of facially accepted, separately or as a part of the Comprehensive Plan.
75. **Compatibility:** The ability to locate new land uses beside existing land uses without inflicting negative impacts.
76. **Comprehensive Plan:** Means the plan and statement of the planning objectives and recommendations prepared by or for the City of Twinsburg and adopted indicating the

- general location and extent of desirable future land development, community facilities, capital improvements, and transportation facilities for said City.
77. **Concurrency:** A condition where specified public facilities and services have, or will have, the necessary capacity to meet the adopted Level of Service Standard (LOSS) at the time of impact of a development project.
78. **Concurrency Management System:** The procedures and/or process(es) that the local government will utilize to ensure that zoning certificates and permits are not issued unless the necessary public facilities and services are available concurrent with the impacts of development.
79. **Conceptual Review:** Means an informal review of a proposed development prior to submission of a detailed development plan.
80. **Conditional Use:** Means an uncommon or infrequent use which may be permitted in specific districts, subject to compliance with certain standards and explicit conditions set forth in this Code and subject to the granting of a Conditional Use Permit.
81. **Condominium:** A building or group of buildings in which units are owned individually, and common areas and facilities are owned by all the unit owners on a proportional basis. It is a legal form of ownership and not a specific building style. See Ohio Revised Code Section 5311.01.
82. **Congregate Housing:** Means a residential development designed to accommodate individuals, most often elderly, who are unable or do not wish to provide living arrangements for themselves. Services most commonly associated with congregate housing include food preparation, dining and housekeeping but may also include medical, social, and recreational services.
83. **Conservation Easement:** Written authorization by a property owner relinquishing rights to modify a designated part of the owned property so as to preserve it in a natural state.
84. **Contiguous:** Next to, abutting, or touching and having a boundary or portion thereof, which is coterminous.
85. **Council:** Means the Council of the City of Twinsburg.
86. **County:** Means the Summit County, Ohio.
87. **Court:** Means an open space, other than a yard, bounded on two or more sides by the exterior walls of a building.
88. **Critical Habitat:** May be defined as either of the following:
 - (a) The specific location within a geographic area currently occupied by a species, at the time it is listed in accordance with the Endangered Species Act (16 U.S.C.A. section 1531 *et seq.*, as amended) on which are found those physical or biological features essential to the conservation of the species, and that may require special management considerations or protection.
 - (b) Specific locations outside the geographical area occupied by a species at the time it is listed in accordance with the Endangered Species Act, upon a determination by the Secretary of the Department of the Interior, that such areas are essential for the conservation of the species.
89. **Data:** Means known or collected facts that can be analyzed and interpreted so that conclusions may be drawn.
90. **Dedication:** Means the transfer of land or an interest in land (e.g., a right-of-way or easement) by its owner to public ownership, to be used for a public purpose.

91. **Deed:** Means a written instrument by which the owner of real estate (grantor) conveys his land, or an interest in his land, to another (grantee).
92. **Deed Restriction:** A restraint on the use of land, usually set forth in the deed, which runs with the land and is binding upon subsequent owners of the property.
93. **De Minimis Development:** A proposed development that relates to a land use of such a low intensity as to have a minimum effect upon the Level of Service Standards (LOSS). De minimis developments shall include one (1)- and two (2)- family dwellings on existing platted lots, ten (10) percent gross floor area additions, interior renovations where no change resulting in a higher intensity or density occurs, and development within designated deferral areas where the total net increase in project trip generation does not exceed one hundred (100) per day.
94. **Design Continuity:** Means a principle of design wherein one or more elements within the natural or man-made environment provide a unifying or connection feature for a particular setting.
95. **Design Plan:** Means a plan prepared by the City for complementing components of the Comprehensive Plan and may include, but is not limited to, the design, bulk, use, height, location and arrangements of buildings and parking in respect to streets, open spaces, other structures and natural features.
96. **Design Standards:** Means a set of guidelines defining parameters to be followed in the design of a building or in site development.
97. **Density, Gross:** The total number of dwelling units per acre in a development divided by the total site area in acres.
98. **Density, Net:** The total number of dwelling units per acre divided by the total site area in acres excluding public rights-of-way, easements, water areas, and lands with environmental constraints.
99. **Density Conversion Factor(s):** One (1) or more multipliers used to calculate the residential density equivalents for certain institutional or quasi-residential land uses.
100. **Design Storm:** A rainfall event of specified size and return frequency (e.g., a storm that occurs only once every 2 years) which is used to calculate the runoff volume and peak flow rate.
101. **Detention:** The collection and storage of surface water for subsequent gradual discharge.
102. **Developer or Subdivider:** Means any person, partnership, firm syndicated, trust , corporation, or other legal entity commencing proceedings under these regulations to effect the subdivision and improvement of land.
103. **Development:** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials. The term "development" may include activities described as "redevelopment".
104. **Development (as specifically applied to Chapter 1150 Flood Damage Reduction Overlay District);** Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. (Ord112-2009. Passed 06.23.2009)
105. **Development Area:** Means any contiguous area owned by a developer to be developed in accordance with these regulations.

106. **Development Permit:** The formal permission to erect, construct, reconstruct, alter, raze, move, or remove improvements or otherwise develop land within the City of Twinsburg. This includes, but is not limited to, building permits, sign permits, tree removal permits, etc.
107. **Development Right:** A legal claim (authority) to convert a tract of land to a specific purpose by construction, installation or alteration of a building, structure, or other improvements.
108. **District:** A portion of the territory of the City of Twinsburg within which certain regulations and requirements uniformly apply under the provisions of this Code.
109. **Drainageway:** Any natural or artificial watercourse, trench, ditch, swale or similar depression into which surface water flows.
110. **Drip Line:** An imaginary perpendicular line that extends downward from the outermost tips of the tree branches to the ground.
111. **Drive-thru establishment:** an establishment accommodating the patron's automobile, where the automobile may be driven into the structure, and from which the vehicle's occupant may receive a service or purchase products from the establishment. (Ord. 102-2010, Passed 9-14-2010)
112. **Drive-up service window** - a building opening (window, door or mechanical device) through which occupants of a motor vehicle receive or obtain a product or service. (Ord. 102-2010, Passed 9-14-2010)
113. **Dwelling:** Means a building designed and occupied exclusively for residential purposes. An attached garage shall be considered a part of a dwelling.
114. **Dwelling, Multifamily:** Any residential structure containing two (2) or more separate dwelling units.
115. **Dwelling Unit:** Means space, comprised of living, dining and sleeping rooms, storage closets and the space and equipment for cooking, bathing and toilet facilities, all used by one family. "Dwelling unit" does not include a tent, cabin, trailer or mobile home.
116. **Dwelling Unit Area:** Means the sum of the gross floor areas above the basement level, including those rooms and closets, having the minimum ceiling height, light, ventilation and other features as required by the this Code.
117. **Earth Disturbing Activity:** Means any grading, excavating, filling or other alteration of the earth's surface where natural or man-made ground cover is destroyed and which may result in or contribute to erosion and sediment pollution.
118. **Easement:** A grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.
119. **Easement, Attachment:** An easement granted by a property owner that allows a second adjacent property owner to attach a structure to one owned by the first property owner.
120. **Elderly (Senior) Housing:** Means a residential structure designed specifically to provide for the special housing needs of persons over age 55, including any and all special safety and convenience features as required in buildings qualifying for governmental housing assistance for the elderly.
121. **Elevation:** Means (1) a scale drawing of the view of one side of a building or structure that indicates location and dimensions of doors and windows, floor-to-floor heights and the final grade level of the ground adjacent to the building in relation to the floor level. Elevation generally show the types of wall finishes -- such as wood, stone, brick, metal,

- and glass --- and architectural details, such as style of doors, windows and exterior stairs; and (2) the altitude above sea level.
122. **Elevated Building:** A nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation, perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.
 123. **Enclosure Below the Lowest Floor:** See “Lowest Floor. (Ord. 112-2009. Passed 06-23-2009)
 124. **Endangered Species:** A native Ohio plant species listed or designated by the Ohio Department of Natural Resources as endangered pursuant to Section 1518.01 of the Ohio Revised Code, and animal species listed or designated as endangered by the Ohio Department of Natural Resources pursuant to Section 1531.25 of the Ohio Revised Code; or any plant or animal species that is native to Ohio or that migrates or is otherwise reasonably likely to occur within the State which has been listed as endangered pursuant to Section 4 of the Endangered Species Act, (16 U.S.C.A. 1531 *et seq.*, as amended).
 125. **Engineer:** Means a professional civil engineer authorized to practice engineering by virtue of registration under statues of the State of Ohio.
 126. **Erect:** To construct, build, raise, assemble, place, affix, attach or create.
 127. **Entertainment Establishment:** any of the following: adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, semi-nude model studio, sexual device shop, or sexual encounter center. As applied in these regulations, no use shall be classified as an Entertainment Establishment by virtue of showing, selling or renting materials rated NC-17 or R by the Motion Picture Association of America. (Ord.109-2006, Passed by Council 8-22-2006, Passed by Voters 11-7-2006)
 128. **Establishment:** (1) to open or commence operation of an Entertainment Establishment; (2) to convert an existing business, whether or not an Entertainment Establishment, to an Entertainment Establishment: or (3) to add any Entertainment Establishment to any other existing Entertainment Establishment. This definition is applicable to Sections 1149.04, 1149.06 and 1149.13 only. (Ord.109-2006, Passed by Council 8-22-2006, Passed by Voters 11-7-2006)
 129. **Executive Order 11988 (Floodplain Management):** Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative. (Ord. 112-2009. Passed 06-23-2009)
 130. **Existing Use:** The use of a lot, parcel or structure at the time of the enactment of this Code.
 131. **Family:** Means one or more persons occupying a premise and living as a single housekeeping unit, whether or not related to each other by birth or marriage.
 132. **FAR:** See Floor Area Ratio.
 133. **Fast Food Restaurant:** A restaurant that provides a menu of previously prepared or quickly prepared foods that customers order at a drive-up window on the premises for consumption on the premises or off premises.
 134. **FEMA (Federal Emergency Management Agency):** The agency with overall responsibility for administering the National Flood Insurance Program. (Ord. 112-2009. Passed 06-23-2009).
 135. **Fill:** A deposit of earth material placed by artificial means. (Ord. 112-2009. Passed 06-23-2009).

136. **Fence:** A man-made barrier of any material or combination of materials erected to enclose or screen areas of land.
137. **Final Plan:** Means the final plan prepared by a developer based on the preliminary plan of a proposed development or development area, which consists of detailed drawings, specifications, cost estimates and agreements for the construction of site improvements and buildings for the proposed development or development area.
138. **Final Plat:** Means the final map of a proposed subdivision prepared by a registered surveyor for a developer which is presented to the Planning Commission for review and approval by Council whose action is in accordance with these regulations and Chapter 711 of the Ohio Revised Code.
139. **Finance Director:** Means the Finance Director of the City of Twinsburg.
140. **Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from:
- (a) The overflow of inland or tidal waters.
 - (b) The unusual and rapid accumulation or runoff of surface waters from any source.
141. **Flood Hazard Boundary Map (FHBM):** Usually the initial map produced by the Federal Emergency Management Agency, or U.S. Dept. of Housing and Urban Development, for a community depicting approximate special flood hazard areas. (Ord. 112-2009. Passed 06-23-2009).
142. **Flood Insurance Rate Map (FIRM):** An official map on which the Federal Emergency Management Agency or the U.S. Dept. of Housing and Urban Development has delineated the areas of special flood hazard. (Ord. 112-2009. Passed 06-23-2009).
143. **Flood Insurance Risk Zones:** Zone designations on FHBMs or FIRMs that include the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:
- Zone A:
Special flood hazard areas inundated by the 100-year flood, base flood elevations are not determined.
 - Zone A1-30 and Zone AE:
Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.
 - Zone AO:
Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
 - Zone AH:
Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.
 - Zone A99:
Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.
 - Zone B and Zone X (shaded):
Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.
 - Zone C and Zone X (unshaded):

Areas determined to be outside the 500-year floodplain
(Ord. 112-2009. Passed 06-23-2009)

144. **Flood Insurance Study (FIS):** The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood. (Ord. 112-2009. Passed 06-23-2009).
145. **Flood Plain:** Means the designated areas shown on the flood hazard maps of the City of Twinsburg, prepared by the United States Department of Housing and Urban Development, Federal Insurance Administration, and the Federal Emergency Management Agency; which are subject to periodic flooding from a 100 year frequency storm.
146. **Flood Protection Elevation:** The Flood Protection Elevation, or FPE, is the base flood elevation plus one foot [1'] of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator. (Ord. 112-2009. Passed 06-23-2009).
147. **Flood, Regulatory Base:** The flooding having one (1) percent chance of being equaled or exceeded in any given year.
148. **Flood Boundary and Floodway Map (FIRM):** An official map of a community on which the FEMA has delineated both the special areas and the risk premium zones applicable to the community.
149. **Flood Plain:** Land which will be inundated by floods known to have occurred or reasonably characteristic of what can be expected to occur from the overflow of inland or tidal waters and the accumulation of runoff of surface waters from rainfall.
150. **Floodway:** A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community. The floodway is an extremely hazardous area, is usually characterized by any of the following: moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces. (Ord. 112-2009. Passed 06-23-2009).
151. **Floor Area Ratio (FAR):** A mathematical expression of land use intensity calculated by dividing the gross floor area of a building by the area of the lot on which it is located, i.e.,
- $$\frac{\text{Gross Floor Area}}{\text{Parcel Area}} = \text{FAR}$$
152. **Floor Area (Gross):** The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.
153. **Floor Area (Minimum):** Means the required minimum number of square feet of floor area of a dwelling unit or structure.

154. **Floor Area (Net):** Means the total floor area of a structure minus the square footage devoted to elevator shafts, stairwells, interior space used for parking or loading, equipment and utility rooms, and basement areas.
155. **Foot-Candle:** The illumination shed by one (1) candle on one (1) square foot at a distance of one (1) foot.
156. **Forebay:** A distinct area near an inlet of a pond to enhance deposition of incoming sediments.
157. **Freeboard:** A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed. (Ord. 112-2009. Passed 06-23-2009).
158. **Front Yard:** Means the yard extending from the front wall of a building to the front lot line across the full width of the lot.
159. **Functionally Dependent Facility:** A facility which cannot be use for its intended purpose unless it is located or carried out in proximity to a resource. For example, docking or port facilities necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities require water in order to function The term does not include long-term storage, manufacture, sales, or service facilities.
160. **Future Land Use Map:** A graphic representation of the land use categories used in the City and their placement on the land adopted as part of the City of Twinsburg Comprehensive Plan and used as the regulatory map for implementation of the Comprehensive Plan and this Code. It may also be known as the "Land Use Map" or "future Land Use Map Series".
161. **Future Land Use Plan (FLUP):** The element of the adopted Comprehensive Plan which contains the land use goals, objectives, and policies of the City, and map of the future location of land uses categories within the City of Twinsburg. This element may also be referred to as the "Land Use Plan".
162. **Future Traffic Circulation Map Series:** Maps which identify existing and future rights-of-way, functional classifications and number of roadway lanes based on the Transportation Element and the Future Land Use Element of the Comprehensive Plan and on conformity with the Metropolitan Planning Organization (MPO) and Ohio Department of Transportation, (DOT) transportation plans. The Map Series may also be known as the "Thoroughfare Plan".
163. **Game Room or Amusement Arcade:** Means a place of business wherein a building or any part of a building has more than two mechanical and electronic amusement devices which are used for the purpose of public entertainment through the operation, use or play of any amusement devise *which is* operated by placing therein any coin, plate, disc, plug, key or token of value, or by the payment of a fee.
164. **Grade (Established Street):** Means the elevation established by the City of Twinsburg at the roadway, centerline or curb in front of the lot.
165. **Grade (Finished):** A reference plane representing the average of final ground level adjoining the building at all exterior walls after all site preparations have been completed.

166. **Grade (Natural):** Means the elevation of the undisturbed natural surface of the ground prior to an excavation or fill.
167. **Grading:** Earth-disturbing activities including excavation, cutting, filling, stockpiling, or any combination thereof.
168. **Greenhouse:** A structure used for cultivating plants that require controlled temperature and humidity.
169. **Group Home:** Means a residential facility designed to accommodate a group of individuals, usually physically impaired or with emotional or social problems, living as a family unit in a non-institutional, neighborhood setting.
170. **Gross Leasable Area (GLA):** The total floor area for which the tenant pays rent and which is designed for occupancy and exclusive use by the tenant. GLA is expressed in square feet and measured from the center line of joint partitions and from outside wall faces.
171. **Ground Cover:** Low-growing plants planted in such a manner as to form a continuous cover over the ground.
172. **Group Care Facility:** See Residential Care Facilities.
173. **Guest House:** A dwelling operated by a non-resident owner to provide short term living and sleeping accommodations to unrelated individuals whether or not any charge is made for the accommodations.
174. **Hardship Relief:** Permission to deviate from the literal standards or requirements of this Code because certain circumstances exist under which strict application of the Code would result in a hardship as provided in Chapter 1199.
175. **Hatracking:** Crown trimming of trees which effectively removes more than one quarter (1/4) of the tree crown.
176. **Historic Structure:** Any Structure that is:
 - Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
 - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
 - Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office; or
(Ord. 112-2009. Passed 06-23-2009).
177. **Historic Tree:** A tree which has been found by a professional forester, horticulturist or other professional plantsman to be of notable historic interest to the City of Twinsburg because of its age, type, size or historic association.
178. **Home Occupation:** Means a conditionally permitted use complying with the provisions of this Code and conducted by members of a resident family wholly within a dwelling.
179. **Home Office of Convenience:** A use located within a residence for the purpose of sending and receiving communications, maintaining records, and other similar functions,

- but where no business is conducted other than by phone, mail, or electronically, and no persons are employed on the site other than the occupants of the residence.
180. **Home Owners Association:** Means an organization operating under a recorded land agreement through which each lot owner in a subdivision or development is a member and/or each lot is subject to changes for a proportionate share of the expenses for the organization's activities, such as but not limited to maintenance of common land or roads.
181. **Home Professional Office:** (See also Home Office of Convenience) Means an office in a dwelling occupied by a person practicing a profession enumerated in this Code.
182. **Hotel-Motel:** Means a building containing rooms for the temporary accommodation of transients which may provide a variety of rooms for dining, entertainment, exhibition, and convention or sales activities as well as personal services for guests.
183. **Hydrograph:** A graphic representation of the variation of drainage flow with time in relationship with a particular storm frequency.
184. **Hydrologic and hydraulic engineering analysis:** An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries. (Ord. 112-2009. Passed 06-23-2009).
185. **Hydrologically Isolated Wetland:** Wetlands which have the following characteristics:
- (a) No significant water connection to a surface water of the state. Have a location outside of, and not contiguous to, any one hundred (100) year flood plain.
 - (b) Have no contiguous hydric soil between the wetland and an surface water of the state.
186. **Impervious Surface:** Any surface or material which reduces or prevents absorption or infiltration of water into previously pervious land.
187. **Impervious Surface Ratio (ISR):** A mathematical expression determined by dividing the total impervious surface of a site by the gross area of the site.
188. **Improvement:** Any immovable man-made object, or permanent landscaping which becomes part of, placed upon, or affixed to real estate.
189. **Infill Development:** The addition of new housing or other buildings on scattered vacant sites or platted lots in a developed area or subdivision.
190. **Infiltration:** The gradual downward flow of water from the surface through soil to groundwater.
191. **Intensity:** The degree to which land is used and/or the density of development. (There is no single measure of the intensity of land use. Rather, a land use is relatively more or less intense than another use. A particular use may be more or less intense than another use. A particular use may be more intense due to one or more characteristics, such as traffic generated, amount of impervious surface, bulk of the structures, number of employees, density, or nuisances such as pollution, noise, light, etc.)
192. **Intermittent Stream:** A stream or portion of a stream that is dry for a portion of the year, ordinarily more than three (3) months. It is delineated on USGS maps by dashed lines.
193. **Kennel:** Means a building or structure used to board and care for dogs, cats and domestic animals or exotic pets.
194. **Land Use:** The development, activity, or use that has occurred on or is proposed for the land.

195. **Land Use Category:** A categorization or grouping of activities (land uses) according to common characteristics. (For the purposes of these regulations, land use classifications are those described in the Land Use Element of the adopted Comprehensive Plan and shown on the Land Use Plan Map.
196. **Land Use Map:** Means a map that depicts selected categories of land use in a geographic area as well as other major features, such as political boundaries, transportation arteries and water bodies.
197. **Land Use Plan:** Means a generalized scheme or proposal regarding how land is to be used.
198. **Landscaping:** The improvement of appearance or beautification of an area by the planting of trees, grass, shrubs, or other plant materials, and/or by the alteration of the contours of the ground.
199. **Law Director:** Means the duly designated Director of Law of the City of Twinsburg.
200. **Letter of Map Change (LOMC):** A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:
- Letter of Map Amendment (LOMA)
A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.
- Letter of Map Revision (LOMR)
A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.
- Conditional Letter of Map Revision (CLOMR)
A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies
(Ord. 112-2009. Passed 06-23-2009)
201. **Level I Review:** An informal review that includes a pre-application conference, a capacity to serve determination, a design review of a preliminary site plan, and assessment of compatibility.
202. **Level II Review:** A formal review requiring an application that involves evaluating a development proposal at the Final Site Plan approval stage. A Level I Review must occur prior to submittal of an application for a Level II Review.
203. **Level of Service (LOS):** An indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of the facility. LOS indicates the capacity of a facility per unit of demand.

204. **Loading Space:** Means an open or enclosed space, other than a street, used for temporary parking of a commercial vehicle while its goods are being loaded or off loaded.
205. **Lot:** Means a parcel of land for the purpose of sale, lease, separate use, or ownership either existing or proposed and described on a subdivision plat, survey map, or by metes and bounds on a deed. Such parcel should meet current applicable minimum zoning requirements for area, yards, width, depth, and open space. Such parcel shall have the minimum lot width of the district on a public or private road.
206. **Lot Area:** Means the total horizontal area included within the boundary lines of a lot computed exclusive of any portion of the right-of-way of any public or private road unless otherwise specified by this Code.
207. **Lot Coverage:** Means the percentage of total lot area that is occupied by the horizontal area of all buildings or structures on a lot.
208. **Lot Line:** Means the boundary of a lot which separates it from adjoining lots, public land, private land, common, public or private open spaces, and public or private roads.
209. **Lot Line, Front:** Means the boundary of a lot which abuts a public or private road. In the case of a corner lot it shall be the shortest dimension on that road or, if the dimensions of a corner lot are equal on both roads, then the front lot line shall be designated by the Engineer.
210. **Lot Line, Rear:** Means the boundary of a lot which is parallel or within forty-five degrees of being parallel to the front lot line.
211. **Lot Line, Side:** means any boundary of a lot which is not a front lot line or is a rear lot line.
212. **Lot, Measurements:** Means a lot shall be measured as follows:
- (a) **Depth:** means the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
 - (b) **Width:** means the distance between straight lines connecting the front and rear lot lines at each side of the lot and measured continuously at all points along said straight lines between the front lot line and the minimum building setback line inclusive, unless otherwise specified by this code.
213. **Lot (Nonconforming):** Means a lot existing lawfully at the time this Code, or an amendment thereto, became effective but which does not conform to the lot area, width, access or other requirements of the district in which it is located.
214. **Lot of Record:** Means a lot under one ownership shown as a separate unit on the last preceding tax roll of the County, and either as a separate lot on a subdivision plat recorded in the office of the County Recorder or a lot described by metes and bounds on a deed or instrument or conveyance, the description of which has been so recorded.
215. **Lot Types:** lots shall be classified as follows:
216. **Corner Lot:** means a lot located at the intersection of two or more streets.
217. **Double Frontage Lot:** means a lot other than a corner lot with frontage or front lines on more than one street. A double frontage lot may also be referred to as a through lot.
218. **Interior Lot:** means a lot other than a corner lot with only one front line on a street.
219. **Lowest Floor:** The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an “enclosure below the lowest floor” which is an unfinished or flood-resistant enclosure useable solely for parking vehicles, building access or storage, in an area other than a basement area; provided that such enclosure is

- built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest. (Ord. 112-2009. Passed 06-23-2009)
220. **Main Use:** Means the principal use of an activity conducted in a building or other structure or on the land.
221. **Major Thoroughfare Plan:** Means the plan and recommendations prepared and adopted by the municipality indicating the general location and extent of existing and planned streets, roads, and other transportation facilities for the City. The major thoroughfare plan may be adopted separately or as a part of a comprehensive plan.
222. **Manufactured Home:** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code. (Ord. 112-2009. Passed 06-23-2009)
223. **Manufactured Home Park:** As specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government. (Ord. 112-2009. Passed 06-23-2009)
224. **Map:** Means a drawing showing the boundaries of a lot or subdivision, streets, and roads, and other information as required in these regulations.
225. **Mapped stream:** A perennial or intermittent stream as illustrated on a U.S.G.S. 7 minute quadrangle map or noted on a Soil and Water Conservation Service Soils Survey of Summit County.
226. **Mayor:** means the Mayor of the City of Twinsburg.
227. **Mechanical Amusement Device:** Means a machine, device or instrument that upon the insertion of a coin, plate, disc, plug, key or token of value, or payment of money operates or may be operated for use as a game, contest of skill or amusement of any description. Use of a building or any part of a building for a mechanical amusement device shall be an accessory only to a permitted main use.
228. **Medical Waste** (also known as **clinical waste**): refers to waste products that cannot be considered general waste, produced from healthcare premises, such as hospitals. Many medical wastes classified as infectious or biohazardous could potentially lead to the spread of infectious disease. Examples of infectious waste include blood, potentially contaminated sharps such as needles and scalpels and identifiable body parts.
229. **Metes and Bounds:** A method of describing the boundaries of land by compass bearings and distanced from a known point of reference.
230. **Minimum Yard Distance:** Means the distance between the nearest point of a building or parking area which intersects the adjacent lot line at a ninety (90) degree angle.
231. **Mini-storage Facility:** A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

- (a) A mini-storage facility located in a commercial land use category may only be used for the storage of a customer's personal property
 - (b) A mini-storage facility located in an industrial land use category may be used not only for storage, but for other activities as determined by the facility's owner.
232. **Mitigation:** A final step in the wetland regulatory process that means restoration, creation, enhancement or, in exceptional circumstances, preservation of wetlands expressly for the purpose of compensating for unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization have been achieved.
233. **Mobile Home:** Means a self-propelled or nonself-propelled vehicle designed in a manner to permit the use and occupancy thereof for human habitation, whether or not resting on wheels, jacks or other foundations.
234. **Mobile Home Development:** Intended to be generic; it includes mobile home parks, mobile home subdivisions, and mobile home condominiums.
- (a) Mobile home condominium: Any mobile home development where ownership is through a condominium arrangement (see Condominium).
 - (b) Mobile home park: Means a planned arrangement of sites for mobile homes which may also include common facilities for the occupants.
 - (c) Mobile home subdivision: A platted residential subdivision in which the dwelling units consist of mobile homes and accessory residential structures.
235. **Mobile Home Site:** A space or plat of land within a mobile home park or subdivision designated for the accommodation of one (1) mobile home.
236. **Monument:** Means a permanent marker which may be an iron pin and/or a cast iron monument box with an iron pin therein used to define subdivision boundaries, lot lines, street or road intersections and centerlines.
237. **Municipality:** City of Twinsburg.
238. **Multifamily Building:** Means a building consisting of three (3) or more attached dwelling units with various arrangements of entrances and party walls, comprising a unified building design.
239. **National Flood Insurance Program (NFIP):** The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss. (Ord. 112-2009. Passed 06-23-2009)
240. **Natural Resources:** Natural resources include, but are not limited to, rivers; bays; lakes; wetlands, air; flood plains; known sources of commercially valuable minerals; areas known by the local soil and water conservation district to have experienced soil erosion problems; fisheries; wildlife; marine habitats; and vegetative communities, including those known as endangered, threatened, or species of special concern.
241. **Native Vegetation:** Naturally occurring flora typically found on undeveloped lands which is indigenous to the region.

242. **New Construction (as specifically applied to Chapter 1150 Flood Damage Protection Overlay District):** Structures for which the "start of construction" commenced on or after the initial effective date of the City of Twinsburg, Flood Insurance Rate Map, effective February 4, 1981, and includes any subsequent improvements to such structures. (Ord. 112-2009. Passed 06-23-2009)
243. **New Construction:** Structures for which the "start of construction" commences on or after the effective date of this Code.
244. **Nonconforming Building or Use:** Means a building existing lawfully at the time this Code, or an amended thereto, became effective but which does not conform to the area, height, or bulk of building, yard or other regulations of the district in which it is located. A building or structure may be nonconforming with respect to land coverage, height, yard dimensions or a variety of other characteristics.
245. **Nursery:** Land or greenhouse(s) used to raise flowers, shrubs, trees and/or plants for sale.
246. **Nursing Home/Convalescent Home:** Means a residential care facility designed to provide a range of personal and medical services to chronically ill or disabled individuals.
247. **Occupancy Certificate:** Means an official statement certifying that a building, other structure or parcel of land is in compliance with the provisions of all applicable codes, or is a lawfully existing nonconforming building or use and hence may be occupied and used lawfully for the purposes designated thereon.
248. **Off-site Mitigation:** Wetland restoration, creation, enhancement or preservation occurring farther than one mile from the project boundary, and not necessarily within the same watershed.
249. **Office/Industrial Park:** Means a planned arrangement of sites for office/industrial uses served by an internal road pattern where the architectural and landscape design is controlled so as to achieve a harmonious and aesthetically pleasing environment.
250. **Office-Street Parking:** Means an open or enclosed area, other than a street used for the parking or motor vehicles accessory to a main building or use.
251. **On-site Mitigation:** Wetland restoration, creation, enhancement or preservation occurring within one mile of the project boundary and within the same watershed.
252. **One-Family Attached Dwelling:** Means a building consisting of separate dwelling units sharing common, or party, walls with at least one other dwelling unit with each unit having at least two (2) separate entrances.
253. **One-Family Detached Dwelling:** means a building consisting of a single dwelling unit having at least two (2) separate entrances.
254. **Open Space:** Means land area that is free of structures and includes natural environmental features, water areas, passive recreation facilities, lawns and landscaping. Streets, parking areas, impervious surfaces and structures shall not be included.
255. **Ordinance:** Means a law established by action of the Council of the City of Twinsburg.
256. **Original Tract:** Means a contiguous quantity of land held in common ownership shown as a unit or as contiguous units on the last preceding tax roll and which has not been platted by the current owner.
257. **Outfall:** A direct connection of an overflow and/or drain-down capability from a retention area to a public drainage facility.
258. **Parcel:** A lot or tract of land.
259. **Pathological Waste:** Wastes derived from the human body. Pathological wastes are unique in that these are typically samples of tissues that are examined in a laboratory

- setting to understand the nature of the disease or affliction from which a patient suffers. For the most part, pathological waste refers to very small tissues sections and body material derived from biopsies or surgical procedures that are then examined in the lab.
260. **Performance Bond and Payment Bond:** Means a bond posted by a developer, contractor, or subcontractor that contain the guarantee of a surety that a specific project will be completed and meet any standards or specifications that have been agreed upon.
261. **Performance Standards:** Means criteria that is set to ensure that a particular structure, operational activity, type of land use or development will be able to meet certain minimum standards so that its impact upon the community will not exceed established limits.
262. **Permeability:** The capacity for transmitting runoff through a material or into soil. It is measured by the rate at which a fluid of standard viscosity can move through the material in a given interval of time under a given hydraulic gradient.
263. **Person:** Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 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.
(Ord. 112-2009. Passed 06.23.2009)
264. **Plan:** Means a drawing or a proposed design of work to be performed.
265. **Planning Commission:** Means the Planning Commission of the City of Twinsburg.
266. **Plant:** The equipment, including the fixtures, machinery, tools, etc., and the buildings necessary to carry on any land use categorized as industrial.
267. **Plat:** Means a map of a tract or parcel of land drawn by a registered surveyor in accordance with these regulations and Chapter 711 of the Ohio Revised Code.
268. **Pre-school:** A child day-care facility for children who have not entered kindergarten and are not of compulsory school age.
269. **Preliminary Plat:** Means a map of a proposed subdivision prepared by a registered surveyor or engineer in accordance with these regulations, which may include other explanatory exhibits and test, and submitted to the Planning Commission for its review and comment. The preliminary plat, if approved by the Planning Commission, and Council, shall provide the basis for proceeding with the preparation of the final plat of the proposed subdivision. For all preliminary plats that are approved a final plat must be submitted within one year from date of approval by Council or said plat is null and void. If new zoning regulations or subdivision regulations are passed during this one year, Planning Commission of Council shall require that plat to comply to the new regulations.
270. **Principal business activity:** the commercial establishment: (1) has a substantial portion of its displayed merchandise which consists of said items, (2) has a substantial portion of the wholesale value of its displayed merchandise which consists of said items, (3) has a substantial portion of the retail value of its displayed merchandise which consists of said items, (4) derives a substantial portion of its revenues from the sale or rental, for any form of consideration of said items, (5) maintains a substantial section of its interior business space for the sale or rental or said items: or (6) maintains an “adult arcade,”

which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas. (Ord.109-2006, Passed by Council 8-22-2006, Passed by Voters 11-7-2006)

- 271. **Private Garage:** Means an enclosed building with doors, accessory to a one family, two-family or multi-family dwelling, used exclusively for the parking or temporary storage of passenger vehicles.
- 272. **Private Land:** Means land which is adjoining, attached and assigned to a dwelling, to be held as an open space in ownership with the dwelling.
- 273. **Private Street or Road:** Means a street or road, including a new easement of access, subject to platting in accordance with these regulations and held in private ownership for which the municipality shall not assume any maintenance responsibility. The construction of a private drive shall conform with the rules, standards and specifications for driveway improvements adopted by the municipality.
- 274. **Private Parking Area:** Means an open or enclosed publicly owned area used for passenger automobile parking.
- 275. **Public Hearing:** A meeting announced and advertised in advance which is conducted by a City official or board and which is open to the public, with the public given an opportunity to talk and participate.
- 276. **Public Notice:** The legal advertisement given of an action or proposed action of a governing body or its designee.
- 277. **Public Street or Road:** Means a street or road, subject to platting in accordance with these regulations and dedicated to public use for which the municipality shall assume maintenance responsibility upon completion of the street or road and after acceptance for dedication. The construction of a public street or road shall conform with the rules, standards, and specifications for road improvements adopted by the municipality.
- 278. **Public Utility:** Means any person, firm, corporation, governmental agency or board fully authorized to furnish and furnishing under governmental regulation, to the public, electricity, gas, steam, telephone, telegraph, transportation, or water, or any other similar public utilities.
- 279. **Rear Yard:** Means a yard that extends across the entire width of a lot containing a building and is located between the rear lot line and a parallel line running through the point of the building closest to the rear lot line.
- 280. **Recreation (Active):** Means recreational activities that require physical Sports (such as baseball, tennis and golf) are typical of active recreation.
- 281. **Recreation (Passive):** Means pleasurable activities that involve relative inactivity, such as sitting, strolling, nature study, card playing and picnics.
- 282. **Recreational Vehicle:** A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or towed, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. (Ord. 112-2009. Passed 06-23-2009).

283. **Registered Professional Architect:** A person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Revised Code. (Ord. 112-2009. Passed 06-23-2009).
284. **Registered Professional Engineer:** A person registered as a professional engineer under Chapter 4733 of the Revised Code. (Ord. 112-2009. Passed 06-23-2009).
285. **Registered Professional Surveyor:** A person registered as a professional surveyor under Chapter 4733 of the Revised Code. (Ord. 112-2009. Passed 06-23-2009).
286. **Regularly:** the consistent and repeated doing of the act so described. (Ord.109-2006, Passed by Council 8-22-2006, Passed by Voters 11-7-2006)
287. **Regulation:** Means a rule, restriction or other mandatory provision in this Code intended to control, require or prohibit an act.
288. **Rehabilitation:** The upgrading of a building previously in a dilapidated or substandard condition.
289. **Repair Garage:** Means a main building designed and used for repairing motor vehicles. "Repair garage" means a service garage, if accessory to an automobile salesroom.
290. **Reservation:** A reservation may be:
- (a) A provision in a deed or other real estate conveyance which preserves a right for the existing owner even if other property rights are transferred; or
 - (b) A method of holding land for future public use by designating public areas on a plat, map, or site plan as a condition of approval.
291. **Residential Care Facilities:** Residential care facilities are those facilities providing both a residence (for varying periods of time) and a care component. Among such facilities are adult congregate living facilities (ACLF), group care homes, halfway houses, recovery homes, residential treatment facilities, emergency shelters, and nursing homes. A care facility serves as a substitute for the resident's own homes, furnishing facilities and comforts normally found in a home. In addition, service, equipment, and safety features required for the safe and adequate care of residents may be provided. Such services may include:
- (a) Supervision and assistance in dressing, bathing, and in the maintenance of good personal hygiene;
 - (b) Care in emergencies or during temporary illness, usually for periods of one (1) week or less;
 - (c) Supervision in the taking of medications; and
 - (d) Other services conducive to the residents' welfare.
 - (e) Facilities designated as emergency shelters serving as temporary residences for abused or neglected persons.
 - (f) Facilities classified as recovery homes may also be known as "halfway houses". These facilities are for residence only for a limited period of time.
292. **Restrictive Covenant:** A contract between two (2) or more parties usually specifying limitations or obligations relating to the use of property.
293. **Restaurant:** an establishment in which the principal use is the preparation and sale of food and beverages for consumption on the premises. (Ord. 102-2010, Passed 09-14-2010)
294. **Restaurant - Carry-out:** An establishment, at which food and/or beverages are prepared, packaged or offered for sale for consumption off the premises. (Ord. 102-2010, Passed 09-14-2010)

295. **Restaurant - Drive-in:** a building and adjoining parking area where food is furnished to patrons in parked motor vehicles for consumption, regardless of whether or not in addition thereto, seats or other accommodations are provided inside for patrons. (Ord. 102-2010, Passed 09-14-2010)
296. **Restaurant - Fast food:** A restaurant that provides a menu of previously prepared or quickly prepared foods that customers order at a drive-up service window or within the restaurant for consumption on the premises or off premises. (Ord. 102-2010, Passed 09-14-2010)
297. **Restaurant - Sit-down or Full-service:** an establishment where food and drink are prepared, served and consumed on the premises and whose principal design or method of operation is characterized by customers being presented with a menu and being served their food and drink by a restaurant employee at the same counter or table at which the items are consumed. (Ord. 102-2010, Passed 09-14-2010)
298. **Retention:** The collection and storage of runoff without subsequent discharge to surface waters.
299. **Required Yard:** Means the minimum yard required between a lot line and building line or the line of any parking area or any other use requiring a yard in order to comply with the regulations of the district in which the property is located. A "required yard" shall be open and unobstructed from the ground upward, except for projections on buildings as permitted in this Code and except for walks, landscaping and other yard or site features.
300. **Review Board:** Means the Architectural Review Board.
301. **Right of Way:** Means all land included within an area dedicated to public use as a road or street, or land reserved as an easement for private use as road or street for ingress and egress. In addition, a right-of-way may also include but not be limited to its boundaries drainage facilities, public utilities, sewer lines, water lines and pavement.
302. **Road:** See Street.
303. **Roadside Stand:** Means a movable structure used or intended to be used solely by the owner or the tenant of property on which it is located for the sale of seasonable agricultural products produced on the premises and to be removed at the conclusion of the seasonal sales.
304. **Rooming House/Hostel:** Means a building operated for compensation by a resident family in which a room or rooms are provided for living and sleeping facilities to one or more persons.
305. **Sales Lot:** Means an open area used for the display, sale or rental of new or used motor vehicles, on which no repair work is performed.
306. **Satellite Dish Antenna:** All antennas which receive audio and/or video satellite signals.
 - (a) Mesh-type satellite dish antenna: An antenna which is constructed of a screen-type or perforated material that does not substantially impair visibility, and is designed to minimize wind resistance.
 - (b) Roof-mounted satellite dish antenna: An antenna which is wholly located upon and permanently affixed to the roof of any structure.
 - (c) Ground-mounted satellite dish antenna: An antenna which is installed upon or otherwise attached to a pole or other supporting structure embedded in the ground
307. **Sealed Materials:** Any granular material such as concrete, asphalt, crushed stone, rock, or gravel placed on an impervious base, such as plastic, tar paper, or similar material which interferes with the natural ground absorption of stormwater.

308. **Secretary:** Means the duly acting Secretary of the Planning Commission, Board of Zoning Appeals or Architectural Review Board.
309. **Semi-Nude or State of Semi-Nudity:** the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part. (Ord.109-2006, Passed by Council 8-22-2006, Passed by Voters 11-7-2006)
310. **Semi-Nude Model Studio:** means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a modeling class operated: (1) by a college, junior college, or university supported entirely or partly by taxation; (2) by a private college or university which maintains and operates educational programs in which credits are transferable to college, junior college, or university supported entirely or partly by taxation or (3) in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing, and where, in order to participate in class a student must enroll at least three days in advance of the class. (Ord.109-2006, Passed by Council 8-22-2006, Passed by Voters 11-7-2006)
311. **Sexual Device:** means any three dimensional object designed and marketed for stimulation of the male or female human genital organ or anus or for sadomasochistic use or abuse of oneself or others and shall include device such as dildos, vibrators, penis pumps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy. Ord.109-2006, Passed by Council 8-22-2006, Passed by Voters 11-7-2006)
312. **Sexual Device Shop:** a commercial establishment that regularly features sexual devices. Nothing in this definition shall be construed to include any pharmacy, drug store, medical, clinic, or any establishment primarily dedicated to providing medical or healthcare products or services, nor shall this definition be construed to include commercial establishments which do not restrict access to any portion of their premises by reason of age. Ord.109-2006, Passed by Council 8-22-2006, Passed by Voters 11-7-2006)
313. **Sexual Encounter Center:** a business or commercial enterprise that, as one of its principal business purposes, purports to offer for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex when one or more of the persons is semi-nude. Ord.109-2006, Passed by Council 8-22-2006, Passed by Voters 11-7-2006)
314. **Service Station:** Means a building and land, including pumps, tanks and grease racks, used for the rental or sale of gasoline, lubricants, batteries, tires, packaged food and beverages, other automobile accessories, and for performing minor services and repairs.
315. **Setback:** Means the required distance between the front of a structure and the front lot line or the required distance between the structure and each of the lot lines.
316. **Setback Line (Building Line):** Means the line established by the applicable district

Zoning regulations parallel to and measured from the front lot line and representing the area in which no building or structure shall be located.

317. **Shopping Center:** Locations where retail and service commercial land uses have concentrated. Shopping centers may be generally categorized into the following:
- (a) **Neighborhood Shopping Center** - Centers consisting of a number of small convenience and specialty stores serving consumers within ten minutes driving time or a two to three mile radius. These centers provide primarily essential products and services and the depth of product lines are limited.
 - (b) **Community Shopping Center** - Centers serving a larger geographic area than the neighborhood center. These centers generally include one or two department stores, specialty stores, and convenience stores and draw consumers looking for products not available in neighborhood shopping centers.
 - (c) **Regional Shopping Center** - Regional shopping centers offer the largest department stores, widest product mix, and deepest product mix. They generally strive to locate in an area where a target market of more than 150,000 persons can be reached and operate with coordinated management and marketing activities. Many shopping malls are regional shopping centers.
318. **Sight Triangle:** A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight of motorists entering or leaving the intersection.
319. **Side Yard:** Means the yard extending between a side lot line and nearest wall of a building, from the front yard to the rear yard. For a corner lot, the side yard extends from the front yard to the rear lot line.
320. **Sign:** Any object, device, display, structure, or part thereof, situated outdoors or indoors, 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, figures, designs, symbols, fixtures, colors, illumination or projected images. Signs do not include the merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields. Definitions of particular functional, locational, and structural types of signs are listed below:
- (a) **Animated sign.** Any sign that uses movement or change of lighting to depict action or create a special effect or scene.
 - (b) **Banner.** A mounted piece of cloth, fabric or other nonrigid material displaying or not displaying an emblem, insignia, motto, slogan or other message. Examples of such banners include, but are not limited to, streamers, bunting, pennants, ensigns and standards which are not included under the definition of flag.
 - (c) **Beacon.** Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same parcel as the light source; also, any light with one (1) or more beams that rotate or move.
 - (d) **Bench sign.** Any sign painted or otherwise attached to a bench which uses the bench as an advertising platform.
 - (e) **Billboard.** See Off Premises Sign.
 - (f) **Building marker.** Any sign commonly attached to a building and cut into a masonry surface or made of bronze or other permanent material which indicates the name of the building, the date of construction, and other incidental information about the building.

- (g) **Canopy sign.** Any sign that is made an integral part of an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.
- (h) **Changeable copy sign.** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign.
- (i) **Construction site sign.** A sign which is located on the site during construction denoting the architect, engineer, contractor, subcontractor, builder, etc.
- (j) **Development sign.** A sign which, by symbol or name, identifies a development. It may also provide an index of uses (tenants) included in the development.
- (k) **Double face sign.** Any sign having two (2) back-to-back surfaces upon which copy is displayed.
- (l) **Flag.** A piece of cloth, fabric, or other nonrigid material used as the emblem of any nation, organization of nations, state, city, religious, fraternal or civic organization.
- (m) **Freestanding sign.** Any sign supported by structures or supports that are placed on or anchored in the ground, and that are independent any building or other structure.
- (n) **Fuel price sign.** A sign intended to advertise the price of motor vehicle fuel, including, but not limited to, gasoline, gasohol and diesel fuel.
- (o) **Government sign.** A sign erected by a city, county, state or federal government agency in furtherance of its governmental responsibilities.
- (p) **Ground sign.** See Freestanding sign.
- (q) **Identification sign.** An off premises sign erected to identify the location and name of a place, building, or structure which otherwise would have no means of identification.
- (r) **Illuminated sign.** Any sign which has copy artificially illuminated, internally or externally, whether the illumination source is attached or remote. Examples of illuminated signs include:
- (s) **Reflective sign.** The sign itself is neither lighted internally, **nor has an** external source of light specifically directed at it, but rather depends on the general illumination of the area, e.g., parking lot, traffic, or pedestrian areas for its illumination.
- (t) **Internally illuminated sign.** The sign is made of translucent material with an internal source of light.
- (u) **Back-lit sign.** This sign consists of a letter(s) and/or design(s) raised above the sign's background with a lighting source installed that illuminates the background making the letter(s)/design(s) appear in silhouette.
- (v) **Spot-light sign.** The sign is illuminated by spotlights that have sign illumination as their sole purpose.
- (w) **Incidental sign.** A sign, generally informational, that has a purpose secondary to the parcel on which it is located. Examples of such signs include: "No Parking," "Entrance," "Loading Only," "Telephone," and other similar signs.
- (x) **Marquee or Mansard sign.** Any hood or permanent construction projecting from the wall of a building above an entrance and extending over a street or sidewalk, or part thereof. Marquee or mansard signs may extend above the fascia; however, the vertical dimension of such sign, including fascia, shall not exceed two (2) feet.
- (y) **Multiface sign.** Any sign having three (3) or more faces which are not parallel nor back-to-back, upon which the same or dissimilar copy is displayed

(z) **Multifamily development sign.** A sign intended to identify a multifamily residential development.

(aa) **No trespassing/posted sign.** A sign on public or private property intended to warn against intrusion or unlawful entry onto or into the property.

(bb) **Obsolete sign.** Any sign which identifies or advertises any product, accommodation, service or business, which is no longer available to the public at the location indicated on the sign.

(cc) **Occupant sign.** A sign bearing only property numbers, postbox numbers or names of occupants or premises.

(dd) **Off-premises sign.** Any sign relating to products, accommodations, service or activities available to the public off the premises on which the sign is located.

(ee) **On-premises sign.** Any sign relating to products, accommodations, services or activities available to the public on the premises on which the sign is located.

(ff) **Parking and traffic sign.** A sign intended to direct and guide traffic to a parking area(s) on the same private property provided no advertising is used.

(gg) **Political sign.** Any temporary sign intended to identify a political party, group or candidate, or to advertise an election, referendum, meeting, or similar local, state or national political activity.

(hh) **Portable sign.** Any sign whose design and/or construction is manifestly intended to be of a portable nature, whether anchored, carried, left freestanding, towed, self-propelled, or attached to a vehicle including those affixed, painted, or in any other manner displayed on a truck, bus, trailer, taxi, or other vehicles while in the course of business, provided the primary use of the vehicle is not for the purpose of advertisement. The term includes signs on wheels or on a portable structures, tent signs, A-frames signs, sandwich signs, and similar devices.

(ii) **Prohibited signs.** Any sign which is prescribed, banned, outlawed or otherwise prohibited by this Code.

(jj) **Projecting sign.** A sign, other than a wall sign, which is attached to and projects from a structure or building face.

(kk) **Shingle sign.** An on-premises, marquee, projecting, free-standing or wall sign no larger than 8" X 24" providing identification of a home occupation.

(ll) **Subdivision development sign.** A sign intended to identify a residential development.

(mm) **Temporary sign.** A sign or advertising display constructed of cloth, canvas, fabric, paper, plywood or other light material and intended to be displayed for a period of time as designated in the sign regulations of the City.

(nn) **Wall sign.** A sign painted on, carved in, or otherwise affixed to, and mounted parallel to a building facade or wall in such a manner that the facade or wall becomes the supporting structure for, or forms the background surface of the sign.

(oo) **Window signs/advertising posters.** Signs intended to inform the public or advertise products or events which are placed in the windows of shops, stores, or similar establishments.

321. **Sign Face Area:** The area of any regular geometric shape which contains the entire surface area of a sign upon which copy or graphics may be placed. Sign face area may also be referred to as sign face.

322. **Site Improvement:** Any man-made alteration to a parcel of land for purposes of preparing the land for future construction, the actual construction of structures or paved surfaces and/or the planting or installation of permanent landscaping.
323. **Site Plan:** Means an accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting improvement details of a proposed development.
324. **Slope:** Means the degree of deviation of the earth's surface from the horizontal which is usually expressed in percent of degree.
325. **Solar Energy System:** A device used to capture the sun's radiation and transform it into usable heat, usually consisting of a solar collector, a transfer system, a storage system and a control system.
- (a) Active (or indirect) solar energy system. A system in which the collector and thermal storage components are separated and require a pump or fan to circulate the solar-heated fluid between them.
 - (b) Passive (or direct) solar energy system. A system where the collector and thermal storage components are integrated, requiring no transfer device for solar-heated fluid.
326. **Special Event:** a non-repeating occurrence having a duration of no longer than one thirty (30)-day period specifically called to commemorate, initiate, finalize, advertise, or otherwise recognize a non-routine happening. Examples of special events include: grand opening; going out of business sales; sporting events, fairs, or any public, charitable, educational or religious event or function.
327. **Special Flood Hazard Area:** Also known as “Areas of Special Flood Hazard”, it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse. (Ord. 112-2009. Passed 06-23-2009).
328. **Special Residential Uses:** Activities in this category provide lodging on either a temporary or a long-term basis, but are not limited to living quarters. Most facilities will be either a residential care facility or a nursing home, but are not limited to these activities. Refer to the Residential Care Facilities definition.
329. **Specified Anatomical Areas:** includes any of the following: (1) less than completely and opaquely covered: human genitals, pubic regions; buttock; or female breast below a point immediately above the top of the areola; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered. Ord.109-2006, Passed by Council 8-22-2006, Passed by Voters 11-7-2006)
330. **Specified Sexual Activity:** includes any of the following (1) intercourse, oral copulation, masturbation or sodomy; or (2) excretory functions as a part of or in connection with any of the activities described in (1) above. (Ord.109-2006, Passed by Council 8-22-2006, Passed by Voters 11-7-2006)

331. **Specimen Tree:** A tree which has been determined by the judgment of a professional forester, horticulturist or other professional plantsman to be of high value because of its type, size, age or other professional criteria.
332. **Standards:** Specific measurements of the quantity or quality of various elements of development.
333. **Start of Construction:** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building. (Ord. 112-2009. Passed 06-23-2009).
334. **Storage Garage:** Means a main enclosing building with doors, other than a private garage, used for the parking or temporary storage of passenger vehicles, and in which no service shall be provided.
335. **Stormwater Runoff:** That portion of water which results from a rainfall that flows from the land surface of a site either naturally, in man-made ditches, or in a closed conduit system.
336. **Stormwater Management System:** The system, or combination of systems, designed to treat stormwater, or collect, convey, channel, hold, inhibit, or divert the movement of stormwater on, through, and from a site.
337. **Story:** Means that portion of a building included between the surface of any floor and the surface of the next floor above it or if there is no floor above it, then the space between the floor and the ceiling next above.
338. **Street or Road:** The entire width between the boundary lines of every way open to the public at large for the purpose of vehicular traffic without distinction, discrimination or restriction. A street or road may be classified as follows.
- (a) **"Alley"** means a minor street used primarily for vehicular service access to the back or side of properties whose principal frontage is on another street.
 - (b) **"Arterial"** means a street for through traffic, typically carrying heavy traffic volumes and loads, usually on a continuous route.
 - (c) **"Collector"** means a street supplementary to and connecting arterial streets to local streets.
 - (d) **"Cul-de-sac"** means a local street, one end of which connects with another street, and the other end of which terminates in a vehicular turnaround.
 - (e) **"Dead End"** means a street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

- (f) **"Freeway"** means a divided, high volume traffic way for through traffic and for the connection of the major districts of the municipality and having limited access and grade separated intersections.
 - (g) **"Local"** means a street used primarily for access to residential or other abutting property and to serve local needs.
 - (h) **"Loop"** means a type of local street each end of which terminates at an intersection with the same arterial, collector, or local street.
 - (i) **"Marginal"** means a local or collector street providing access to abutting properties and protection from arterial or collector streets.
339. **Street Furniture:** Man-made items such as benches, kiosks, plants and planters, shelters, phone booths, or trash receptacles added to pedestrian or vehicular areas.
340. **Street Line:** Means the street right-of-way line.
341. **Streetscape:** The combination of all elements of a pedestrian or vehicular area, including street furniture, landscaping, sidewalks, lights signs, etc., and the relationship of these elements to adjacent buildings.
342. **Structure (as applied to Chapter 1150 Flood Damage Reduction Overlay District):** A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground. (Ord. 112-2009. Passed 06-23-2009).
343. **Structure:** A combination of materials to form a construction for use, installed on, above, or below the surface of land or water.
344. **Structural Alteration:** Means any change in the supporting members of the building such as bearing walls or partitions, columns, beams, or girders or any increase in the area or cubical contents of a building.
345. **Subdivision:** Means:
- (a) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots. any one of which is less than five (5) acres in size for the purpose, whether immediate or future, of transfer of ownership, provided however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted: or
 - (b) The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets, except private streets serving industrial structures, the division or allocation of land as open spaces for common use by owners, occupants, or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.
346. **Subdivision, Major:** Means any division of real property other than a minor unless such division is specifically exempted from these regulations, which submission of a plat to the Planning Commission in accordance with these regulations.
347. **Subdivision, Minor (Lot Split):** Means notwithstanding the provisions of Sections 711.001 to 711.03, inclusive, of the Ohio Revised Code, a proposed division of an original parcel of land along an existing public street or road, not involving the opening, widening, or extension of any street or road, and involving no more than five (5) lots

- from the original tract, and submitted to the Mayor for approval without plat in accordance with these regulations.
348. **Subsidiary Development:** Certain improvements for public benefit, whether provided publicly or privately because of social or technical needs. Examples include: utility poles, lines, sewer system pipes, drainage ways, etc.
349. **Substantial:** at least thirty percent (30%) of the item(s). This definition is applicable to Sections 1149.04, 1149.06 and 1149.13 only. Ord.109-2006, Passed by Council 8-22-2006, Passed by Voters 11-7-2006)
350. **Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. (Ord. 112-2009. Passed 06-23-2009).
351. **Substantial Improvement (as applied to Chapter 1150 Flood Damage Reduction Overlay District):** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures, which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include:
- a. Any improvement to a structure that is considered “new construction,”
 - b. Any project for improvement of a structure to correct existing violations of state of local health, sanitary, or safety codes specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions: or
 - c. Any alteration of a “historic structure,” provided that the alteration would not preclude the structure’s continued designation as a “historic structure.”(Ord. 112-2009. Passed 06-23-2009).
342. **Substantial Improvement:** Any combination of repairs, reconstruction, alteration or improvements to a structure, taking place during (the life of the structure) other than routine maintenance and upkeep in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure. The market value of the structure should be the appraised value of the structure prior to the start of the initial repair or improvement or, in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.
343. **Subsurface Drainage:** The piping, grading, and other construction associated with the removal of ground water from under roadway or runway surfaces designed to maintain firm, stable subgrades and structure foundations; reduce saturation of backfill behind retaining walls, etc.
344. **Surveyor:** means a professional surveyor authorized to practice surveying by virtue of registration under the statutes of the State of Ohio.

345. **Ten-year Storm:** The amount of rainfall which is precipitated on the land in the amount of three and fifteen-hundredths (3.15) inches during a one (1) hour period.
346. **Threatened Species:** A native Ohio plant species listed or designated by the Ohio Department of Natural Resources as threatened with extirpation pursuant to Section 1518.01 of the Ohio Revised Code; or any animal species listed or designated as threatened with statewide extinction by the Ohio Department of Natural Resources pursuant to Section 1531.25 of the Ohio Revised Code; or a species that appears on the threatened species registry, as defined in rule 3745-1-05 of the Administrative Code; or any plant or animal species that is native to Ohio or that migrates or is otherwise reasonably likely to occur within the State and which has been listed as threatened pursuant to Section 4 of the Endangered Species Act (16 U.S.C.A. 1531 *et seq.*, as amended)
347. **Trip:** A single or one-way vehicle movement (see Trip End).
348. **Trip End:** The origin or destination of a trip. Each trip has two (2) ends which constitute a two (2) direction vehicle movement at the origin or destination of the trip.
349. **Trip Generation:** The total number of trip ends produced by a specific land use or activity.
350. **Twenty-Five Year Storm:** The amount of rainfall which is precipitated on the land in the amount of three and seven-tenths (3.7) inches during a one (1) hour period.
351. **Two-family Dwelling:** Means a building consisting of two dwelling units which may be either attached side by side or one above the other, separated from each other by fireproof walls, and/or ceilings, of concrete, masonry or the equivalent, and each unit having either a separate or combined entrance or entrances.
352. **Unit Owners Association:** Means an organization of all owners of units in a condominium property provided for under Chapter 5311 of the Ohio Revised Code.
353. **Vacation:** The waiving of the use of an easement or the ownership and use of a right-of-way by a public or private agency.
354. **Variance (as applied specifically to Chapter 1150 Flood Damage Reduction Overlay District):** A grant of relief from the standards of these regulations consistent with the variance conditions herein. (Ord. 112-2009. Passed 06-23-2009).
355. **Violation:** The failure of a structure or use to be fully compliant with these regulations. (Ord. 112-2009. Passed 06-23-2009).
356. **Watershed:** A common surface drainage area where, because of topographical conditions or other influences, water drains to a particular watercourse or body of water.
357. **Wetlands:** Means areas on the land which meet the three (3) criteria as specified by the Federal Manual for Identifying and Delineated Jurisdictional Wetlands, which are hydric soils, hydrophytic plants and hydrology. These areas shall be delineated and appropriate permits obtained. The wetland areas shall be shown on the final plat. The developer is responsible to determine if there are any jurisdictional wetlands on the property. Wetlands will be identified on the Improvement Drawings. The Summit SWCD will give an opinion of the possibility of wetlands during their review of the preliminary plat, using the resources available through their office - U.S. Fish and Wildlife Wetlands Maps, Soil Survey Hydric Soils, and other resources. If there is going to be any changes to these wetland areas, the developer must contact the U.S. Army Corps of Engineers for their approval.

358. **Yard:** Means an area of an occupied lot, intended to be set aside for open space, that is located between a lot line and the building or buildings on the lot. A yard is located between the front, side or rear of a building and the lot line that is nearest to that portion of the building.
359. **Zoning District:** Means a portion of the community that is officially delineated on the Zoning Map and is subject to a particular set of land use requirements set forth in the district regulations. These requirements, which are uniform throughout the district, control permitted uses as well as intensity of development and arrangement of buildings on the land.
360. **Zoning Lot:** Means a parcel of land abutting a dedicated street, occupied or intended to be occupied, by a main and accessory use or a main and accessory building, the minimum area of which shall be as required by this Code. A "zoning lot" may or may not coincide with a lot of record.
361. **Zoning Map:** Means the officially adopted map that indicates the boundaries of zoning districts. (Ord. 173-2000. Passed 12-17-00)