

SECTION V. DEFINITIONS

For the purpose of this Resolution, certain terms or words are hereby defined as follows:

- A. The word "person" shall mean, in addition to an individual, a firm, corporation, association, organization, partnership, trust or any legal entity which may own and/or use land or buildings.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular, unless specifically stated otherwise.
- C. The word "shall" is mandatory; the word "may" is permissive.
- D. The words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.
- E. The word "lot" includes the words plot or parcel.

5.1 **ACCESSORY STRUCTURE:** A subordinate structure detached from but located on the same lot as the principal building. (Adopted May 17, 2011 by Resolution, effective June 16, 2011)

5.2 **ACCESSORY USE OR ACCESSORY BUILDING:** An accessory use or building is a subordinate use or building located on the same lot on which the main building or use is situated which is customarily incidental to the main use of such building or main use provided that the accessory use does not constitute or become a public or private nuisance, and that the use is not otherwise prohibited by this resolution. (Adopted April 16, 2002 by Resolution 2002-44, effective May 15, 2002)

5.3 **ADDITION:** Any construction which increases the size of a building such as a porch, deck, attached garage, attached carport, and new room or wing. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)

5.4 **ADMINISTRATIVE, PROFESSIONAL, BUSINESS AND NON-PROFIT GENERAL OFFICES:** The use of offices and related spaces for such professional services as are provided by lawyers, architects, engineers, insurance, real estate, interior design, graphic design, travel agents and similar professions. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)

5.5 **ADULT:** An individual eighteen (18) years of age or older.

5.6 **ADULT DAY CARE FACILITY:** An establishment that during any part of the normal business day provides supervised educational, recreational and social activities to the elderly, and/or handicapped adults, but not including persons suffering from acute or chronic alcoholism or other drug dependency and persons who regularly require physical restraint. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)

5.7 **ADULT ORIENTED BUSINESS:** See Section XXII, subsection 22.15. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)

5.8 **AGRICULTURE** (Adopted April 16, 2002 by Resolution 2002-44, effective May 15, 2002): The use of land for agricultural purposes, which includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with, but are not secondary to, such husbandry or production.

5.9 **ALTERATION:** Any change by addition or removal which alters a structure or building. However, the application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered an alteration.

5.10 **AMUSEMENT OR GAME ROOM ARCADE:** A building, room, enclosure, premises, place or establishment which contains more than four (4) mechanical amusement devices including pinball machines, video games, or other similar player-operated amusement devices which require coins or tokens for the operation of said mechanical amusement devices.

5.11 **ANTIQUÉ STORES:** Any building used for the sale of any old and authentic objects of personal property which was made, fabricated or manufactured sixty or more years earlier and which has a unique appeal and enhanced

value mainly because of its age, and , in addition, may include the sale of any clothing article which was made, manufactured or fabricated twenty or more years earlier and because of the public demand has attained value in a recognized commercial market which is in excess of its original value. This does not include the sale of any used vehicles or secondhand merchandise stores. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)

- 5.12 APARTMENT: One or more rooms in a multi-family dwelling intended to be occupied by and providing living, sleeping, cooking, bathing and toilet facilities for one family.
- 5.13 APARTMENT BUILDING: A building containing no less than two (2) nor more than six (6) dwelling units or apartments attached side by side, each unit being physically attached to its adjoining unit by a party wall, and which may be serviced by common heating and plumbing systems. (Adopted by Resolution 99-60 effective August 5, 1999.)
- 5.14 APPLICANT: An applicant for a Zoning Permit or Conditional Use Permit issued by the Zoning Inspector or Board of Zoning Appeals in conformance with the provisions of this Resolution shall be the owner of record of the property or the owner's authorized agent. Signature by an authorized agent must be accompanied by documented proof of the agent's authority. The application will hold the owner responsible for the truth and exactness of all information supplied on the application as stated at the beginning of the Painesville Township Zoning Application for Zoning Permit.
- 5.15 ARBOR: Arched open frameworks designed to offer shady resting places in a garden, often made of latticework, on which climbing plants can grow. See also "PERGOLA" and "TRELLIS". (Adopted May 17, 2011 by Resolution, effective June 16, 2011)
- 5.16 AUTOMOTIVE REPAIR: Any building or structure used for the care, repair or equipment of passenger motor vehicles, excluding buses and trucks over 3/4 ton load capacity. For purposes of this definition, "care, repair or equipment" shall be limited to replacement or installment of minor parts or accessories, major engine repair work and/or engine rebuilding and excluding any auto body repair work and/or auto body painting of any description.
- 5.17 AUTOMOBILE SERVICES (INCLUDING INSTANT OIL CHANGE): A building or part of a building which is used for the routine maintenance and service, and making repairs to passenger motor vehicles excluding buses and trucks over 3/4 ton load capacity; including instant oil changes; and excluding any auto body repair work and/or auto body painting of any description and major repairs as defined in "Automotive Repair".
- 5.18 AUTOMOBILE WRECKING: The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts. Not permitted in any district in Painesville Township.
- 5.19 BANQUET HALL, MEETING/PARTY CENTER: A building or group of rooms which are rented by individuals or groups to accommodate private functions including but not limited to, banquets, weddings, anniversaries and other similar functions. Such use may or may not include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public and outdoor gardens or reception facilities. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)
- 5.20 BASEMENT: A basement shall be the portion of a building located all or part below the ground and having at least 50% of its height below the average grade of the adjoining ground.
- 5.21 BREEZEWAY: A permanently roofed passageway connecting two buildings.
- 5.22 BUFFER STRIP: A designated strip of land, unoccupied by buildings, structures, parking areas, streets, or required yard setbacks, where rear or side lines of property in one zoning district are contiguous with property of another zoning district, designed and intended to provide protection and screening and which shall remain unoccupied by any structure. It is the intent and purpose to provide for a year round vertical screening of at least five feet in height which shall obscure the view of the property and must be permanently maintained. (Adopted April 16, 2002 by Resolution 2002-44, effective May 15, 2002). See Section 6.15.
- 5.23 BUILDING: A structure having a roof supported by columns or walls, and designed, built or intended for the shelter or enclosure or protection of persons, animals, chatels, or property of any kind.
- 5.24 BUILDING, DETACHED: A building having no party wall common with another building.

- 5.25 **BUILDING HEIGHT:** Means the distance between average finished grade and the highest point of the main roof line of the building. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)
- 5.26 **BUILDING LINE:** The actual physical front line of the building on the property excluding steps and uncovered porches less than ten (10) feet in width.
- 5.27 **BUILDING, PRINCIPAL:** A building occupied by the main use or activity on the lot on which said building is located. (Adopted May 17, 2011 by Resolution, effective June 16, 2011)
- 5.28 **BUSINESS SERVICES INCLUDING MAILING & COPY CENTER:** Establishments of places of business engage in the sale, rental, or repair of office equipment, supplies, and materials, or the provision of services used by individuals, office, professionals, and service establishments. Typical uses include, but are not limited to, office equipment and supply firms, convenience printing, copying and mailing centers, computer related services. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)
- 5.29 **CANOPY:** A roofed structure constructed of fabric or other material supported by a building or by support extending to the ground directly under the canopy and placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings. (Adopted May 17, 2011 by Resolution, effective June 16, 2011)
- 5.30 **CARPORIT:** Any parking space or spaces having a roof but not enclosed by walls and accessory to a dwelling unit or units. Carports detached from the main dwelling unit will conform to zoning requirements for accessory structures and accessory buildings and will not be considered accessory structures, leisure. (Adopted May 17, 2011 by Resolution, effective June 16, 2011)
- 5.31 **CAR WASH (Automatic):** A building or enclosed area that provides facilities for washing and cleaning motor vehicles, which shall use production line methods with a conveyor, blower or other mechanical devices which may employ hand labor excluding any self-service car washes. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)
- 5.32 **CHILD DAY CARE FACILITY:** Any place other than a family day care home in which child care is provided. Child day care administers to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians or relatives of blood, marriage, or adoption for any part of the twenty four (24) hour day in a place other than the child's own home. Child day care facility may be operated in conjunction with a business, school or religious facility, or as an independent land use. Any outdoor play area shall have approved fencing and landscaping. Said person or entity must be licensed under the Ohio Revised Code Section 5104.03 or any amendment thereto.
- 5.33 **CHURCH OR PLACE OF RELIGIOUS WORSHIP:** An institution that has been granted tax exempt status, which people regularly attend to participate in or hold religious services, worship, meetings or other related activities. The term "church" shall not have a secular connotation and shall include buildings in which service of any denomination are held. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)
- 5.34 **COLLEGE, PRIVATE:** College, technical college or university offering courses of instruction and certified pursuant to Ohio Revised Code Chapter 3332 or its successors. (Adopted by Resolution 90-84 effective September 6, 1990.)
- 5.35 **COLLEGE, PUBLIC:** College, technical college or university established by law or chartered by the Ohio Board of Regents. (Adopted by Resolution 90-84 effective September 6, 1990.)
- 5.36 **COMMERCIAL FOOD PREPARATION FACILITY:** An establishment in which food is processed or prepared for human consumption but not consumed on premises excluding a slaughter house. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)
- 5.37 **COMMERCIAL MOTOR VEHICLE:** A motor vehicle designed or used to transport persons, property, merchandise or freight primarily for profit. (Adopted May 17, 2011 by Resolution, effective June 16, 2011)
- 5.38 **COMMUNITY CENTER FACILITY:** A building for social, educational and recreational activities of a neighborhood or community provided such building is not operated for commercial gain. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)

- 5.39 **COMPREHENSIVE PLAN:** An official document adopted by a local government, setting forth a long-term general outline of projected development in advance of development which document establishes the goals, objectives and policies of the community.
- 5.40 **CONDITIONAL USE:** A specific use provided for in this Zoning Resolution which is not otherwise permitted in any district but which may be permitted by the Board of Zoning Appeals under conditions set forth in this Resolution in accordance with Section 519.14 of the Ohio Revised Code.
- 5.41 **CONSTRUCTION EQUIPMENT SALES AND RENTAL:** Establishments primarily engaged in the sale or rental of tools, tractors, construction equipments, yard care equipment, and similar industrial equipment. Included in this use type is the outdoor storage and display, maintenance, and servicing of such equipment. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)
- 5.42 **CORNER LOT:** A lot or platted parcel of land abutting on and at the intersection of two (2) or more dedicated road right-of-ways.
- 5.43 **CUL-DE-SAC:** A local street of relatively short length primarily for providing access to residential or other abutting property having one (1) end open to traffic and the other end terminating in a vehicular turnaround.
- 5.44 **DECK:** A platform, either freestanding or attached to a building, that is supported by pillars or posts. (Adopted May 17, 2011 by Resolution, effective June 16, 2011)
- 5.45 **DENSITY:** The maximum number of dwelling units per acre as specified in each residential use district.
- 5.46 **DISTRICT:** Any portion of the Township for which zoning regulations govern the use of buildings and premises.
- 5.47 **DWELLING:** A building or portion thereof used for living and sleeping purposes and designed for residential occupancy including one family, two-family and multi-family dwellings but not including hotels, motels, tents, tourist cabins, or trailer coaches or mobile homes as defined by Ohio Revised Code Section 4501.01 and any amendments or successors thereto.
- 5.48 **DWELLING ATTACHED SINGLE FAMILY DWELLING UNIT:** A building consisting of no less than two (2) nor more than six (6) dwelling units side by side which are physically attached one to another by common or adjoining walls and having individual heating and plumbing systems.
- 5.49 **DWELLING, DUPLEX:** A building consisting of two dwelling units which shall be attached side by side, each unit having a separate entrance, and individual heating and plumbing systems. This is also called a two-family dwelling.
- 5.50 **DWELLING, MULTIPLE-FAMILY:** A building containing no less than two (2) nor more than six (6) dwelling units or apartments, each unit being attached to its adjoining unit by a party wall. (Adopted by Resolution 99-60 effective August 5, 1999.)
- 5.51 **DWELLING, SINGLE FAMILY DETACHED:** A building consisting of a single dwelling unit only, designed to be used exclusively for occupancy by one family and separated from other dwelling units by open space.
- 5.52 **DWELLING UNIT:** Consists of one or more rooms, in addition to a bathroom and kitchen facilities, which are arranged, designed or used as living quarters for one (1) family or household.
- 5.53 **ELECTRONIC MESSAGE BOARD:** Any sign that uses changing lights to form a sign message or messages wherein the sequences of messages and the rate of changing is electronically programmed and can be modified by electronic process. (Adopted October 5, 2010 by Resolution 2010-75, effective November 4, 2010)
- 5.54 **ENCLOSED RETAIL:** An establishment engaged in the selling of goods or merchandise within an enclosed building to the general public for personal or household consumption, which is open to the general public during regular business hours. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)
- 5.55 **FAMILY:** One or more persons occupying a dwelling, living as a single housekeeping unit, related to each other by birth or marriage or adoption; or a group not exceeding four (4) persons unrelated by blood or marriage living as a single housekeeping unit, including domestic employees, as distinguished from a group occupying a boarding house, motel, hotel, lodging house. Adopted April 16, 2002 by Resolution 2002-44, effective May 15, 2002)

- 5.56 **FAST FOOD RESTAURANT:** Any business designed or developed to permit or facilitate the serving of meals or individual food items primarily from a food service counter, not normally providing menu ordering and food delivery to individual tables in a dining area separate from the primary food service counters; providing for no or a very short wait for the filling of food orders from stocks of previously prepared and cooked food items, and requiring payment for the food items prior to consumption of said items on or off the premise. (Adopted April 16, 2002 by Resolution 2002-44, effective May 15, 2002)
- 5.57 **FENCE:** A structure, solid or otherwise, which is a barrier and used as a boundary or means for protection, confinement, concealment, or for decorative purposes. (Adopted May 17, 2011 by Resolution, effective June 16, 2011)
- 5.58 **FINANCIAL INSTITUTIONS AND BANKS:** Those institutions engaged in receiving, exchanging, lending and safeguarding monies. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)
- 5.59 **FIREARM:** Any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. (Adopted April 16, 2002 by Resolution 2002-44, effective May 15, 2002)
- 5.60 **FLOOR AREA, RESIDENTIAL:** The area of a dwelling devoted to living purposes, including stairways, halls and closets, but excluding cellars, basements, decks, porches, garages, breezeways, terraces, attics, or partial stories.
- 5.61 **FRONTAGE:** That side of a lot abutting an accessible dedicated and improved public right-of-way measured at the front property line, and contiguous and uninterrupted to said public right-of-way, but not including limited access highways, thoroughfares, freeways, turnpikes, toll roads.
- 5.62 **FUNERAL SERVICE:** A building or part thereof used for human funeral service and which may include: space for embalming and other service used in the preparation of the dead for burial, the storage of caskets, funeral urns and other related supplies, the storage of funeral vehicles, and other related uses, excluding crematories. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)
- 5.63 **GARAGE, PRIVATE:** An accessory building for the care and storage of personal motor vehicles by the owner or tenant of such building.
- 5.64 **GARAGE, PUBLIC:** A principal building or structure, other than a private garage, used for the parking or temporary storage of motor vehicles.
- 5.65 **GAS FILLING STATION OR SERVICE STATION:** Any building or structure, or land used for the dispensing, sale, or offering for sale, at retail, of any automobile fuel stored only in underground tanks, oils or accessories, including lubrication of automobiles and replacement or installation of parts or accessories, but not including major repair work, body repair work or rebuilding. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)
- 5.66 **GAZEBO:** A freestanding structure with a solid, pitched roof design and open sides, which may be screened, and is intended for recreational activities. A gazebo typically contains more than four sides. (Adopted May 17, 2011 by Resolution, effective June 16, 2011)
- 5.67 **GENERAL BUILDING CONTRACTORS:** An individual or company engaged in the construction or remodeling of buildings. Such establishments include areas for office use, fabricated shops and/or interior storage areas. This definition includes, but is not limited to, builders or general contractors specializing in HVAC, painting, plumbing, electrical, or roofing. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)
- 5.68 **GREENHOUSE:** A building or structure constructed chiefly of glass, glasslike, translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants. (Adopted May 17, 2011 by Resolution, effective June 16, 2011)
- 5.69 **HEALTH CARE FACILITY:** An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices. (Adopted April 16, 2002 by Resolution 2002-44, effective May 15, 2002)
- 5.70 **HOME OCCUPATION:** An occupation, profession, activity, or use that is clearly a customary, incidental and secondary use to that of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood. Such accessory use shall not occupy more than twenty-five percent (25%) of the floor area of the principal structure, shall not offer for sale any article except as grown or produced on the premises by members of the immediate family and shall not employ more than one (1) person who is not a member

of the immediate family. No traffic shall be generated by such home occupation in greater volume that would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution, and shall not be located in a required front yard; no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interferences detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. Such accessory uses shall include, but not limited to the following:

- a. An office or studio in the residence of a physician or surgeon, dentist, artist, lawyer, architect, engineer, teacher or other member of a recognized profession.
- b. Real estate office or insurance sales office.
- c. Customary home occupations such as handicrafts, dressmaking, laundering, home cooking, beauty parlor and barber shop.

5.71 HOSPITAL: An institution providing health care services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central service facilities and other similar facilities. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)

5.72 HOTEL OR MOTEL: A building designed for occupancy as the temporary abiding place of individuals who are lodged with or without meals, in which there are more than six (6) guest rooms, and in which no provisions are made for cooking in any individual room or suite.

5.73 HOT TUB: A permanent or semi-permanent structure located either above grade or below grade, designed to contain at least two feet of water at any one point with a diameter less than six feet and electrical connections, but not including temporary metal, plastic, fiberglass or inflatable structures intended to be used as pools by children. See also "PERMANENT SWIMMING POOL". (Adopted May 17, 2011 by Resolution, effective June 16, 2011)

5.74 INSTITUTION: An organization having a social, educational or religious purpose such as a school, church, hospital, reformatory and the building housing such organization.

5.75 KENNEL: Any lot or premises on which four or more domesticated animals of the same type or species, more than four months of age are housed, groomed, bred, boarded, trained or sold and which may offer provisions for minor medical treatment for such animals.

5.76 LAUNDROMAT OR DRY CLEANERS: An establishment providing home type washing, drying, dry cleaning or ironing machines for hire to be used for customers on the premises. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)

5.77 LIGHT INDUSTRIAL: Research and development activities; the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and the packaging of products. Such operations are, relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust. Operation and storage occur primarily within well maintained enclosed structures which obscures the storage from public view. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)

5.78 HEAVY INDUSTRIAL: The initial processing or treatment of raw material or manufacturing of products that require additional processing, fabrication, or assembly. Such operations are primarily major and extensive in character require large sites, open storage and service area, have potential to produce noise, dust, glare, odors or vibrations. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)

5.79 LIBRARY (PUBLIC): A public facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)

5.80 LOADING SPACE: (An off-street parking space with a minimum width of twelve (12) feet on the same lot with a building, or adjacent to a group of buildings on the same lot for the temporary parking of a vehicle while unloading or loading merchandise or materials (Adopted April 16, 2002 by Resolution 2002-44, effective May 15, 2002)

- 5.81 LOT: A parcel of land fronting upon an officially dedicated and accepted public street or road and meeting minimum requirements set forth in this Resolution. Said lot shall be occupied or intended to be occupied by a use, building or group of buildings and their accessory uses and buildings as a unit, together with such open spaces as are required by this Resolution.
- 5.82 LOT OF RECORD: A lot which is part of a subdivision filed with the Lake County Recorder or parcel described by metes and bounds and the description of which has been so recorded.
- 5.83 MECHANICAL AMUSEMENT DEVICE: A machine or device, other than a telephone or coin operated ride, which upon insertion of a coin or token, operates or may be operated for use as a game, amusement or contest of any description.
- 5.84 MEDICAL & DENTAL OFFICE: An establishment where healthy, sick, ailing, infirm, or injured persons are seen by appointment for wellness check-up, examinations and treatment on an outpatient basis by one or more physicians, dentists, or other medical personnel and where patients are not lodged overnight. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)
- 5.85 MINI-STORAGE FACILITY: A building or group of buildings of a controlled-access and fenced facility that contains varying sizes of individual, compartmentalized, and condoled-access stalls or lockers for the storage of customer's goods or wares. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)
- 5.86 MOTOR VEHICLE: Every device propelled or drawn by power other than muscular power, by which person or property may be transported or drawn upon a highway, and which also includes "trailers" "noncommercial trailers" and "semitrailers" as defined in Ohio Revised Code sections 4501.01 (M), (N) and (P), as amended from time to time. (Adopted April 16, 2002 by Resolution 2002-44, effective May 15, 2002)
- 5.87 MOTION PICTURE THEATERS: A building, or portion thereof devoted to showing motion pictures or live performances such as dance or musical but excluding any adult oriented theaters as defined in Section XXII, subsection 22.15. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)
- 5.88 MOTOR FREIGHT TRANSPORTATION FACILITY: Terminals with the capability of handling a larger variety of goods involving various forms of transportation and providing multimodal shipping capabilities such as rail to truck and truck to air. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)
- 5.89 MUSEUM: A facility for exhibiting, or an institution in charge of a collection of books, artistic, historical or scientific objects arranged, intended, and designed to be used by members of the public for viewing with or without an admission charge and may include as an accessory use the sale of goods to the public as gifts or for their own use. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)
- 5.90 NEW CAR AGENCY: New car agency shall be defined as any person engaged in the business of selling at retail, displaying, offering for sale, and/or dealing in automobiles and/or trucks at an established place of business used exclusively for such purposes and pursuant to a contract or agreement entered into with the manufacturer of vehicles. (Adopted by Resolution 95-47 effective July 22, 1995.)
- 5.91 NEW HOUSEHOLD FURNITURE/ELECTRONIC RENTAL OR LEASING AND SALES: An establishment offering electronics, appliances, furniture, party supplies and similar goods and equipment on a rental or rent-to-own basis. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)
- 5.92 NON-CONFORMING USE: A building, structure, or use of land existing prior to current zoning which does not conform to the current regulations of the district or zone in which it is situated.
- 5.93 OUTDOOR STORAGE: Open storage of materials in any required front setback or side setback adjacent to a street is prohibited in all industrial districts. All other outside storage in industrial district shall be located and screened so as not to be visible from any residential or recreational district. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)
- 5.94 PARTY WALL: A common wall separating two dwelling units for at least 25% of its length.
- 5.95 OUTDOOR DINING: A dining area with seats and/or tables located outdoors of a restaurant, coffee shop, or other food service establishment, and which is located outside the wall of the subject building, and shall be enclosed by a separate wall or fence. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)

- 5.96 PERMANENTLY CONSTRUCTED CONNECTION: Anything constructed or created, the use of which requires a permanent foundation on the ground. For purposes of this definition, trellises, fences and uncovered and covered walkways shall not be considered permanently constructed connections.
- 5.97 PAVILION: A freestanding, open air structure with a solid roof supported by columns or posts and containing four sides, which shall not be enclosed with any material. (Adopted May 17, 2011 by Resolution, effective June 16, 2011)
- 5.98 PERGOLA: A structure usually consisting of parallel colonnades supporting an open roof of girders and cross rafters. Used to offer shade and often covered with climbing plants. Pergolas are similar to arbors, but are typically designed with more substantial architecture. See also "ARBOR" and "TRELLIS". (Adopted May 17, 2011 by Resolution, effective June 16, 2011)
- 5.99 PERSONAL CARE SERVICES: Any enterprise conducted for gain that primarily offers services to the general public such as shoe repair, watch repair, barbershop, salons, dry cleaners, photography studios or similar activities excluding any adult oriented services as defined in Section XXII. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)
- 5.100 RECREATIONAL FACILITY: An indoor facility including uses such as game courts, exercise equipment, indoor and/or outdoor swimming pools including locker rooms, whirlpools, hot tubs and/or saunas, restaurant or snack bar, pro-shop and training facilities.
- 5.101 RECREATIONAL VEHICLE: Means a vehicular portable structure designed and constructed to be used as a temporary dwelling for travel, recreational, and vacation uses and being classed as follows:
- "Travel Trailer" means a non-self-propelled recreational vehicle and includes a tent type fold-out camping trailer, and designed to be used as a temporary dwelling for travel, recreational and vacation uses.
- "Motor Home" means a self-propelled recreational vehicle designed to be used as a temporary dwelling for travel, recreational and vacation use.
- "Truck Camper" means a non-self-propelled recreational vehicle without wheels for road use and designed to be placed upon and attached to a motor vehicle. Truck camper does not include truck covers which consist of walls and roof but do not have floors and facilities for using same as a dwelling.
- "Boats" and "Boat Trailers" shall include boats, floats, and rafts, plus the normal equipment to transport the same on the highway.
- 5.102 RESTAURANT (SIT DOWN): A lot, premises, or building whereupon or in which food or beverages are cooked, prepared and offered for sale and where consumption is permitted on said lot, premises or building, whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns. (Adopted April 16, 2002 by Resolution 2002-44, effective May 15, 2002)
- 5.103 RIGHT-OF-WAY: Means the entire width between the boundary lines of every dedicated and accepted way open to the use of the public as a thoroughfare for the purpose of vehicular traffic.
- 5.104 SCHOOL, ELEMENTARY, PUBLIC AND PRIVATE: Offering of courses of academic instruction and certified pursuant to Ohio Revised Code Chapter 3332 or its successors. (Adopted by Resolution 90-84 effective September 6, 1990.)
- 5.105 SCHOOL, SECONDARY, PRIVATE: Offering of courses of academic instruction and certified pursuant to Ohio Revised Code Chapter 3332 or its successors. (Adopted by Resolution 90-84 effective September 6, 1990.)
- 5.106 SCHOOL, SECONDARY, PUBLIC: Schools for which minimum standards are prescribed by the State Board of Education pursuant to Ohio Revised Code Section 3303.07(D) or its successors. (Adopted by Resolution 90-84 effective September 6, 1990.)
- 5.107 SECONDHAND MERCHANDISE: Retail sales of previously used merchandise, such as clothing, household furnishings or appliances, sports/recreational equipment. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)

- 5.108 SET BACK LINE: Is the line established in this Resolution which defines the area between said line and the street or lot line on which no building may be constructed.
- 5.109 SIGN: Any structure, or natural object such as a tree, rock, bush and the ground itself, or part thereof, or device attached thereto or painted or represented thereon, containing any advertisement, mark of identification or symbol attached to, painted or illuminated. (Adopted April 16, 2002 by Resolution 2002-44, effective May 15, 2002)
- 5.110 SIGN, OFF-PREMISE: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
- 5.111 SIGN, ON-PREMISE: Any sign related to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
- 5.112 SIGN, POLITICAL: Any sign advocating any type of political action or concerning any candidate, issue, levy or any other matter to be voted upon in the next primary, general, or special election.
- 5.113 SIGN, NON-CONFORMING: Any sign existing prior to the passage of this Resolution and any amendment thereto which does not conform to one or more requirements of this Resolution and any amendment thereto.
- 5.114 SIGN FACE AREA: The area measured by the smallest square, rectangle, circle or combination thereof, which will encompass the entire advertising device including border, trim, cutout and extension. (Adopted April 16, 2002 by Resolution 2002-44, effective May 15, 2002)
- 5.115 SIGNS, GOVERNMENT: Are excluded from these regulations and means any sign erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance or governmental regulation.
- 5.116 STREET: The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic.
- 5.117 STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. Structures include, but are not limited to, buildings, decks, fences, garages, signs, walls, gazebos, sheds, pools, and movable structures that may be on blocks, skids, or similar support. Structures do not include trailers or other vehicles whether on wheels or other supports. (Adopted May 17, 2011 by Resolution, effective June 16, 2011)
- 5.118 SWIMMING POOL, CLUB: For the purposes of this Zoning Resolution, a pool operated by a private club incorporated as a nonprofit organization to maintain and operate a swimming pool for the exclusive use of residents, occupants and guests of the residential development or area within which the pool is located. (Adopted May 17, 2011 by Resolution, effective June 16, 2011)
- 5.119 SWIMMING POOL, PERMANENT: An artificial tank or structure, either in-ground or above-ground, intended for recreational swimming purposes and not located within an enclosed building, with a diameter greater than six feet and designed to contain greater than two (2) feet of water at any point. Permanent swimming pools, as regulated in this Zoning Resolution, shall be erected and maintained on a property year-round. See also "HOT TUB" and "TEMPORARY SWIMMING POOL". (Adopted May 17, 2011 by Resolution, effective June 16, 2011)
- 5.120 SWIMMING POOL, PRIVATE: For the purpose of this Zoning Resolution, a pool maintained by an individual on a lot as an accessory use to a dwelling for the sole use of the members of the private dwelling and any guests, without charge for admission and not operated for profit. See also "PERMANENT SWIMMING POOL" and "TEMPORARY SWIMMING POOL". (Adopted May 17, 2011 by Resolution, effective June 16, 2011)
- 5.121 SWIMMING POOL, TEMPORARY: An above ground tank or structure designed for swimming purposes but which are not permanently installed. Temporary pools shall include, but shall not be limited to, inflatable, blow-up, plastic structures intended to be used as pools by children. (Adopted May 17, 2011 by Resolution, effective June 16, 2011)
- 5.122 STUDIOS FOR INSTRUCTION: A building or portion of a building that is used or intended to be used for classes in the arts (e.g. dance, painting, sculpting, singing) and other wellness activities excluding nude modeling studio. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)

- 5.123 TEMPORARY PORTABLE STORAGE UNITS: A temporary outdoor storage unit or container intended for the purpose of storing or keeping household goods and other personal property to be filled, refilled, and/or emptied while located outdoors on a residential property, and later removed from the property for storage off-site. (Adopted May 17, 2011 by Resolution, effective June 16, 2011)
- 5.124 TOWNHOUSE: No less than two (2) nor more than six (6) dwelling units which are physically attached one to another by common or adjoining walls and having individual heating and plumbing systems. (Adopted by Resolution 99-60 effective August 5, 1999.)
- 5.125 TRANSPORTATION SERVICES: The use of land, buildings or structures for the purpose of storing, servicing repairing or loading of trucks, transport trailers or buses, but does not include motor vehicle service stations or transportation sale or rental outlets. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)
- 5.126 TRELLIS: Open latticework structure, often two-dimensional, either free-standing or against a building. Primarily used to support climbing plants. See also "ARBOR" and "PERGOLA". (Adopted May 17, 2011 by Resolution, effective June 16, 2011)
- 5.127 UNIVERSITY, PRIVATE: College, technical college or university offering courses of instruction and certified pursuant to Ohio Revised Code Chapter 3332 or its successors. (Adopted by Resolution 90-84 effective September 6, 1990.)
- 5.128 UNIVERSITY, PUBLIC: College, technical college or university established by law or chartered by the Ohio Board of Regents. (Adopted by Resolution 90-84 effective September 6, 1990.)
- 5.129 URGENT CARE/MEDICAL CLINIC: A facility for examining and treating human patients with medical problems on an outpatient basis, including ambulatory care or similar medical service. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)
- 5.130 USE: The purpose for which land or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained. The use of land shall include but not be limited to the occupancy of all buildings or structures situated upon any parcel of land and shall also include the use of land upon which no structures are situated.
- 5.131 USE DISTRICT: A section or sections of the Township for which regulations and provisions governing the use of buildings and land are uniform for each class of use permitted therein.
- 5.132 VARIANCE: A modification of the strict terms of the Zoning Resolution where such modification will not be contrary to the public interest; and where owing to conditions peculiar to the property, and not created by any action of the applicant, a literal enforcement of the Zoning Resolution would create unnecessary and undue hardship.
- 5.133 VETERINARY SERVICE: A facility maintained by or for the use of a licensed veterinarian for the care, grooming, diagnosis, and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for treatment, observation and/or recuperation. (Adopted August 4, 2009 by Resolution, effective September 3, 2009)
- 5.134 WALL: See "FENCE". (Adopted May 17, 2011 by Resolution, effective June 16, 2011)
- 5.135 WAREHOUSE: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.
- 5.136 ZONING CERTIFICATE: A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.