

2-1 DEFINITIONS GENERALLY.

For the purposes of this Resolution, certain terms and words are defined and are used in this Resolution in that defined context. Any words not herein defined shall be construed as defined in the Hamilton County Building Code and in normal dictionary usage.

2-2 ADDITIONAL DEFINITIONS.

Additional definitions relating to specific portions of this Resolution are found in Chapter 13 (Signs).

2-3 DEFINITIONS.

For the purposes of this Resolution, the following terms shall have the following meanings:

A

ABUTTING. Having a common border with, or being separated from such common borders by an alley or easement.

ACCESSORY APARTMENT. A single dwelling unit apartment intended for use as a complete independent living facility that is in the same structure as, under the same ownership as, and subordinate to a residence constructed as a single-family residence, and with one of the two dwelling units occupied as the principal residence of the owner.

ACCESSORY USE OR STRUCTURE. An accessory structure or use: (1) is subordinate to and serves a principal building or a principal use; (2) is subordinate in area, extent and purpose to the principal structure or principal use served; (3) contributes to the comfort, convenience or necessity of the occupants, business or industry of the principal structure or principal use served; and (4) is located on the same lot as the principal structure or principal use served, except as otherwise expressly authorized by the provisions of this Resolution. An accessory structure attached to a principal building in a substantial manner by a wall or roof shall be considered part of the principal building.

ADJUSTMENT (OF PLANS). A change in the development plan wherein written conditions or recorded easements are not modified and the revised (adjusted) plan is in substantial conformity with the intent of the previously approved plan (PUD's, S-PUD's, & SPI's).

ADMINISTRATIVE OFFICIAL. Primary authority for administering the duties of the Northeast Green Township Zoning Commission as required by this Resolution; responsibilities may be assigned to one or more individuals by the administrative head (Secretary/Executive Director) of the Green Township Development Department. The staff person or persons to whom such administrative functions are assigned shall be referred to in this resolution as the "Administrative Official." (See responsibilities in Chapter 19)

AGGRIEVED PARTY OR PERSON. Any owner of a legal or equitable interest in property on which development proposed under these regulations has been denied approval, or any person whose legal right has been invaded or infringed or whose pecuniary interest is directly affected, as distinct from any damages to the rest of the community, by a government act complained of.

AGRICULTURE, RURAL. (1) Farming, ranching or pasturage; (2) Agriculture, aquaculture and fishing lakes, horticulture, ornamental horticulture, floriculture, viticulture and wine-making, olericulture, pomiculture; (3) Production or cultivation of land for mushrooms, timber, nursery stock, sod, tobacco, field crops, and without limitation, other such agricultural and horticultural commodities; (4) Dairying, and dairy production; (5) Animal or poultry husbandry, and the production of poultry and poultry products, livestock, equine or furbearing animals, and

wildlife native to this state, including breeding, raising, shearing, grazing or other feeding; (6) Beekeeping and related apiarian activities and the production of honey, beeswax, honeycomb, and related products; (7) Any activities listed in (1)-(6) above when carried on by agriculturally oriented groups such as 4-H Clubs, Future Farmers of America; (8) On-site storing, handling, and processing incidental to the production of the foregoing agricultural or horticultural products or commodities; (9) Accessory uses and activities directly related to any of the activities listed in (1)-(8) above including wholesale selling of products, commodities and animals; (10) Farm markets where fifty per cent or more of the gross market income is derived from produce raised on farm(s) owned or operated by the market owner, in a normal crop year. The term "rural agriculture" shall not include suburban agriculture.

AGRICULTURE, SUBURBAN. (1) Farming, pasturage, horticulture, floriculture, or viticulture on lots of one acre or less in platted subdivisions, or in unplatted subdivisions with 15 or more lots that are contiguous or separated only by right-of-way, where at least 35% of the lots are developed; or (2) dairying, and animal or poultry husbandry on lots of five acres or less in any platted subdivision, or in any unplatted subdivision resulting in 15 or more lots, each smaller than five acres and contiguous or separated only by right-of-way, where at least 35% of the lots are developed.

AIRPORT. A facility intended and used as the place where one or more fixed-wing or rotary-wing aircraft is regularly stored, maintained, or repaired while not in flight with an area that the aircraft may use to take off and land.

ALLEY. A public or private way which is less than thirty (30) feet wide is dedicated for public use by vehicles and pedestrians and which affords only a secondary means of access to abutting property.

ATHLETIC/PLAY FIELD, PRIVATE. An outdoor athletic field or play field operated by a nonprofit club, association, or other nonprofit organization.

AUDITORIUM. A room, hall, or building used for public gatherings.

B

BAR. A use primarily functioning as an alcoholic beverage consumption establishment or tavern, serving customers on the premises, where **no** kitchen service is provided for on premises food preparation for onsite consumption.

BAR-TAVERN/Restaurant/Cafe. A use primarily functioning as an alcoholic beverage consumption establishment or tavern, serving customers on the premises, where limited kitchen service is provided for food preparation for on premise consumption.

BASEMENT. A story having less than one-half (1/2) its height above grade. The portion of a basement above grade is counted as a story for the purpose of height regulation.

BOARD. The Board of Trustees of Green Township.

BOARDING HOUSE. A building other than a hotel where meals only or lodging and meals are provided for compensation for three (3) but not more than twenty (20) persons.

BOARD OF ZONING APPEALS (BZA). The Green Township Board of Zoning Appeals as established by this Resolution.

BUFFER OR BUFFERYARD. An area of healthy and viable vegetation, natural or planted, adjoining or surrounding a land use and unoccupied in its entirety by any building structure, paving or portion of such land use, for the purposes of separating, screening and softening the effects of the land use. No part of this buffer is to be used for active recreation, parking, or interior access drives. A buffer may include a wall, fence or berm, connecting driveways, underground utilities and permitted signage as provided in accordance with the provisions of Chapter 14 or any other related chapter.

BUFFER, BOUNDARY. A linear area adjacent to the side and/or rear property line that is set aside to separate, screen, and soften the detrimental impacts of different uses or intensities upon one another and upon the surrounding neighborhood.

BUFFER, STREETSCAPE. A linear area adjacent to the front property line extending from side lot-line to side lot-line that is set aside to shield or enhance views into the parking lot, establish coordination among diverse buildings, setbacks and uses, to define the street and access points, to retain the quality of the environment by providing appropriate vertical mass in keeping with dimensions of horizontal voids, and to diminish the presence of wires/poles, lights and other clutter along the public right-of-way.

BUILDABLE AREA. Space remaining on a lot after the minimum zoning requirements for yards, setbacks, coverage and allowances for panhandles, easements and restrictions have been met.

BUILDING. A temporary or permanent structure having a roof supported by walls and which can be used for the shelter, housing, or enclosure of persons, animals, motor vehicles, boats and other goods.

BUILDING, HEIGHT OF. The vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs excluding elevator shafts, chimneys and other structures.

BUILDING LINE. The line indicating the minimum horizontal distance required between the street right-of-way line and the building or any projection thereof other than a step or uncovered porch, establishing a minimum front yard setback.

BUILDING, PRINCIPAL. A building containing the principal use of the lot.

BULK. The three dimensional space occupied by a structure or building, defined by its height, width, and depth.

C

CALIPER. A measurement of the size of a tree equal to the diameter of its trunk measured four (4) inches above natural grade for trees having calipers less than or equal to six (6) inches diameter; and measured as the diameter at breast height (DBH of 4 ½ feet above grade) for tree calipers greater than six (6) inches diameter.

CANDLEPOWER. The total luminous intensity of a light source expressed in foot-candles measured at ground level. Maximum (peak) candlepower is the largest amount of foot-candles emitted by any lamp, light source, or luminaries.

CELLAR. A story having more than one-half (½) of its height below grade. A cellar is counted as a story for the purpose of height regulation only if used for purposes other than storage, utilities or the quarters of a janitor or watchman employed on the premises.

CEMETERY. An area of land set apart for the sole purpose of the burial of bodies of dead persons or animals, and for the erection of customary markers, monuments, and mausoleums.

CHURCH / PLACE OF WORSHIP. A building used principally for religious worship.

CLINIC, MEDICAL, DENTAL, OR OPTICAL. A use or structure intended or used primarily for the testing and treatment of human medical, dental, or optical disorders, but not including overnight boarding of patients.

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

CLUB, PRIVATE. Lands and facilities operated by or for a group or association of persons, and their guests, which are not available for unrestricted public access or use.

COLLEGE OR UNIVERSITY. An institution of higher education authorized by the State to offer baccalaureate or graduate degrees.

COMMERCIAL ACTIVITY. An occupation, employment or enterprise which is carried on for profit by the owner, lessee or licensee, except for activities carried on by a not-for-profit organization which utilizes the proceeds of such activities solely for the purposes for which it is organized.

COMMERCIAL OFFICE. A use or structure where business or professional services are made available to the public, including but not limited to financial institutions, tax preparation, accounting, architectural, legal services, medical laboratories, optical laboratories, dental laboratories, psychological counseling, real estate and securities brokering, professional consulting services, and hotels and motels, but not including the cutting or styling of hair, or recreational facilities or amusements.

COMMERCIAL RETAIL BUSINESS (SALES AND SERVICES). A building, property, or activity, where the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer. In addition, it shall include the provision of personal services, including but not limited to barber shops, beauty parlors, laundry and dry cleaning establishments, tailoring shops, shoe repair shops and similar establishments.

COMPOST BIN. A fixed or moveable structure made up of fencing or other material for the purpose of containing and cultivating compost.

CONDITIONAL USE. A use permissible within a district other than a principally permitted use, requiring application for a Conditional Use Certificate and approval by the Board of Zoning Appeals as stated in Chapter 17.

CONSTRUCTION DEBRIS. Those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including but not limited to houses, buildings, industrial or commercial facilities, or roadways and as regulated in the Ohio Revised Code.

CONTINUING CARE RETIREMENT FACILITY. A housing development that is planned, designed, and operated to provide a full range of accommodations and services for older adults, including independent living, congregate housing (self-contained apartments), and medical care.

CULTURAL FACILITY. Establishments providing cultural, historic, or educational services to the public and which are not operated for profit. Typical uses include museums, outdoor drama theaters (not drive-ins), botanical gardens, and zoos.

D

DANCE CLUB, CONCERT CLUB or SHOW CLUB A commercial business establishment or activity that provides assemblage space with limited or no fixed seating for dancing, concerts, talent shows or similar and related activities in a public or member only setting. Dance or Concert clubs shall include all-age venues or clubs, as well as premises that have a State of Ohio liquor license and /or dining facilities that provide space for concert performances, stage shows, talent shows, dancing, or dance events without fixed auditorium style seating.

DAY CARE, ADULT. A place that provides community based programs designed to meet the health, social and related needs of functionally impaired adults during daytime hours.

DAY CARE CENTER, CHILD. Any place in which child day care is provided, with or without compensation, for thirteen (13) 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 is provided, with or without compensation, for seven (7) or more children at one time or four (4) or more children under two years of age at one time. For the purposes of this definition, any children under six years of age who are related to the provider of child day care and who are on the premises shall be counted.

DAY CARE, CHILD TYPE A. A permanent residence of the administrator in which child day-care is provided for seven (7) to twelve (12) children at one time or for four (4) to twelve (12) children at one time if, for the latter, four (4) or more children are under two years of age. Any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

DAY CARE, CHILD TYPE B. A permanent residence of the provider in which child day-care is provided for one (1) to six (6) children at one time and in which no more than three (3) children may be under two years of age at one time. Any children under six years of age who are related to the provider and who are on the premises shall be counted.

DENSITY, GROSS. The quotient of the total number of dwelling units divided by the gross area of a site (including public rights-of-way), expressed in gross dwelling units per acre. (Total number of dwelling units ÷ Total gross acreage = Gross Density)

DENSITY, NET. The quotient of the total number of dwelling units divided by the area of the site consisting of the gross area minus the area for rights-of-way and easements for public streets, expressed in net dwelling units per acre. For calculation of preliminary or conceptual plans where actual location and area of right-of-way is not yet determined, the net density shall be based on 82% of the gross area. (Total number of dwelling units ÷ Total gross acreage less R.O.W. and easements for public streets = Net Density)

DEVELOPER. Any person seeking approval under these provisions for any form of development.

DEVELOPMENT. Any manmade change to improved or unimproved real estate that requires a Zoning Certificate or other approval under this Resolution. For the purposes this Resolution, the following activities or uses shall be considered "development":

- a. The reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water.
- b. A change in the intensity of use of land such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
- c. Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land.
- d. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
- e. Subdivision of land.

"Development" includes all other activity customarily associated with it. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity is not development. Reference to particular types of operations is not intended to limit the scope of this definition.

DEVELOPMENT PLAN, PRELIMINARY. A plan for the specific development and specific use of a parcel as a planned unit development pursuant to the requirements of Chapter 18, submitted prior to the submission of a final development plan and indicating such items and features as are required pursuant to the provisions of Chapter 18.

DIAMETER AT BREAST HEIGHT (DBH). A measurement of the size of a tree equal to the diameter of its trunk measured four and one-half (4½) feet above natural grade.

DISTRICT, ZONING. A portion of the unincorporated territory of Green Township established pursuant to Chapter 3 within which certain regulations and requirements apply pursuant to the provisions of this Resolution. The administrative approval of planned unit developments (PUD-1 or PUD-2) within the Planned Unit Development Overlay District shall neither create a new district under the provisions of this Resolution nor be deemed an amendment to this Resolution for the purpose of Section 519.12 of the Ohio Revised Code.

DORMITORY. A building used as a group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, orphanage, convent, monastery or other similar institutional use.

DRAINAGEWAY. A minor watercourse identified by the presence of an intermittent or perennial waterway or by the presence of the following seasonally saturated soil types as identified by a soil survey prepared by the U.S. Department of Agriculture, Soil Conservation Service: Ave Silt Loam; Avonburo Silt Loam, Dana Silt Loam; Fincastle Silt Loam; Henshaw Silt Loam; Markland Silt Clay Loam; Patton Silt Clay Loam; Raub Silt Loam;

Rossmore Silt Loam; Wakeland Loam; Xenia Silt Loam, and also including any area of less than one-quarter acre which meets the definition of a wetland as defined herein, except for size.

DRIP LINE. The perimeter of the circular area surrounding the trunk of a tree measured as one (1) foot of radius from the centerline of the trunk for each one (1) inch caliper or a vertical line extending from the outermost branches of a tree to the ground.

DRIVE, ACCESS. The connecting access linkage between any roadway and off-street parking area having no parking along the drive.

DRIVE, ENTRY. That part of an access drive leading to a vehicular use area that encompasses the first thirty feet from the right-of-way or easement of the street and a parking setback of eight feet from the curb or pavement of the drive.

DRIVE, PRIVATE. A shared means of vehicular ingress and egress located within an easement of access serving rear or panhandle lots, not dedicated to a political subdivision by recorded instrument that is maintained by the party or parties using such private drive for private access.

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

DRIVE-IN OR DRIVE-THROUGH FACILITY. An establishment or facility that by design of physical facilities or by service or packaging procedures encourages or permits customers to receive a service or obtain a product or to be entertained while remaining in a motor vehicle on the premises.

DWELLING. Any structure or portion thereof which is designed or used for residential purposes

DWELLING UNIT. A single unit of one or more rooms providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, but not including a tent, cabin, recreational vehicle or other temporary or transient structure or facility. A Dwelling unit shall include a Modular Industrialized Unit but shall not include a Manufactured HUD Unit, a Mobile home or recreational vehicle and camping equipment or a Manufactured Home except “permanently-sited manufactured homes” that conform to the requirements for permanently-sited manufactured housing as that term is defined in this chapter within the definition of “Residential, Single Family Dwelling Unit – Detached.”

E

EASEMENT. A recorded right or privilege of a person, other than the owner or tenant, to use land for a specific purpose.

EASEMENT OF ACCESS. An easement for immediate or future use, to provide vehicular access and accommodation for utilities, from a street to a lot, a principal building or an accessory building.

EDUCATIONAL FACILITIES (PUBLIC AND PRIVATE). Any building used for education or instruction on an elementary or secondary level, approved under the regulations of the State

EQUINE. A horse, pony, mule or ass.

EFFECTIVE DATE. The date that amendments to this zoning resolution were effective.

EFFECTIVE DATE, INITIAL. The date that this zoning resolution was first established and in effect as specified in **Section 1- 8** of this resolution.

F

FAMILY. A person or group of persons occupying a premises and living as a single housekeeping unit, including a “family home” as herein defined, but as distinguished from a group occupying a boarding house, fraternity/sorority house, hotel or other type of contractual living quarters.

FAMILY HOME. A residential facility shared by at least six (6) but not more than eight (8) mentally retarded or developmentally disabled individuals plus paid professional support staff provided by a sponsoring agency either living with the residents on a 24-hour basis or present on shifts, who live together as a single housekeeping unit in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents in order to enable them to live as independently as possible in a residential environment. This definition shall not include an alcoholism or drug treatment center, a work release facility for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

FARM MARKET. The use of any land for a roadside produce stand where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year and provided that the structure shall not exceed 800 square feet and such structure and parking areas shall be at least sixty (60) feet from every property line of adjacent parcels in residence districts; and that a sign advertising such products shall not exceed twelve (12) square feet in area.

FESTIVAL, TEMPORARY. A time of celebration, characterized by a program of cultural events or entertainment, which takes place for a specified, temporary duration.

FINANCIAL INSTITUTION. A building, property or activity, the principal use or purpose of which is the provision of financial services, including but not limited to banks, facilities for automated teller machines ("ATMs"), credit unions, savings and loan institutions and mortgage companies. "Financial Institution" shall not include any use or other type of institution which is otherwise listed in the Table of Permissible Uses for each category of zoning district or districts under this Resolution.

FLOOR. The top surface of an enclosed area in a building (including the basement), such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

FLOOR AREA, GROSS. The sum of the horizontal areas of each floor of the building, measured from the exterior walls or from the center line of party walls, including the floor area of accessory buildings and structures.

FLOOR AREA, NET. The sum of the horizontal areas of each floor of the building, measured from the exterior walls or from the center line of party walls, including the floor area of accessory buildings and structures. The term does not include any area used exclusively for the parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space or areas occupied by mechanical equipment, toilet or rest rooms.

FOOT-CANDLE. A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) standard candle.

FRONTAGE, BUILDING. The length of an enclosed building facing a public or private street.

FRONTAGE, STREET OR LOT. The length of right-of-way or easement of access along the front yard or yards of a lot as measured at the Building Line.

G

GARAGE, PRIVATE. An accessory building or an accessory portion of the principal building, including a carport, which is intended for and used for storing the privately owned motor vehicles, boats and trailers of the family or families resident upon the premises, and in which no business, service or industry connected directly or indirectly with motor vehicles, boats and trailers is carried on.

GARAGE, STORAGE. Any building or premises used for storage of motor-driven vehicles pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold.

GOVERNMENT FACILITY. Any building or structure used by government for administrative or service purposes, but not including buildings devoted solely to the storage and maintenance of equipment and materials. Includes but not limited to police and fire stations, government buildings, and similar uses and facilities.

GRADE. A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than six (6) feet (1829 mm) from the building, between the building and a point six (6) feet (1829 mm) from the building.

GRANNY COTTAGE. Temporary detached residential unit on a single-family lot subordinate in size, location, and appearance to the primary residence and providing complete housekeeping facilities for the exclusive use of the occupants. The owner of the principal residence and lot must live in one of the dwelling units on the lot and at least one occupant of the principal residence and one of the detached units must be related by blood, marriage, adoption or other legal relationship.

GREENHOUSE. A glassed or translucent enclosure used for the cultivation or protection of plants.

GROUP HOME. A residential facility shared by nine (9) to sixteen (16) handicapped individuals plus paid professional support staff provided by a sponsoring agency either living with the residents on a 24-hour basis or present on shifts, who live together as a single housekeeping unit in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents in order to enable them to live as independently as possible in a residential environment. The definition shall not include an alcoholism or drug treatment center, a work release facility for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

H

HALFWAY HOUSE. An establishment whose primary purpose is the rehabilitation of persons. Such services include drug and alcohol rehabilitation, assistance to emotionally and mentally disturbed persons, and rehabilitation for prison parolees and juveniles.

HANDICAP. With respect to a person, a physical or mental impairment which substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment. This definition does not include current illegal use of, or addiction to, a controlled substance. As used in this definition, the following terms and phrases have the following meanings:

- a. "physical or mental impairment": Any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive, genitourinary, hemic and lymphatic; skin; and endocrine; or

Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific disabilities. The term "physical or mental impairment" includes but is not limited to such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current illegal use of a controlled substance) and alcoholism.

- b. "major life activities": Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- c. "has a record of such an impairment". A history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.
- d. "is regarded as having an impairment":
 1. A physical or mental impairment that does not substantially limit one or more major life activities but that is treated by another person as constituting such a limitation;
 2. A physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or
 3. Having none of the impairments defined in Paragraph (a) of this definition but is treated by another person as having such an impairment.

HOBBY BREEDER. One who breeds occasional litters of dogs, cats, or other household pets for recreation for the purpose of, but not limited to, improving the physical and mental soundness of the breed and who may improve the breeding program by exhibiting in conformation, hunting, performance, or other tests.

HOME OCCUPATION. Any occupation or profession conducted entirely within a dwelling and carried on by the inhabitants thereof, and which is an accessory use clearly incidental and secondary to the use of the structure for dwelling purposes in connection with which there is no display that will indicate from the exterior that the building is being utilized for any purpose other than that of a dwelling. Home occupations shall not include any retail or wholesale business of any kind or any similar intensity of activities regardless of remuneration involving in-person transactions on the premises.

HOSPITAL. An institution providing health services and medical or surgical care to persons, primarily temporary in-patients, with illness, disease, injury, deformity, or other physical or mental condition, and including as an integral part of the institution related facilities such as laboratories, out-patient facilities or training facilities. "Hospital" does not include institutions for the permanent care of, or occupation by, the poor, infirm, incurable or insane.

HOTEL OR MOTEL. A building containing more than four individual rooms for the purpose of providing, for periods not exceeding thirty days, overnight lodging facilities to the general public for compensation with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception.

I

IMPERVIOUS SURFACE. Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks and paved recreational facilities.

IMPERVIOUS SURFACE RATIO (ISR). The total area of impervious surfaces divided by the net area (excluding right-of-way) of the lot.

INDUSTRIALIZED UNIT (MODULAR). A modular structure which complies with the standards and specifications for Industrial Units of Closed Construction, as provided for by the Ohio Basic Building Code as amended and as authorized by the Board of Building Standards pursuant to Ohio Revised Code Section 3781.01 et seq. as amended and to which is affixed a permit, sticker, plate or other recognized, official identification indicating such compliance. The structure is composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation.

INDUSTRIAL USE. The assembly, fabrication or processing of goods and materials, or any operation or facility including buildings, equipment structures, or stationary items used for industrial purposes.

INDUSTRIAL, EXCAVATION/EXTRACTION USE. Any operation, including buildings, equipment, structures and other stationary items which are used for the extraction and processing of sand, gravel and other materials or the filling of land.

INSTITUTIONAL USE. A building, structure or land used for educational, religious, human care or similar types of public or quasi-public purposes. This category shall include but not be limited to schools, universities, churches and other places of worship, cemeteries, correctional facilities, halfway houses, nursing and convalescent homes, day care centers, continuous care retirement facility and hospitals.

INTERIOR PARKINGLOT LANDSCAPING. An area set aside, usually as an island in a parking lot, to provide environmental relief. The interior buffer will help to define spaces and indicate directions for pedestrian and vehicular circulation.

J

JUNK VEHICLE. See VEHICLE, INOPERABLE OR ABANDONED

K

KENNEL, COMMERCIAL. A structure or premises used for the housing, grooming, breeding, boarding, training, selling or other animal husbandry activities for dogs, cats or other household pets for financial or other compensation.

KENNEL, PRIVATE. The home and premises of a hobby breeder.

L

LAKE. A natural or artificial body of water encompassing an area of two (2) or more acres which retains water year round.

LAKE, COMMERCIAL FISHING/PAY LAKE. A private or publicly owned lake or pond, where a fee is charged in exchange for the permission to fish.

LANDSCAPING. The improvement of a lot, parcel or tract of land with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

LIGHT, CUTOFF. An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.

LIGHT, NON-CUTOFF. An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground, as illustrated in Section 12-7.

LIGHTING, OUTDOOR. Any source that is installed or mounted outside of an enclosed building, but not including street lights installed or maintained along public streets by a government agency or public utility.

LIVESTOCK. Hoofed mammals, including but not limited to horses, cattle, sheep, swine, goats, bison, llamas, and other species typically raised for food, fiber or draft. Also includes domestic fowl and game birds.

LOT. A parcel of land resulting from the subdivision of a larger parcel of land and occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required under the provisions of this Resolution.

LOT AREA. The total horizontal area included within the lot lines of the lot. No public right-of-way or access easement for a public street or handle of a panhandle lot shall be included in the calculation of the lot area, nor shall the public right-of-way cross the lot area.

LOT, CORNER. A lot abutting upon two (2) or more public or private streets at their intersection or upon two parts of the same street, and in either case forming an interior angle of less than one hundred thirty-five (135) degrees. A corner lot abutting public streets, or abutting private streets that provide vehicular access to driveways must have two required front yards. A corner lot is not created by having frontage on a private drive as defined herein.

LOT, DEPTH. The mean horizontal distance between the front and rear lot lines.

LOT, DEVELOPED. A lot with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the Revised Code.

LOT, DOUBLE FRONTAGE. A lot with opposite ends abutting on public or private streets.

LOT, INTERIOR. Any lot other than a corner lot.

LOT, PANHANDLE. A lot also known as a “rear lot” or a “flag lot” which utilizes a narrow strip of land or stem not a building site to provide access to, or legal frontage on, a public street, or a private street in a PUD. The panhandle of such lot is not considered a building site, nor is the area of such panhandle included in calculating the lot area.

LOT, REVERSE. A lot intended to have its rear yard abutting any road frontage.

LOT LINES. The lines bounding a lot.

LOT LINE, FRONT. In the case of an interior lot, the line separating the lot from the street.

LOT LINE, REAR. The lot line(s) generally opposite the front lot line.

LOT LINE, SIDE. Any lot lines not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots shall be called an interior side lot line.

LOT OF RECORD. A lot which is part of a subdivision, the map or metes and bounds description of which has been recorded in the office of the Recorder of Hamilton County; or a parcel of land, the deed to which was of record on or prior to adoption of zoning. For the purpose of these regulations, any improvement plan of a subdivision which has been approved by official action of the Regional Planning Commission of Hamilton County shall have the same status as if the subdivision plan was officially recorded in the office of the Recorder of Hamilton County.

LOT WIDTH. The distance between the side lot lines measured along the front yard setback.

LUMINAIRE. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

M

MANUFACTURED HOME. A nonself-propelled building unit or assembly of closed construction fabricated in an off site facility, and which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development (HUD) pursuant to the "Manufactured Housing Construction and Safety Standards of 1974, and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards. A manufactured home is transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis, designed to be used as a dwelling with or without permanent foundation when connected to required utilities. Calculations used to determine the number of square feet in a structure's exterior dimensions are measured at the largest horizontal projections when erected on site. These dimensions include all expanded rooms, cabinets, and other projections containing interior space, but do not include bay windows. For the purposes of this section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connections to utilities and the like.

MINI-STORAGE FACILITY. A building or group of buildings in a controlled access compound that contains equal or varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of residential or commercial customer's goods or wares. Such facilities do not include sales, service, or storage of hazardous materials.

MOBILE HOME. A non-self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is eight (8) feet or more in width and more than thirty five (35) feet in length which when erected on site is 320 or more square feet, that is transportable in one more sections and which does not qualify as a manufactured home or industrialized unit.

MODIFICATION (OF STANDARDS). A change in a specification or requirement where strict adherence to a written regulation due to unusual site conditions serves no meaningful purpose or makes it physically impossible to achieve compliance.

MODULAR HOME. See Industrialized Unit.

MOORING OR FLOAT. An object or structure secured in the water, such as by cables, lines, chains, or anchors, and intended or used for securing one or more boats in the water.

N

NATURAL RESOURCES. All natural areas of lakes, ponds, wetlands, floodplains, drainageways, forests, and steep slopes as defined in this Chapter or in Chapter 14.

NONCOMPLYING STRUCTURE. Any structure lawfully existing on the effective date of this Resolution, or any amendment thereto, which is in noncompliance with the standards and regulations of this Resolution or any amendment thereto.

NONCONFORMING USE. Any use lawfully being made of any land, building, or structure on the initial effective date of this Resolution or any amendment thereto which is not permitted as-of-right or by Redevelopment Exception and not permissible as a Conditional Use or as a Planned Unit Development under this Resolution or any amendment thereto in the District in which it is situated.

NURSERY. A place where the primary activity is the on-site growing of plants, trees and shrubs for sale.

NURSING OR CONVALESCENT HOME. A home, institution, building or residence, public or private, whether operated for profit or not, presently licensed pursuant to Ohio law, which provides maintenance, personal care or nursing to ill, physically infirm, convalescing, or aged persons who are not related by blood or marriage to the operator. The definition of nursing or convalescent home does not include hospitals, clinics or similar institutions which are devoted primarily to the diagnosis and treatment of the sick or injured.

O

OCCUPANCY (Commercial) The number of individuals permitted by Building Code, Fire Code or by specific Federal or State Statute legally permitted to congregate in a specific location, based on the size, construction, function, or use of the specific location, building or portion of a building. .

OPEN SPACE. Land used for recreation, resource protection, hillside, floodway, lake, pond, amenity and/or buffers. In no event shall any area of a lot constituting the minimum lot area of said lot nor any part of an existing or future road or right-of-way be counted as constituting open space.

OWNER. Any full owner, part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal or equitable title to the whole or to part of a structure or land.

P

PARCEL. Any quantity of land and water capable of being described with such specificity that its location and boundaries may be established as distinct from other parcels which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

PARK. Any land owned by the public and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.

PARK AND RIDE FACILITY. Parking lot provided to encourage transfer from private automobile to mass transit or to encourage carpooling for purposes of commuting.

PARKING LOT. An area of land devoted to unenclosed parking spaces for five or more vehicles.

PARKING SPACE. A paved area either within a structure or in the open, including stacking spaces, exclusive of driveways, access drives and aisle, permanently reserved for the parking of a motor vehicle and connected to a street or alley by a surfaced driveway of adequate width to permit easy movement of the vehicle to and from such space.

PATIO AREA. A roofless inner space or space adjoining a residence which is used for dining or recreation.

PERSON. An individual, corporation, governmental agency, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

PET, HOUSEHOLD. Domesticated animals that share the same domicile or premises with humans; are dependent upon humans for food, water and shelter; and are kept as companions, including but not limited to dogs, cats, caged birds of a variety of species, rodents, rabbits, and nonpoisonous reptiles and amphibians, that are not included in the definitions of livestock and exotic wildlife.

PLANNED UNIT DEVELOPMENT (PUD). A type of development that enables residential, commercial or office uses to be developed alone or in combination under one unified plan of development under more flexible standards pursuant to the standards and procedures set forth in Chapter 18 of this Resolution. (See PUD-1 and PUD-2 for explanation of alternative processes for administrative approval.)

POND. A natural or artificial body of water of less than two (2) acres which retains water year round.

PRINCIPAL USE. The primary purpose or function that a lot serves or is proposed to serve.

PROJECT AREA. Any area of land, regardless of the number of individual parcels or zone districts contained or proposed therein on which development is proposed under these regulations.

PUBLIC SERVICE. A building, structure, or place used by or for the general populous, owned or operated by a government organization. This category shall include but not be limited to police and fire stations, government buildings and storage yards, government facilities such as libraries, as well as park and rides, and other similar uses and facilities.

PUD. (See Planned Unit Development)

PUD-1. Planned unit development whose net density or intensity requires Township Zoning Commission approval. (See “Planned Unit Development”)

PUD-2. Planned unit development whose net density or intensity requires both Township Zoning Commission and Board of County Commissioner approval. (See “Planned Unit Development”)

PUD PLAN (PLANNED UNIT DEVELOPMENT PLAN). A plan for the use and development of the tract showing the areas within which buildings, parking areas, and buffering are to be located accompanied by a detailed description on the plat identifying the permissible range or limits of size, height, type, and other pertinent details for buildings, structures, signage, lighting, pedestrian ways, vehicular access, circulation patterns, parking areas, landscaping and buffering, impervious surface ratio, density, yards and other information with regard to the lot and neighboring lots as may be necessary for the enforcement of this Resolution and any other requirements as identified on the application form or forms provided by the Administrative Official. All dimensions shown on these plats relating to the location and size of the lot to be built upon shall be based on an actual survey.

PUD Plans are required in the following two types of Planned Unit Developments:

- a. a plan which is submitted to the Township Zoning Commission within the established PUD Overlay District for administrative approval (PUD-1) or recommendation to the Board of Trustees for administrative approval (PUD-2). (Note: The administrative approval creates an alternative set of overlay regulations, available at the election of the property owner, for a specific development plan but does not preclude the development of the property for other uses permitted in an underlying non-PUD district.)
- b. a plan submitted to the Township Zoning Commission as a part of the zone amendment process for legislative approval of a Specific Plan District. (Note: The legislative approval requires compliance with a PUD Plan and conditions of approval by the Board of Trustees and precludes the development of the property for any use that does not comply with the approved PUD Plan. The rezoning can be initiated only by the property owner.)

R

RECREATION CENTER, INTERNAL. Buildings or facilities owned or operated as a non-profit enterprise by a condominium, homeowners, or property owners association with the intent that their usage be only by residents of the development.

RECREATION, COMMERCIAL. A public or private indoor or outdoor recreation facility operated as a commercial activity, including but not limited to batting cages, bowling alleys, drag strips, raceways, golf driving ranges, gun-firing ranges, mechanical rides, miniature golf courses, racquet clubs, arenas, amphitheaters, stadiums, health and fitness facilities, and swimming pools.

RECREATION, COMMUNITY FACILITY, PRIVATE. A building or facility operated by a private or non-profit group for a social or recreational purpose, but not as a commercial activity. Includes but is not limited to country clubs, athletic fields, golf courses, swim/tennis facilities, and YMCAs.

RECREATION, COMMUNITY FACILITY, PUBLIC. A building or facility operated by a governmental agency for a social or recreational purpose, but not as a commercial activity. Includes but is not limited to athletic fields, golf courses, swim/tennis facilities, parks, playgrounds, wildlife reservations, forests, senior centers, and recreation centers.

RECREATION, CULTURAL, and ENTERTAINMENT. A public or private facility, of a non-commercial nature, designed and equipped to be used for sport, leisure, cultural, or entertainment activities including internal recreation centers, private and public community recreation facilities, and cultural facilities, but excluding commercial recreation facilities.

RESEARCH LABORATORY. A place equipped for experimentation, testing and analysis, and observation and study for scientific research.

RESIDENTIAL FACILITY. A home or facility in which a person with a mental illness, mental retardation or developmental disability resides, except a home subject to Chapter 3721 of the Ohio Revised Code or the home of a relative or legal guardian in which a person with a mental illness, mental retardation or developmental disability resides.

RESIDENTIAL USE. A home, abode, dwelling unit or place, where a family or individual(s) live, where such a place has areas for living and eating within the structure. This category includes but is not limited to single-family detached units, single-family detached units in PUD's (clustered, patio-dwelling, and zero lot-line), multi-family units, and manufactured or mobile homes as well as uses such as bed & breakfast facilities, granny cottages, group homes, and day care /Type A.

RESIDENTIAL, MULTI-FAMILY. Two or more attached dwelling units sharing one or more common walls between any two units and/or stacked one above another. This category shall include but not be limited to two-family, three-family, apartments, townhouses, dormitories, fraternities and sororities, and boarding houses.

RESIDENTIAL, SINGLE-FAMILY CLUSTERED. A building intended or used primarily for residential purposes to be occupied by one family, and located in a grouping of structures that are arranged closer to one another than District setback requirements would normally allow to provide open space and/or conservation of natural features and which are built as part of a Planned Unit Development at a net density permitted in the underlying zone districts.

RESIDENTIAL, SINGLE FAMILY DWELLING UNIT -- DETACHED. A dwelling designed for and occupied by not more than one family as that term is defined in this Resolution and surrounded by open space or yards and which has no roof, wall or floor in common with any other dwelling unit. The type of construction of such units shall conform either to the OBOA (Ohio Building Officials Association), or CABO (Council of American Building Officials) One and Two family dwelling code, or other applicable building code, or be classified as an Industrialized Unit under the Ohio Basic Building Code, or conform to the Ohio Revised Code (ORC 303.212) definition of permanently-sited manufactured housing, as follows:

Permanently-Sited Manufactured Housing must:

-
- a. Be constructed pursuant to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.A. 88 stat. 700, 5401 and 5403) after January 1, 1995. It must have a permanent label or tag attached to it as specified in 42 U.S.C.A. 5415, certifying compliance with all federal construction and safety standards.
 - b. Be attached to a permanent frost-free foundation (slab, crawl space foundation or full foundation).
 - c. Be connected to appropriate utilities.
 - d. Have a length of at least 22 feet and a width of at least 22 feet, as manufactured.
 - e. Have at least 900 square feet of living area.
 - f. Have conventional residential siding (i.e. lap, clapboard, shake masonry, vertical natural materials), a 6-inch minimum eave overhang including appropriate guttering and a minimum "A" roof pitch of 3:12.
 - g. Have removed its indications of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation.
 - h. Be intended to be assessed and taxed as permanent real estate, not personal property. The title for such structure shall be surrendered to the county Auditor upon its placement on its permanent foundations, and such surrender shall be notice to the Auditor to tax said structure as real estate from that day forward.
 - i. Meet all applicable zoning requirements uniformly imposed on all single-family dwellings in the particular district, (excepting contrary requirements for minimum roof pitch and requirements that do not comply with HUD construction and safety standards for manufactured housing).

RESIDENTIAL, TWO-FAMILY. A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

RESIDENTIAL, THREE-FAMILY. A building consisting of three (3) dwelling units whether one above the other or side by side, and which share a common entrance or entrance way, or have separate entrances or entrance ways, in a single building occupying one (1) lot.

RESIDENTIAL, TOWNHOUSE. A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

RESIDENTIAL, ZERO LOT-LINE. A building or portion thereof designed for residential purposes. The dwelling unit is a single-family detached unit that is placed against one of the side lot lines to allow more open and yard space.

RESTAURANT. An establishment where prepared and ready-to-consume food is available to the general public for consumption on or off the premises.

RESTAURANT-Tavern An establishment where prepared and ready-to-consume food is available to the general public for consumption on or off the premises and alcoholic beverage consumption occurs as a supplement to the preparation and sale of food for onsite consumption.

RIGHT-OF-WAY (R.O.W.). A strip of land dedicated by recorded instrument occupied or intended to be occupied by a public street or railroad and within which may be located electric transmission lines, gas pipe lines, water mains, sanitary sewers or storm sewers

S

SATELLITE DISH ANTENNA. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbital based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, and satellite microwave antennas.

SCHOOL. A privately-owned or publicly-owned pre-school, elementary school, middle school, junior high school, high school, or vocational or professional school, with no rooms regularly used for housekeeping or sleeping rooms.

SCREEN. A method of reducing the impacts of noise and unsightly visual intrusions with less offensive or more harmonious elements which is 100 % opaque.

SHOPPING CENTER. A group of two or more retail establishments and/or restaurants, planned and developed with a unified design of buildings with off-street parking, landscaped areas, and service areas and pedestrian malls or plazas provided on the property as part of the unified design.

SHRUB. A plant that at the time of planting, is at least eighteen inches (18") tall above the highest root, or of a size requiring a two (2) gallon pot.

SHRUBS, HEDGE. Plants that at maturity will range in height from 7 feet to 15 feet and are spaced from 3 to 6 feet on center depending upon the variety.

SHRUBS, BLOOMING. Plants that flower or undergo change in leaf color. They range in height from 2 to 14 feet.

SIGN. Any object, device, display or structure, or part thereof, situated outdoors or indoors and visible from the exterior of the building or structure, that 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 flag or emblem of any nation, organization of nations, state or city, or any fraternal, religious or civic organizations; nor does it include works of art which in no way identify a product or business logo. See related sign definitions that are listed in Chapter 13.

SITE AREA, GROSS. The computed area contained within the lot lines which includes rights-of-way, either as an easement or dedicated.

SITE AREA, NET. The computed area contained within the lot lines, less any land within rights-of-way and easements for public streets.

SOLAR PANEL (PV) A single photovoltaic panel or group of photovoltaic panels that convert solar energy to electricity or other energy source for consumer or commercial consumption.

SOLID WASTE. Any unwanted residual solid or semisolid material resulting from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that would normally be included in demolition debris, nontoxic fly ash, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, tires, combustible and non-combustible material, street dirt, and debris. "Solid waste" does not include any material that is an infectious waste or a hazardous waste.

STABLE. A structure and/or land use in or on which equines are bred, boarded, trained, or kept for sale or hire.

STADIUM. A structure or facility designed, intended, or used primarily for athletic or entertainment events and containing seating for spectators of those events, but not including a raceway or drag strip.

STEEP SLOPES. Land area where the inclination of the land's surface from the horizontal is twenty percent (20%) or greater.

STORY. That portion of a building, other than a cellar as defined herein, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.

STREAM. A shallow watercourse that flows year round generally less than 40 feet wide.

STREET, MAJOR ARTERIAL. A street which serves the major activity centers, high traffic volume corridors, and the longer trip desires. With major arterials, service to the adjacent land is subordinate to the provision of travel service.

STREET, COLLECTOR. A street which provides both land access and traffic circulation within residential, commercial, and industrial areas. It differs from an arterial in that collector streets may penetrate these areas and arterials usually do not. Collector streets distribute traffic from arterial streets and channel traffic from local streets.

STREET, MINOR ARTERIAL. Public streets having the primary purpose of collecting traffic from intersecting local streets and distributing this volume to the nearest arterial. A secondary purpose is to carry moderate volumes of through traffic. Access to abutting land uses is a secondary function which, with proper land planning, may be limited so long as the abutting land use is not materially and adversely affected by such limitation.

STREET, LOCAL. Streets having the primary purpose of providing access to individual properties that abut them. Local streets serve residential, commercial, and industrial land uses providing links for short-distance trips and access to the collector and arterial system on a local level. Frontage roads may also be considered local streets.

STREET, PRIVATE. A shared means of vehicular ingress and egress located within an easement of access serving as frontage for lots in a residential PUD, not dedicated to a political subdivision by recorded instrument that is maintained by the party or parties using such private street for private access.

STREET, PUBLIC. A publicly dedicated or owned right-of-way constructed to County Engineer standards intended or used for vehicular and pedestrian movement and, except where limited or controlled access, affording the principal means of access to abutting property.

STRUCTURAL ALTERATION. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area of cubical contents of the building.

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, areas improved for parking, backstops for tennis courts and pergolas.

STRUCTURE, PRINCIPAL. A structure containing the principal use of the lot.

SUMMER CAMP. A publicly or privately owned facility providing outdoor recreational activities and shelter for one or a group of persons, usually children, for a temporary period of time.

T

TEMPORARY USE. A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent building or structure.

TERMINAL, TRUCK. A structure or land primarily used for the temporary storage of goods awaiting transfer or wholesale distribution by means of motor carrier transportation.

THEATER, MOVIE AND DRAMA, INDOOR. A building in which movies are screened before a live audience, or in which dramatic performances are carried out with fixed seating.

THEMED SPECIAL PURPOSE VENUE. A building or portion of a building used for a special themed production or event typically associated with legal or social holidays or events (such as Haunted Houses or similar attraction) located in a commercial setting.

THOROUGHFARE PLAN. An officially adopted plan by the Board of County Commissioners and Regional Planning Commission which provides guidance in the development of future transportation networks capable of safely accommodating traffic volumes generated by growth and development.

TRAILER, UTILITY. Any towed vehicle open or enclosed specifically designed for the purpose of transporting equipment, tool, supplies, materials, or goods of a similar nature that will not permit temporary human habitation for travel, recreation, vacation or other transient purposes.

TRAILER, RV. Any towed or self-propelled vehicle constructed, re-constructed or added to by means of accessories in such a manner as will permit the use and occupancy thereof for temporary human habitation for travel, recreation, vacation or other primarily transient purposes, as opposed to a mobile home as defined in this Resolution; or office use, or storage or conveyance of machinery, tools or equipment, including those vehicles that are attached to an automobile or truck for the sole purpose of transportation.

TRAILER, LIVESTOCK. Any towed vehicles that are attached to an automobile or truck for the sole purpose of transporting goods or farm animals.

TRAILER, TEMPORARY OFFICE. Any enclosed towed vehicle specifically designed to serve as a temporary office or commercial purpose, where human habitation is limited to regular business hours or to specific special events.

TREES, CANOPY. A deciduous tree which at maturity will shed its leaves annually and provide shade. (See Section 15-3)

TREES, EVERGREEN. A coniferous tree with needles or a broadleaf tree which retains its leaves throughout the year. (See Section 15-3)

TREE, UNDERSTORY. A lower growing tree which screens, flowers, defines space and provides seasonal interest. (See Section 15-3).

U

USE. The purpose of activity for which land, or any structure thereon, is designed, arranged, or intended, or for which it is occupied or maintained.

PERMITTED. Any use which is identified with a “P” in applicable Tables.

PERMISSIBLE. Any use which is identified in “PUD-1”, “PUD-2” or “C” in applicable or with a “S-PUD” in applicable Tables.

V

VEHICLE, COMMERCIAL. A vehicle which displays any commercial activity and which use is primarily for commercial purposes.

VEHICLE, INOPERABLE OR ABANDONED. A motor vehicle which is stored outdoors and so damaged, wrecked, dismantled, unlicensed or in other condition as to be inoperative. Without limiting the term, a motor vehicle is abandoned if its state registration as displayed on the license plate has been removed or expired for more than 90 days. This definition shall not be deemed to include farm machinery other than automobiles or trucks.

VEHICLE, OPERABLE UNLICENSED ON RESIDENTIAL PROPERTY. Any vehicle which through parcel size, condition, visibility, adverse impact, duration or location which has received a Temporary Zoning Certificate.

VEHICULAR STORAGE YARD. Fleet storage or other inactive vehicle storage, which is not accessible to vehicular traffic of the general public.

VEHICULAR USE AREA. All areas subject to vehicular traffic including parking lots, access-ways, loading areas and service areas.

VETERINARY FACILITY. A structure or building set up for the medical care of animals, including offices, clinic space and indoor kennels for detaining animals, but not including outdoor kennel areas.

VIDEO GAME PARLOR. A place in which a collection of electronic, coin-operated games are played.

W

WAREHOUSING. The indoor storage and/or sale of goods, materials, or merchandise for shipment to or processing on other property.

WATERCOURSE. A course or channel in which water flows, consisting of bed, banks, and water; includes rivers, creeks, and other streams confined in a channel, but not necessarily flowing all the time. Gullies, ravines, swales, sloughs, and similar depressions do not ordinarily constitute watercourses.

WATERWAY. A body of water, such as a lake, pond, continuously flowing stream, creek, river, channel, or canal which functions as a water route.

WETLANDS. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adopted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, bottomlands, and similar areas. Size is not a limitation. Wetlands are also identified as areas that contain hydrophytic vegetation, hydric soils, and wetland hydrology.

WHOLESALE. The sale of goods to retailers or jobbers rather than consumers.

WILDLIFE, EXOTIC. Indigenous or non-indigenous wildlife, including those animals that could be considered dangerous but not limited to lions, tigers, ocelots, jaguars, leopards, mountain lions, cheetahs, lynx, bobcats, jaguarundi, bears, hyenas, wolves or coyotes, or any life-threatening reptiles and arachnids, including but not limited to crocodilians, poisonous reptiles and tarantulas.

WIND ENERGY CONVERSION SYSTEM/ WINDMILL/TURBINE/ (Commercial) A mechanical devise used for the purpose of converting naturally occurring wind or wind energy into consumable power through direct generation or battery charging for commercial purposes or commercial distribution or consumption off-site.

WIND ENERGY CONVERSION SYSTEM/WINDMILL/TURBINE/ (Private) A mechanical devise used for the purpose of converting naturally occurring wind or wind energy into consumable power through direct generation or battery charging for primary use on the property on which the device is installed.

Y

YARD. An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

(See Appendix 1: Building and Yard Requirements)

YARD, FRONT. A yard extending across the front of a lot between the side lot lines and being the horizontal distances from the main building (or any projection thereof, other than the projection of the usual steps or entranceway) to:

- a. the right-of-way line
- b. the easement line (where vehicular access to the lot is provided by a private street or a private drive)
- c. the terminus of the easement (where vehicular access to a panhandle lot is provided by a driveway extending from the terminus of an easement located outside the panhandle area)

d. the terminus of the panhandle (where vehicular access to a panhandle lot is provided by a driveway extending from the terminus of the panhandle area or the terminus of an easement located inside the panhandle area).
(See Appendix 1: Building and Yard Requirements)

YARD, REAR. A yard extending across the area of a lot between the side lot lines and being the horizontal distances between the rear lot line and the main building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. (See Appendix 1: Building and Yard Requirements)

YARD, REQUIRED. A front, side or rear yard that runs parallel to a property line, the depth of which shall be determined by the minimum setbacks established for the zone district in which the lot is located. In measuring a required yard for the purpose of determining the minimum width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line or applicable easement line and the nearest portion of the main building or projection thereof (excluding the projection of the usual steps or entranceway) external building projections shall be used. On panhandle lots, where the front yard is measured from an easement line inside the panhandle area, the main building must also be setback from the property line of the panhandle a distance not less than the minimum side yard requirement of the district. (See Appendix 1: Building and Yard Requirements)

YARD, SIDE. A yard being the minimum horizontal distance between the main building or any projection thereof, and the side line of the lot extending from the front yard to the rear yard. (See Appendix 1: Building and Yard Requirements)

Z

ZONING CERTIFICATES. A written certification that a structure, use or parcel of land is or will be in compliance with the requirements of this Resolution, and in compliance with all other conditions of approval.

ZONING COMPLIANCE PLAN. A site plan for the specific development and specific use of a parcel or tract of real estate required to obtain a Zoning Certificate, as further described in Section 20-1.2 The Zoning Compliance Plan shall show the specific use or uses, illustrated by a plat, drawn to scale, showing the boundaries of such parcel or tract, the location, size, height and use of all existing structures, and the exact location and pertinent details of proposed buildings, structures, signage, lighting, pedestrian ways, vehicular access, circulation patterns, parking areas and buffering accompanied by a detailed description of the plat identifying the impervious surface ratio, density and requirements for yards, parking, landscaping and buffers, the existing and intended use of each building or part of a building, the number of families or housekeeping units the building is designed to accommodate, and such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of this Resolution and any other requirements as identified on the application form or forms provided by the Administrative Official. All dimensions shown on these plats relating to the location and size of the lot to be built upon shall be based on an actual survey.

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