

CHAPTER 105
Definitions

105.01 Rules of Construction.

105.02 Specific meanings of words of phrases.

105.01 RULES OF CONSTRUCTION.

- (a) Common and Technical Usage. Words and phrases as used in this Zoning Resolution shall be defined as provided in the Second College Edition of Webster's New World Dictionary, except for those as maybe otherwise specifically defined herein, and except for those words and phrases which have acquired a technical or particular meaning, whether by legislative definition or otherwise, and which shall be construed accordingly.
- (b) Singular, and Plural; Gender; Tense. As used in this Zoning Resolution, unless the context otherwise requires:
- (1) The singular includes the plural, and the plural includes the singular.
 - (2) Words in one gender include the other genders.
 - (3) Words in the present tense include the future.
- (c) Shall, May and Should. The word "shall" is a mandatory requirement; the word "may" is a permissive requirement; and the word "should" is a preferred requirement.
- (d) Lot. The word "lot" includes the words "plot" or "parcel".
- (e) Person. The word "person" includes an individual, corporation, company, firm, organization, business trust, trust, estate partnership, association or any other legal entity.
- (f) Owner. "Owner", when applied to property, includes any part owner, joint owner or tenant in common of the whole or part of such property.
- (g) Tenant or Occupant. "Tenant" or "occupant" as applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.
- (h) Premises. "Premises", as applied to property, includes land and buildings.

105.02 SPECIFIC MEANINGS OF WORDS OR PHRASES.

As used in this Zoning Resolution, certain words or phrases shall have the following meanings:

"Accessory use" means a use which is permitted in a district by this Zoning Resolution, and which is incidental to, subordinate and in connection with, the main or principal use, and which is located on the same lot with such main use.

"Agriculture" 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 secondary to, such husbandry or production. **[Adopted 4/27/96]**

"Amusement device" means any machine or device which operates or may be operated for use as a game, contest, or amusement of any description, upon payment of consideration, but does not include any juke box or vending machine.

"Antenna" means any system of wires, poles, rods, discs, dishes, or similar devices used for the transmission or reception of electromagnetic waves attached to the exterior of a building or mounted in the ground independent (freestanding) of a building. **[Adopted 7/7/97]**

"Average finished grade elevation" means the mean elevation of the finished grade around the perimeter of any building or structure.

"Basement" means that part of a building having at least one-half of its height below the average finished grade elevation.

"Building" means any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property. **[Amended 12/9/96]**

- A. "Accessory building" means a subordinate building which is located on the same lot with the principal building, and which is naturally and normally incidental to the principal building.
- B. "Main or principal building" means a building in which is conducted the main or principal use of the lot on which such building is located.
- C. "Building height" means the vertical distance measured from the average finished grade at the front (street facing) of the building to the highest point of a gable, hip or gambrel roof or the coping of a flat roof or to the deck line of a mansard roof. **[Adopted 4/8/2002 - Z-2002-2]**

"Cemetery" means land used or intended to be used for the burial of human or animal dead.

"Channel" means a natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

"Child day-care" means administering to the needs of infants, toddlers, pre-school children and schoolchildren outside of school hours by persons other than parents or guardians,

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custodians or relatives by blood, marriage or adoption for any part of the twenty-four(24) hour day, in a place or residence other than a child's own home.

- A. "Child day-care services" means administering to the needs of infants, toddlers, pre-school children and school children for any part of the twenty-four (24) hour day by persons other than their caretaker parents for remuneration wholly or in part with Federal or State moneys distributed by the Ohio Department of Human Services.
- B. "Child day-care center" and "center" means 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) to twelve (12) children at one time. In counting children for the purposes of this division, any children under six (6) years of age who are related to a licensee, administrator or employee and who are on the premises of the center shall be counted.
- C. "Type A family day-care home" and "Type A home" mean a permanent residence of the administrator in which child day-care is provided for seven (7) to twelve (12) children at one time or a permanent residence of the administrator in which child day-care is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age. Any children under six (6) years of age who are related to a licensee, administrator or employee shall be counted, and siblings shall be excluded as provided in subsection D hereof.
- D. "Type B family day-care home" and "Type B home" means a permanent residence of the provider in which child day-care or child day-care services are provided for one (1) to six (6) children at one time and in which no more than three (3) children may be under two (2) years of age at one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to the provider and who are on the premises of the Type B home shall be counted. "Type B family day-care home" does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings.
- E. "Certified Type B family day-care home" and "certified Type B home" mean a Type B family day-care home that is certified by the Director of the County Department of Human Services pursuant to Ohio R. C.

5104.11 to receive public funds for providing child day-care services pursuant to Ohio R. C. 5107.25 to 5107.30 and rules promulgated pursuant to Ohio R. C. 5107.25 to 5107.30.

- F. "Infant" means a child who is less than twelve (12) months of age, or a child who is at least twelve (12) months of age but is less than eighteen (18) months of age.
 - G. "Toddler" means a child who is at least eighteen (18) months of age but less than thirty (30) months of age, or a child who is at least thirty (30) months of age but less than three (3) years of age.
 - H. "Pre-school child" means a child who is three (3) years old, or is four (4) or five (5) years old but is not a school child.
 - I. "School child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than eleven (11) years old, or a child who is at least eleven (11) years old but is less than fifteen (15) years old.
 - J. "Child" includes an infant, toddler, pre-school child or school child.
 - K. "Administrator" means the person responsible for the daily operation of the center or Type A home. The administrator and the owner may be the same person.
 - L. "Owner" includes a person, firm, organization, institution or agency.
 - M. "Child-care staff member" means any employee of a child day-care center or Type A family day-care home who is primarily responsible for the care and supervision of children. The administrator may be a part-time child-care staff member when not involved in other duties.
 - N. "Provider" means a person who operates a Type B family day-care home.
 - O. "Authorized provider" means a person authorized by the County Director of Human Services to operate a certified Type B family day-care home.
 - P. "Publicly funded" means supported wholly or partially by Federal or State moneys distributed by the Ohio Department of Human Services for child day-care services.
- "Clinic" or "urgent care center" means a place used for the examination, diagnosis and treatment of patients who are not fed or lodged overnight on the premises.

"Club" means a building or premises owned or operated primarily for exclusive use of members and guests, whether for a social, literary, political, educational or recreational purpose.

"Collocation" means locating wireless communications equipment from more than one provider in a single site. **[Adopted 7/7/97]**

"Comprehensive Development Plan" means the Guide Plan 2000, as adopted by Bainbridge Township, or any part, amendment, supplement or replacement thereof, which establishes goals, objectives and policies of the Township and shows the general location and extent of present and proposed physical facilities including residential, commercial and industrial uses, streets, parks and schools.

"Conditional use" means a use permitted in a district which is not permitted by right but only upon approval of the Board of Zoning Appeals and the issuance of a Conditional Zoning Certificate, provided such use is authorized as a conditional use by this Zoning Resolution and the Board determines compliance with all general standards, specific criteria and supplementary conditions and safeguards relative to such use.

"Conditional Zoning Certificate" means a certificate issued by the Zoning Inspector, upon approval of the Board of Zoning Appeals, to permit a conditional use in a district specifically authorized by this Zoning Resolution.

"County" means Geauga County, Ohio.

"Cul-de-sac" means a street with one end open to traffic and the other end terminating in a vehicular turnaround.

"Daycare Centers for Adults" means any place, other than the residence of the adult, where services are provided for any part of a day by someone other than the spouse, siblings or children of the adult, or by guardians, custodians or relatives by blood, marriage or adoption, for remuneration for the purpose of providing either personal services, education, training or other care that does not require the services of a doctor or nurse for 3 or more adults over the age of 18. **[Adopted 10/9/2006 - Z-2006-6]**

"Density" means a unit of measurement that indicates the number of buildings or dwelling units per acre of land.

"Development plan" means a drawing prepared by a developer, which may include explanatory exhibits and text, submitted to the designated authority for the purpose of study of a proposed development of land, or a preliminary plan of land and buildings of a development area which, if approved by the designated authority, provides the basis for proceeding with the preparation of the final plan of a development or development area which, if approved by the designated authority, provides the basis for proceeding with the preparation of the final plan of a development or development area.

"District" means an area of the Township as shown on the Zoning District Map for which the regulations and requirements governing the use and location of buildings, structures and land are uniform.

" Dwelling" means any building, except a manufactured home as defined in Ohio R. C. 4501.01(O), which is designed as used for residential purposes.

- A. "Single-family dwelling" means a dwelling consisting of a single dwelling unit only, separated by other dwelling units by open space.
- B. "Two-family dwelling" means a dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances. The combined two dwelling units shall be separated from other dwelling units by open space.
- C. "Multi-family dwelling" means a dwelling consisting of three or more dwelling units with varying arrangements of entrances and party walls.
- D. "Industrialized Unit" means a building as defined in Ohio Revised Code Section 3781.06(C)(3) for which an insignia has been issued by the Ohio Board of Building Standards pursuant to Ohio Administrative Code 4101:2-1-62(A). "Industrialized unit" does not include a "manufactured home" or "mobile home" as defined in this resolution. **[Adopted 6/26/2000 - Z-2000-3]**

- E. "Dwelling unit" means a group of rooms for living, dining and sleeping and attendant cooking, bathing and toilet facilities, which are arranged, maintained or designed to be occupied and used by a single family.

"Earth disturbing activity" means any grading, excavating, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed and which may result in or contribute to erosion and sediment pollution. **[Adopted 10/26/98]**

"Easement" means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

"Equipment building or shelter" means the structure in which the electronic receiving and relay equipment for a wireless telecommunication facility is housed. **[Adopted 7/7/97]**

"Erosion" means the process by which the land surface is worn away by the action of water, wind, ice or gravity. **[Adopted 10/26/98]**

"Essential services" mean the erection, construction,

alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

"Family" means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption or marriage, no such family shall contain over five persons. Domestic servants employed on the premises may be housed on the premises without being counted as part of the family.

"Farm machinery" means all machines and tools used in the production, harvesting and care of farm products, including trailers used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street at a speed of twenty-five miles per hour, or less.

"Farm market" means a market 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.

"Floor area" of a building means the sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings. "Floor area" shall not include: basement space; attic space; terraces, breezeways and open porches; uncovered steps; and garages.

A. "Ground floor area" means the horizontal area of the foundation under the living area measured from the outside walls.

B. "Net floor area" of a building means the sum of the horizontal area of a floor or of the several floors of the building, measured from the interior faces of exterior walls or wall separating two or more buildings. Interior walls within the horizontal area shall be included in the calculation for net floor area.

"Food processing" means the preparation, storage or processing of food products, and includes bakeries, dairies, canneries and other similar businesses.

"Gamerroom" means any premises other than a residence upon or

within which there is located more than three billiard tables, pinball machines, electronic or mechanical games or other amusement devices, or any combination thereof. "Game area" means that portion of the net floor area of a gameroom which is devoted for the use of amusement devices and the required aisles, walkways and open spaces.

"Garage, private" means a building attached to the principal building or a detached accessory building to be used for the storage of motor vehicles or recreational vehicles owned or operated by occupants of the principal use or by permission of such occupants,

- A. "Repair garage" means a building in which motor vehicles or recreation vehicles which are owned by the general public are stored, parked, repaired or serviced.
- B. "Storage garage" means any building or premises used for the storage or parking of motor vehicles or recreational vehicles which are owned by the general public.
- C. "Service station garage" means any building or premises where gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made:
 - 1. Sales and service of spark plugs, batteries and distributor parts;
 - 2. Tire servicing and repair, but not recapping or regrooving;
 - 3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors and the like;
 - 4. Radiator cleaning and flushing;
 - 5. Washing, polishing and sale of washing and polishing materials;
 - 6. Greasing and lubrication;
 - 7. Providing and repairing fuel pumps, oil pumps and lines;
 - 8. Minor servicing and repairing of carburetors;
 - 9. Adjusting and repairing of brakes;
 - 10. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
 - 11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers as accessory and incidental to principal operations;
 - 12. Provision of road maps and other informational material to customers;
 - 13. Provision of restrooms and facilities; and
 - 14. Warranty maintenance and safety inspections. Uses permissible at a service station do not include major mechanical and body work, straightening of

body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations.

"Glare" is the sensation produced by luminance with the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility. **[Adopted 6/25/2001 - Z-2001-2]**

"Glare, Direct" is the glare resulting from the human eye being able to see the light emitting portion of a light fixture. **[Adopted 6/25/2001 - Z-2001-2]**

"Golf club" means a recreational facility whose principal recreational activity is golf. Accessory facilities may include a swimming pool, tennis courts, club house and maintenance buildings.

"Home Occupation" means an accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the lot as a dwelling and residence, and is conducted entirely within the dwelling unit, or an accessory building, without any adverse effect upon the surrounding neighborhood. **[Adopted 8/24/91]**

"Hospital" means a building containing beds for patients and accommodations for the diagnosis, operation, treatment and care of humans by licensed physicians and staff.

"Hospital, Animal" means a building used for the diagnosis, operation, treatment and care of animals by licensed veterinarians and staff. Boarding and overnight accommodations if incidental to the principal use are deemed accessory to the use of the premises.

"Indoor Driving Range" means a golf practice facility comprised of a tee and landing area enclosed by an air-supported structure. The facility would also include an entrance building and parking lot. **[Adopted 1/27/96]**

"Institution" means any building or premises devoted to educational, scientific, charitable or eleemosynary purposes of general public benefit, including mental, therapeutic or rehabilitative counseling services and other correctional services.

"Junk yard" means any building or premises where junk as defined herein is bought, sold, exchanged, stored, handled, baled, packed, sorted or disassembled.

"Kennel" means any lot or premises on which four or more dogs or cats more than four months of age are housed, groomed, bred, boarded, trained or sold.

"Landscaping" means the planting, care and maintenance of lawns, trees, shrubs and plants for or decorative purposes.

- A. "Landscaping business" includes:
 - 1. Providing landscaping services, or the sale at retail of sod, trees, shrubs or plants or other materials for landscaping purposes; and
 - 2. Facilities for the maintenance and storage of equipment and material used for landscaping; but excludes trucking or hauling of materials.
- B. "Nursery" means any premises for the storage, cultivation and transplanting of live trees, shrubs or plants offered for retail sale on the premises but not including products used for gardening or landscaping.

"Lattice" means a framework or structure of cross metal strips typically resting on three (3) or more members constructed vertically to which antennas are affixed. **[Adopted 7/7/97]**

"Light trespass" is light emitted by a lighting installation which falls outside the boundaries of the property on which the installation is sited. **[Adopted 6/25/2001 - Z-2001-2]**

"Lot" means a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lots shall have frontage on an improved public or private street or have access to a legal right of way and shall be a lot of record. **[Adopted 5/22/2000 - Z-2000-2]**

- A. "Lot area" means the area of the lot exclusive of streets, other public rights of way and private rights of way held open to public use.
- B. "Lot coverage" means the ratio of enclosed ground floor area of all buildings and structures including driveways and parking areas on a lot to the total lot area, expressed as a percentage. For exceptions to lot coverage calculations see Chapter 161.13. **[Adopted 3/26/2001 - Z-2001-1]**
- C. "Lot line" means the boundary of a lot separating it from adjoining public or private land, or the dividing line between lots, pieces or parcels of land, without regard to any recorded subdivision plat.
 - 1. "Front lot line" means the lot line which abuts a dedicated street, private road or easement of access. The lot owner shall designate the front lot line for any corner lot or through lot and such designation may not be changed after the principal building is erected.

- 2. "Rear lot line" means:

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- a. For a quadrangular lot, the lot line which is not tangent to any point on the front lot line.
 - b. For a polygonal or irregularly shaped lot, the course, whether straight or curved, along the lot line, the center point of which is most remote, in linear distance, from the center point of the front lot line.
 - c. For a triangular lot, the junction point of the two side lines which point shall be treated as the rear lot line.
3. "Side lot line" means any lot line which is not a front or rear lot line.

D. "Lot measurements". A lot shall be measured as follows:

1. "Lot depth" means the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. "Lot width" means the straight line horizontal distance between the side lot lines of a lot measured at the front setback line.

E. "Lot of record" means a lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded, and is shown as a separate unit on the last preceding County tax roll.

F. Lot types are as follows:

1. "Corner lot" means a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
2. "Interior lot" means any lot other than a corner lot and which has only one frontage on a street.
3. "Through lot" means any lot other than a corner lot with frontage on two streets. Through lots abutting two streets may be referred to as double frontage lots.
4. "Reversed frontage lot" means a lot on which frontage is at right angles to the general

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pattern in the area. A reversed frontage lot may also be a corner lot.

"Major Thoroughfare Plan" means that part of the Comprehensive Development Plan or a separate plan adopted by the County Planning Commission that indicates the actual and recommended location of streets in the Township.

"Manufactured Home" means a building unit or assembly of closed construction as defined in Ohio Revised Code Section 3781.06 (C)(4). **[Adopted 6/26/2000 - Z-2000-3]**

"Manufactured Home Park" means any lot upon which three (3) or more manufactured or mobile homes used for habitation are located, as defined in Ohio Revised Code Section 3733.01 (A). **[Adopted 6/26/2000 - Z-2000-3]**

Manufacturing.

- A. "Extractive manufacturing" means any mining, quarrying, excavating processing, storing, separating, cleaning or marketing of any mineral natural resource.
- B. "Heavy manufacturing" means manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution and water pollution, but not beyond the district boundary.
- C. "Light manufacturing" means manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

"Mobile Home" means a building unit or assembly of closed construction as defined in Ohio Revised Code Section 4501.01 (O) and which is designed to be used as a dwelling with or without a permanent foundation, and which does not conform to the National Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A. 5401, 5403 as amended. A "mobile home" does not mean an "industrialized unit" or "manufactured home" as defined in this resolution. A building or nonself-propelled vehicle is a "mobile home" whether or not the axles, chassis, hitch, wheels, or other appurtenances of mobility have been removed and regardless of the nature of the foundation provided. **[Adopted 6/26/2000 - Z-2000-3]**

"Monopole" means a structure composed of a single spire used to support communications equipment. **[Adopted 7/7/97]**

"Motel" means any premises offering guest rooms with accompanying parking for the lodging of transients for a consideration.

"Nonconforming lot, building, structure or use" means any lot, building, structure or use of land lawfully existing at the

time of enactment of this Zoning Resolution or any amendment thereto, and which does not conform to the regulations of the district or zone in which it is located.

"Nursing home", as defined in Revised Code Section 3721.01(A)(6) and as hereafter amended or supplemented, and which requires a Certificate of Need from the State of Ohio, means a home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing care. Skilled nursing care for the purposes of this paragraph means procedures that require technical skills and knowledge beyond those the untrained person possesses and that are commonly employed in providing for the physical, mental, and emotional needs of the ill or otherwise incapacitated. A nursing home shall not include a hospital as defined by Revised Code Section 3701.01(c), and as hereafter amended or supplemented, except that it shall not be deemed to exclude extended care facilities which can be part of a nursing home operation. **[Adopted 7/24/2006 - Z-2006-4]**

"Occupancy" means the purpose for which a building, land or premises is used or intended to be used.

"Open space" means an area on a lot which is totally open to the sky and not obstructed. "Open space" may include natural environmental features, water areas and landscaping but shall not include buildings, structures, parking areas and the like.

"Outdoor miniature golf" means an outdoor golf putting facility comprised of a number of tees and putting services connected by improved walkways. The facility may also include a small structure for the rental of golf putters and golf balls. **[Adopted 3/16/98]**

"Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless, exchange access services. **[Adopted 7/7/97]**

"Personal wireless service facility" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by 47 U.S.C. 332 (c) (7). **[Adopted 7/7/97]**

"Place of worship" means any building dedicated for worship services of an organized religion. **[Adopted 10/26/98]**

"Pond" means a water impoundment made by constructing a dam or an embankment or by excavating a pit or dugout; and having an area of less than five (5) acres.

"Public utility" means any company or other legally existing entity which hold a valid license issued by the Public Utilities Commission of Ohio (PUCO); or any company or legally existing entity which delivers a good or service to the public

and which has been determined to be a public utility by the zoning inspector or the board of zoning appeals based upon the following factors relative to (A) public service and (B) public concern. **[Adopted 7/7/97]**

A. Public Service

1. Is there the devotion of an essential good or service to the general public, which has a right to demand or receive the good or service?
2. Must the company provide its good or service to the public indiscriminately and reasonably?
3. Does the company have an obligation to provide the good or service, and not arbitrarily or unreasonably withdraw it?

B. Public Concern

1. Is there concern for the indiscriminate treatment of those people who need and pay for the good or service? (For example, are prices fairly set?)
2. Is there a mechanism for controlling price? (For example, does marketplace competition force providers to stay fairly priced?)

"Quarry" means any land from which minerals, rock, stone, clay, gravel, sand, earth or topsoil is removed by excavation or otherwise for disposition elsewhere. "Quarry" does not include any necessary excavation related to any lawful construction operation.

"Radio" means the communication of impulses, sounds, and pictures through space by electromagnetic waves. **[Adopted 7/7/97]**

"Recreational facilities" include but are not limited to public and private facilities open to the public which are used for golf courses, driving ranges, tennis courts, skating rinks, swimming pools, riding stables, riding trails for horses and bicycles, and fishing.

"Research activities" mean research, development and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation and engineering. All research, testing and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration or odor shall be detected outside of such building.

"Residential Care Facility", as defined by Revised Code Section 3721.01(A)(7) and as hereafter amended or supplemented, means a home that provides either of the following (i) accommodations for seventeen or more unrelated individuals and supervision and personal care services for three or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment; or (ii) accommodations for three or more unrelated individuals, supervision and personal care services for at

least three of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and, to at least one of those individuals, any of the skilled nursing are authorized by Section 3721.011 of the Ohio Revised Code. **[Adopted 8/18/97]**

"Residential facility" means a home or facility in which a person with a developmental disability resides, except a home subject to Ohio R. C. Chapter 3721 or the home of a relative or legal guardian in which a person with a developmental disability resides.

- A. "Developmental disability" means a disability that originated before the attainment of eighteen (18) years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services.
- B. "Family home" means a residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for not more than eight (8) persons with developmental disabilities.
- C. "Group home" means a residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least (9) but not more than sixteen (16) persons with developmental disabilities.
- D. "Adult family home" means a building in which the owner resides and where accommodations including room, board and personal assistance are exclusively provided for under six (6) adults, at least one (1) of whom receives Federal Social Security income or poor relief pursuant to Ohio R. C. Chapter 5113, and who are dependent on the services of others by reason of age, but who do not require skilled nursing care.

"Restaurant" means a retail service establishment wherein the entire or substantially all of the business activity consists of the sale of food for consumption within the building.

- A. "Carry-out restaurant" means a retail service establishment where a substantial portion of the business activity is that of carry-out service of food for consumption outside the building.
- B. "Drive-in restaurant" means any premises used for the sale and service of food in motor vehicles, including those establishments where customers may serve themselves and may consume the food on the premises either in the

motor vehicle or in the building.

"Roadside stand" means a movable structure or vehicle used for the sale of agricultural products or something produced therefrom.

"School" means any public school chartered by the Ohio Board of Regents or conforming to minimum standards prescribed by the State Board of Education and any private or parochial school certified by Ohio which offers State approved courses of instruction.

"Screening" means a strip of land planted with shrubs or trees to form a year-round dense screen.

"Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity, or ice, and has come to rest on the earth's surface. **[Adopted 10/26/98]**

"Sediment control" means the limiting of sediment transport by controlling erosion, filtering sediment from water, or detaining sediment-laden water allowing sediment to settle. **[Adopted 10/26/98]**

"Sediment pollution" means failure to use management or conservation practices to abate wind or water erosion of the soil or to abate the degradation of the waters of the state by soil sediment in conjunction with land grading, excavating, filling, or other soil disturbing activities on land used or being developed or built upon for commercial, industrial, residential, or other non-agricultural purposes. **[Adopted 10/26/98]**

"Setback line" means a line established by this Zoning Resolution, generally parallel with and measured from any lot line, defining the limits of a front, side or rear yard in which no building may be located. "Building line" means a line that circumscribes or outlines the exterior wall face of any building.

"Shopping Strip Center" means a single free standing or a collection of single free standing buildings, wherein three or more businesses are located, with no internal access thereto by patrons and employees. **[Adopted 5/22/2000 - Z-2000-2]**

"Site" means, for the purpose of telecommunications towers, antennas, and facilities only; how or in what manner such towers, antennas, and facilities may be situated on a lot, building, or structure. **[Adopted 7/7/97]**

"Stealth facility" means any communications facility which is designed to blend in with the surrounding environment. Such facilities may include architecturally screened roof mounted antennas, building mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles. **[Adopted 7/7/97]**

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"Story" means that part of a building between the surface of a floor and the ceiling immediately above. "Half-story" means that part of a building between the top floor and a sloping roof, with at least two opposite exterior walls meeting the sloping roof not over three feet above that floor level.

"Street".

A. "Street" means any dedicated public street which is a State, County or Township road according to Ohio R. C. 5535.01.

B. "Private street" means any right of way in private ownership which provides the principal means of access to abutting property.

C. "Right-of-way" means all property dedicated to use as a public way, whether improved or not, or land reserved by easement for private use such as access.

D. "Landlocked" means any parcel of land bounded by other lots or parcels and having no frontage on a public or private right-of-way.

"Structural alteration" means any change affecting the supporting members of a building such as the bearing walls, columns, beams or girders, or any change in the cubical contents of a building.

"Structure" means anything constructed or erected, the use of which requires a location on the ground or is attached to something having a location on the ground, and includes, but is not limited to, buildings, parking areas, driveways, fences, seating facilities, platforms, backstops, pergolas, ponds, pools, poles, tanks, tents, towers, transformer substations, signs, walls, canopies, air supported structures, street gutters, detention basins, extended detention basins, retention basins, constructed wetlands, infiltration basins, catch basins, oil/water separators, sediment basins, modular, porous and solid pavements, and aggregate stone driveways, parking lots and sidewalks. Structure also includes any edifice used for storage. **[Adopted 8/4/97][Adopted 12/17/2007 - Z-2007-1]**

A. "Detention Basin" means a facility for the collection and release of surface and stormwater runoff from a site at a slower rate than it is collected by the drainage facility system, the difference being held in temporary storage. (Note: a detention basin is a dry basin for the majority of

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the year; it is filled with water only after a large rain event. The stored water is then slowly released over the next few hours.) **[Adopted 9/29/97]**

- B. "Extended Detention Basin" means a facility for the detention of stormwater runoff volumes in water quality basins to remove suspended solids. A practice designed to store stormwater runoff by collection as a temporary pool of water and provide for its gradual release over 24 hours or more. A practice which is used to control peak discharge rates and which provides gravity settling of pollutants. (Note: this facility is similar to a detention basin. The difference is that stormwater is held for a longer duration than a traditional detention basin.) **[Adopted 9/29/97]**
- C. "Retention Basin" means a facility within which stormwater runoff is stored in a permanent pool of water (also referred to as a wet pond). **[Adopted 9/29/97]**
- D. "Constructed Wetlands" means an artificially created facility, designed and engineered to treat stormwater and wastewater runoff, a man-made wetland that is designed to have the same benefits of a natural wetland (i.e., nutrient uptake and sediment removal). **[Adopted 9/29/97]**

"Supermarket" means a store primarily for the retail sale of food which has a gross of floor area, including all types of storage rooms, rest rooms, and other incidental rooms or areas, of ten thousand (10,000) square feet or more.

"Swimming pool" means an indoor or outdoor structure, chamber or tank, whether permanent or portable, which is capable of containing a body of water to a depth of two feet or more at any point therein.

- A. "Private swimming pool" means a swimming pool located on residential premises which is for the exclusive use of residents and their non-paying guests.
- B. "Public swimming pool" means a swimming pool to be used collectively by persons for swimming or bathing, whether operated by any governmental, public or private entity or individual, and regardless of whether a fee is charged for such use.

"Technically suitable" means the location of a wireless telecommunication antenna(s) reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna (s) has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss of communication capability within the developed areas of the Township. **[Adopted 7/7/97]**

"Telecommunications tower" means any free-standing structure, or any structure attached to a building or other structure, that meets all of the criteria set forth in R.C. 519.211

(B) (a-e) and Chapter 186 of this resolution. **[Adopted 7/7/97]**

"Tower" means a structure that is mounted in the ground or affixed to a building or other structure that is used for transmitting or receiving television, radio, telephone or other communications. **[Adopted 7/7/97]**

"Unlicensed wireless service" means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct to home satellite services. **[Adopted 7/7/97]**

"Use" means the specific main or principal purpose for which a building, land or premises is occupied or maintained. Permitted uses are designated by this Zoning Resolution.

"Variance" means a modification or departure from the terms of this Zoning Resolution, authorized by the Board of Zoning Appeals on appeal. **[Amended 3/27/93]**

"Vehicle" means every device in, upon or by which any person or property may be transported, except devices moved by human power, or power collected from overhead wires or devices used on stationary rails or tracks.

- A. "Vehicle repair" means the repair, rebuilding or reconditioning of vehicles or parts thereof as defined herein, including collision service, painting and steam cleaning.
- B. "Vehicle and farm machinery sales" means the display, sale or lease of new and used vehicles and farm machinery as defined herein, including incidental warranty repair work but excluding all other repair work.
- C. "Vehicle wrecking" means the dismantling or wrecking of vehicles as defined herein, including the storage or sale of such vehicles, junk motor vehicles or their parts.

"Wireless telecommunications antenna" means an antenna designed to transmit or receive communications as authorized by the Federal Communications Commission (FCC), excluding an antenna for an amateur radio operator. **[Adopted 7/7/97]**

"Wireless telecommunications equipment building" means the structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed. **[Adopted 7/7/97]**

"Wireless telecommunications facility" means a facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile

radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land based telephone lines. **[Adopted 7/7/97]**

"Yard" means an open space on the same lot with a building, which is unoccupied and unobstructed by any portion of the building from the ground upward, except as may otherwise be provided in this Zoning Resolution.

- A. "Front yard" means a yard extending between side lot lines across the front of a lot and from the front lot line to the front building line of the principal building.
- B. "Rear yard" means a yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear building line of the principal building.
- C. "Side yard" means a yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

"Zoning certificate" means a document authorized by this Zoning Resolution and issued by the Zoning Inspector authorizing a building or structure or the use of a building, structure, land or premises.

"Zoning District Map" means the Map established by and made part of this Zoning Resolution which indicates the boundaries and limits of the districts established by this Zoning Resolution.