

CHAPTER 105

DEFINITIONS

105.01 Rules of construction.

105.02 Specific meanings of words or 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 latest edition of Webster's New World College Dictionary, except for those as may otherwise be 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.** See definition of "lot" in Section 105.02.
- (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, structures, 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:

“ABUTTING” means next to and having some portion of a lot, parcel or property boundary that is coterminous with another lot, parcel or property.

“ACCESS” means a vehicular connection to a public or private street from a surface parking lot, parking garage or parcel.

“ACCESS EASEMENT” means a recorded private easement for vehicular access across one lot or parcel to another.

“ACCESSORY BUILDING, STRUCTURE OR USE” means a subordinate use of a building, structure or lot or a subordinate building or structure: (1) the use of which is clearly incidental to the use of the principal building, structure, or use of a lot; (2) which is customary in connection with the principal, structure or use of a lot; and (3) which is located on the same lot with the principal building, structure or use.

“ADJACENT” means the condition of being near or close to but may not necessarily be adjoining or touching.

“ADULT DAY-CARE” means a community-based establishment which provides recreational and educational activities in addition to care services that is operated pursuant to rules adopted by the State of Ohio, director of health, under O.R.C. Section 3721.04.

“AGRICULTURAL PRODUCTION” shall have the same meaning as in O.R.C. Section 929.01.

“AGRICULTURE” includes farming; algaculture meaning the farming of algae; 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; and 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.

“AGRITOURISM” as defined in O.R.C. Section 901.80 means an agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity. For purposes of this definition, a “farm” as defined in O.R.C. Section 901.80 means land that is composed of tracts, lots or parcels, totaling not less than ten (10) acres devoted to agricultural production or totaling less than ten (10) acres devoted to agricultural production if the land produces an average yearly gross income of at least twenty-five hundred dollars (\$2,500.00) from agricultural production.

“AGRITOURISM PROVIDER” as defined in O.R.C. Section 901.80 means a person who owns, operates, provides, or sponsors an agritourism activity or an employee of such a person who engages in or provides agritourism activities whether or not for a fee.

“AMATEUR RADIO SERVICE” means the amateur service, the amateur-satellite service, and the radio amateur civil emergency service as provided for under 47 C.F.R. part 97 and O.R.C 5502.031.

“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.

“APPLICANT” means the property owner or authorized legal entity filing an application under this resolution.

“AVERAGE FINISHED GRADE ELEVATION” means the mean elevation of the finished grade around the perimeter of any building or structure.

“BAINBRIDGE” means Bainbridge Township, its elected or appointed representatives, boards, or commission.

“BANK” means a financial institution licensed to receive deposits, make loans, and conduct other financial services.

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

“BOLLARD” means a permanent steel post mounted in the ground and filled with concrete that is located and constructed to physically block vehicle incursion to protect people and property.

“BREEZEWAY” means an enclosed or unenclosed structure with a roof that is used as a walkway or passageway connecting buildings or structures.

“BUFFER” means open spaces and landscaped areas, that may include fences, walls, earthen berms, or any combination thereof, which are used to physically and visually separate or screen one use or property from an abutting property in order to mitigate the impacts of noise, light, or other nuisances.

“BUILDING” means a permanent structure that is completely enclosed with a roof, walls, and a floor with doors for ingress/egress that is erected on a foundation affixed to the ground in accordance with the applicable county or state building code and which is devoted to the uses allowed in this Resolution for the affected zoning district in which it is located.

“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.

“BUILDING LINE” means a line that circumscribes or outlines the exterior wall face of any building. See also “setback” and “yard”.

“BUILDING, PRINCIPAL” means a building within which the main or primary permitted or conditional use is conducted on a lot.

“CABANA” means a detached accessory structure used as a shelter, typically having an open side, located adjacent to a swimming pool.

“CARPORT” means an accessory structure with a roof that is not fully enclosed by walls and is attached to the principal dwelling or building or attached to an accessory building on a lot to be used for the storage of motor vehicles, trailers, boats, or recreational vehicles.

“CEMETERY” pursuant to O.R.C. 1721.21 and 4767.02, “cemetery” means any real property owned by a person, church, religious society, established fraternal organization, or political subdivision of the state of Ohio for the disposition of human remains and includes any one or a combination of more than one of the following. For the purpose of this definition, “interment” means the disposition of human remains by earth burial, entombment, or inurnment.

- (a) A burial ground for earth interments.
- (b) A mausoleum for crypt entombments.
- (c) A columbarium for the deposit of cremated remains.
- (d) A scattering ground for the spreading of cremated remains.

“CERTIFIED SEISMOLOGIST” means a blasting consultant, seismologist, or professional engineer who has been trained in current blasting technology and state and federal blasting laws and regulations, and one who possesses a valid certificate.

“CHANNEL” means a manmade bed that conveys water; a ditch excavated for the flow of water a non-stream, a non-watercourse.

“CHILD DAY-CARE” means supervision and care of children that is provided by a person or organization that possesses any applicable licensing as defined in O.R.C. 5104.01.

“CHILD DAY-CARE CENTER” and “CENTER” as defined in O.R.C. 5104.01(L).

“CHURCH” means a building used for public worship and may include temples, cathedrals, synagogues, mosques, chapels, and congregations.

“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.

“COLLECTOR’S VEHICLE” shall have the same meaning as O.R.C. 4501.01(F) and shall be licensed under O.R.C. 4503.45.

“CLUSTER or CLUSTERING” means a development pattern or design technique in which lots are grouped together, rather than spread evenly throughout a parcel as in traditional development. Clustering allows the remaining land to be used for outdoor active or passive recreation, open space, and the preservation of natural resources.

“COLLOCATION” means locating wireless telecommunications antennas and appurtenant equipment from more than one (1) provider on a single wireless telecommunications tower site.

“COMMERCIAL MOTOR VEHICLE” means any motor vehicle designed and used for carrying merchandise or freight, or used as a combination tractor-trailer or commercial tractor by drawing other vehicles whether independently or by carrying a portion of such other vehicle or its load, or both.

“COMMERCIAL SHOPPING CENTER” means a group of retail and other commercial establishments that is planned, developed, owned and managed as a single property, with on-site parking provided. The center’s size and orientation are generally determined by the market characteristics of the trade area served by the center. The site shall be not less than eight (8) acres and contain a minimum of ten (10) individual retail stores and a minimum of sixty thousand (60,000) gross square feet of building floor area in not more than three (3) buildings in a coordinated design that may include shared parking and access provisions.

“COMPOST” means a humus-like organic material resulting from the biological decomposition of solid waste which may include a chemical change.

“COMPOSTING” means the managed process of biological decomposition of solid waste, which may include a chemical change, under controlled conditions resulting in compost.

“COMPREHENSIVE PLAN” means the current Township Land Use Plan, as adopted by Bainbridge Township pursuant to O.R.C. 519.02, 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 resolution and the Board of Zoning Appeals determines compliance with all applicable provisions of this resolution (including the compatibility standards for specific uses) and other safeguards needed to ensure that the use does not adversely affect the surrounding areas.

“CONDITIONAL ZONING CERTIFICATE” means a certificate issued by the Zoning Inspector, upon approval of the Board of Zoning Appeals, to allow a conditional use in a district specifically authorized by this Zoning Resolution.

“CONDOMINIUM” pursuant to O.R.C. 5311.01(K), “condominium” means a form of real property ownership in which a declaration has been filed submitting the property to the condominium form of ownership pursuant to O.R.C. Chapter 5311 and under which each owner has an individual ownership interest in a unit with right of exclusive possession of that unit and an undivided ownership interest with the other unit owners in the common elements of the condominium property.

“CONTIGUOUS” means coterminous with or sharing a common lot line.

“COUNTY” means Geauga County, Ohio.

“COVENANTS, CONDITIONS, and RESTRICTIONS” means a restriction on the use or development of land, or which requires affirmative actions to be performed (*e.g.*, the payment of dues to a property owners’ association, maintenance of common open space, etc.), that is set forth in a recorded instrument, and that runs with the land (*i.e.*, it is binding upon subsequent owners of the property).

“DAMAGED or DISEASED TREES” means trees that have split trunks; broken tops; heart rot; insect or fungus problems that will lead to imminent death; undercut root systems that put the tree in imminent danger of falling; lean as a result of root failure that puts the tree in imminent danger of falling; or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a watercourse or onto a building or structure.

“DECK” means a structure consisting of wood, vinyl or other composite materials with or without a roof that is an open platform attached to a building or is freestanding and is supported by posts or piers.

“DENSITY” means a unit of measurement that indicates the number of buildings or dwelling units per acre of land.

“DESIGNATED WATERCOURSE” means a watercourse that is contained within, flows through, Bainbridge Township and meets the criteria set forth in Section 160.04 of this resolution.

“DETENTION BASIN OR STRUCTURE” means a permanent stormwater management facility for the temporary storage of runoff, which is designed to delay and attenuate flow.

“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.

“DOCK” means a stationary structure constructed on piers that is located along the shoreline and/or projects from the shoreline into a waterbody or watercourse to which boats or other watercraft may be moored.

“DISTRICT” means a portion of the township shown on the official township zoning map within which zoning regulations apply as specified in this resolution.

“DRIVE-IN, DRIVE-THROUGH FACILITIES” shall have the same meaning as in words or phrases that apply to the MUP Zoning District as provided herein.

“DRIVEWAY” means a private accessway, primarily for vehicles, leading from a street to a parking space or loading/unloading area.

“DRUG STORE” means a retail store where medicines are dispensed by a licensed pharmacist and other personal articles and merchandise sold.

“DRY HYDRANT” means a standpipe connected by means of a pipeline to a water source that permits the withdrawal of water by drafting through the use of firefighting equipment.

“DWELLING” means any building, except a mobile home as defined in Ohio R. C. 4501.01(O), which is designed and 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 (2) 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 (2)

dwelling units shall be separated from other dwelling units by open space.

- (c) "Multi-family dwelling" means a dwelling consisting of three (3) 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). "Industrialized unit" does not include a "manufactured home" or "mobile home" as defined in this resolution.
- (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.
- (f) "Manufactured home" means a building unit or assembly of closed construction as defined in O.R.C. Section 3781.06(C)(4).

"EARTH OR SOIL DISTURBING ACTIVITY" means clearing, grading, excavating, filling, dumping, grubbing, stripping, or other alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution. This may also include construction of buildings, structures, utilities, roadways, parking areas, and septic systems that will involve soil disturbance or altering of the existing ground cover.

"EASEMENT" means any portion of a parcel that is subject to a recorded instrument with the County Recorder's Office between the property owner and another party, which grants the other party the right to make limited use of that portion of the property for a specified purpose.

"ECONOMICALLY SIGNIFICANT WIND FARM" means wind turbines and associated facilities on a lot with a single interconnection to the electrical grid as defined in O.R.C. Section 4906.13.

"ELECTRIC VEHICLE (EV)" means any vehicle that operates either partially or wholly on electrical energy from an off-board source that is stored on-board for motive purposes.

"ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE)" means a fueling device or unit that supplies electric energy for charging an EV. Such equipment is classified according to output voltage and the rate at which it can charge a battery as established by the Society of Automotive Engineers (SAE).

"EQUIPMENT BUILDING or SHELTER" means the structure in which the electronic receiving and relay equipment for a wireless telecommunication facility is housed.

"EROSION" means the process by which the land surface is worn away by the action of wind, water, ice, gravity, or any combination of those forces.

“ESSENTIAL SERVICES” means the erection, construction, alteration or maintenance, by public utilities, county, municipal or other governmental agencies, of underground natural gas, electrical, 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, county, municipal or other governmental agencies or for the public health, safety or general welfare, but not including buildings.

“EVSE SPACE OR STATION” means an off-street space or designated station on a lot with EVSE.

“EVENT CENTER OR FACILITY” means a building that may temporarily hold a large number of persons that attend a special use such as a conference, ceremony, or exhibit. Food and beverages may or may not be provided.

“EXTERIOR DISPLAY or SALES AREA” means an open area on a lot used to purvey goods, merchandise or services sold within the principal building on the same lot. Such goods or merchandise shall be available for direct sale and shall not be within shipping cartons or crates.

“EXTERIOR STORAGE AREA” means an open area on a lot used for parking or storage of equipment, materials, machinery or vehicles in connection with the principal building, structure, or use on the same lot.

“FAMILY” means one (1) or more persons related by blood, adoption, guardianship or marriage, living and cooking together as a single housekeeping unit, exclusive of live-in hired employees. A number of persons but not exceeding two (2) living and cooking together as a single housekeeping unit though not related by blood, adoption, guardianship or marriage shall be deemed to constitute a family, exclusive of live-in hired employees. A family shall not include any society, club, fraternity, sorority association, lodge, federation, coterie, or a like organization; any group of individuals whose association is temporary or seasonal in nature; and any group of individuals who are in a group living arrangement as a result of criminal offenses.

“FARM MARKET” as defined in O.R.C. 519.21(C)(1) means the use of any land zoned for agricultural, residential, commercial or industrial use where fifty per cent (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.

“FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)” means the agency with overall responsibility for administering the National Flood Insurance Program.

“FENCE” means an artificially constructed structure, including gates, consisting of wood, masonry, stone, wire, metal or other manufactured material or combination of materials erected as a boundary or means of protection to enclose, screen or separate areas on a lot. A "fence" shall not include hedges, shrubs, trees or other natural growth or vegetation.

“FINISHED GRADE LEVEL” means the elevation of the finished grade of the ground immediately adjacent to a building or structure at its exterior foundation.

“FIXTURE, FULL CUT-OFF LIGHTING” means a lighting fixture which allows no light to be emitted above a horizontal plane drawn through the lowest part of the fixture.

“FLOOD PLAIN” means the designated areas shown on the flood hazard boundary maps of the county, prepared by the United States Department of Housing and Urban Development, Federal Insurance Administration, and the Federal Emergency Management Agency; which are subject to periodic flooding from a 100-year frequency storm.

“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 (2) buildings. "Floor area" shall not include: basement space; crawl space; attic space; terraces, breezeways and open porches; uncovered steps; and attached 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 (2) 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.

“FOOTPRINT” means the ground floor or first story of a building, other than a basement, that is closest to the finished grade that represents the total area a building covers measured to the exterior edge of its foundation.

“FOOD TRUCK” See “Mobile Food Unit”.

“FRONTAGE” see “lot line, front or frontage.”

“FUNERAL HOME” means a building that is used principally for the care, preparation for burial, or disposition of human remains and/or conducting funerals.

In addition to the above functions, funeral homes may also store caskets, funeral urns, hearses and other vehicles used in funeral processions. For the purposes of this resolution, funeral homes do not include crematories or the cremation of human remains as defined in R.C. 4717.01.

“GARAGE, PRIVATE” means a building attached to the principal dwelling or building or a detached accessory building to be used for the storage of motor vehicles, trailers, boats, recreational vehicles, tools, equipment, supplies, and other personal property owned by the occupants of a dwelling or the principal building on a lot.

“GARAGE, REPAIR” means a building in which motor vehicles or recreation vehicles which are owned or leased by the general public are repaired or serviced.

“GARAGE, STORAGE” means any building used for the storage or parking of motor vehicles or recreational vehicles which are owned or leased by the general public.

“GARAGE SALE” means all sales which are open to the public and conducted from or on residential property, which are for the purpose of selling items of the residents' personal property. Garage sales are also commonly known as "lawn," "yard," "attic," "porch," "room," "backyard," "patio," or "rummage" sales. In some cases, multiple households, or entire neighborhoods may organize a single day or group of consecutive days to host a neighborhood garage sale.

“GAZEBO” means an octagonal structure with a roof that is open on its sides.

“GLARE” means 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.

“GLARE, DIRECT” means the glare resulting from the human eye being able to see the light emitting portion of a light fixture.

“HAZARDOUS WASTE” means substances or materials that by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties may be detrimental or deleterious to the health of any person or others coming into contact with such material or substance and which cannot be handled by routine waste management techniques and as defined in O.A.C. Section 3745-51-03.

“HOME EDUCATION” shall have the same meaning as in O.R.C. Section 3321.042. Home education means the education of a child, between the ages of six and eighteen years of age, that is directed by the child’s parent. Home education does not include education provided to a child who is enrolled full time in a public or chartered nonpublic school.

“HOME EDUCATION LEARNING POD” shall have the same meaning as in O.R.C. Section 5104.01. A home education learning pod means a voluntary association of parents who direct their children’s education through home education and includes the following characteristics:

- (a) The parents choose to group their children together in a home or other location at various times, which may include hours when home education is not provided.
- (b) The pod includes only the parents’ children who are receiving home education, except that it also may include siblings of those children, or other children who are under the care of the parents, regardless of age.
- (c) At least one parent of any of the children participating in the pod must be on the premises while the pod is meeting.

“HOME OCCUPATION” means an accessory use that is a profession, service or activity for remuneration conducted solely within a dwelling on a lot that is located within a R-5A or R-3A residential or Mixed Use Planned Unit Development (MUP) zoning district.

“HOSPITAL” means a building containing beds for patients and accommodations for the diagnosis, operation, treatment, and care of humans by licensed physicians and staff and as defined in O.R.C. 3727.01(B)(2).

“HOSPITAL, VETERINARY” 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.

“HORTICULTURE” means the growing, cultivation, and production of flowers, fruits, herbs, vegetables, sod, mushrooms, and nursery stock.

“HOT TUB” means a structure consisting of a tub or pool filled with water having massaging jets and other controls for water heating and circulation that is used for hydrotherapy or relaxation.

“IMPERVIOUS SURFACE OR COVER” means any materials which prevent percolation of stormwater into the ground, including but not limited to, roofing, concrete, asphalt, metal, wood, plastic, compacted soil, and aggregates.

“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.

“INDUSTRIALIZED UNIT” means a building as defined in O.R.C. 3781.06(C)(3).

“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.

“IN-LINE POND” means a permanent pool of water created by impounding a designated watercourse.

“JUNK” means scrap or discarded household appliances, furniture, mattresses or bedding, plumbing fixtures, motor vehicle parts including batteries or tires, accumulations of scrap metal, rubber, rags, bottles, cans, boxes, cardboard, waste paper, plastic, glass, pallets, or other similar items.

“JUNK VEHICLE” means any vehicle that meets all of the following criteria: it is (1) three years (3) old or older; (2) apparently inoperable; and (3) extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

“JUNK YARD” means any lot, building, structure, establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, or selling junk or junk vehicles, including scrap metal processing facilities.

“KENNEL” means any building, structure or land where dogs or other domesticated pets are boarded, cared for, bred or kept for renumeration.

“LANDSCAPING” means the exterior installation of any combination of living plant material such as trees, shrubs, grass, flowers, and other natural vegetative cover; and, may include structural or decorative features such as walkways, retaining walls, fences, benches, lighting, works of art, or sculptures, reflective pools, and fountains.

“LAND BANKING” means a reserve of required parking spaces, which shall be counted as lot coverage, that will be left open as landscaped green space until the applicant is required to complete the requirements of this resolution as directed by the zoning inspector.

“LAND DEVELOPMENT ACTIVITY” means any change to the surface area of a lot including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, cut and fill, construction of buildings or structures, paving, and any other installation of impervious cover.

“LARGE COMMERCIAL SHOPPING CENTER” means a planned retail commercial site of at least twenty (20) acres that contains either a minimum of four hundred thousand (400,000) gross square feet of building floor area or a minimum of twenty (20) individual retail stores in a coordinated design with shared parking and access provisions.

“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.

“LATTICE TOWER” means a framework or structure of cross metal strips typically resting on three (3) or more members constructed vertically to which antennas are affixed.

“LIBRARY” means a public or nonprofit facility in which books, periodicals, audio or video recordings, film, and comparable materials are kept for use or loaning to patrons of the facility. Such use may also offer meeting rooms, use of computers and the incidental or periodic sale of surplus books.

“LICENSED RESIDENTIAL FACILITY” means a facility as defined in O.R.C. Sections 5119.34(B)(1)(b) and 5123.19(A)(5)(a).

“LIGHT FIXTURE” means the physical unit that holds a lamp and that may include parts to redirect the light produced by the lamp.

“LIGHT FIXTURE, FULL CUT-OFF” means an outdoor lighting fixture with shields, reflectors, or refractor panels which direct and cut-off the light at an angle that is less than 90 degrees.

“LIGHT TRESPASS” means light emitted by a lighting installation which falls outside the boundaries of the property on which the installation is sited.

“LIVESTOCK” means farm animals commonly raised for food, food production, or other agricultural purposes, including, but not limited to, cattle, sheep, goats, swine, and poultry.

“LOADING/UNLOADING SPACE” means an area durably paved, designed and used for parking one (1) truck or delivery vehicle for bulk pickups and deliveries and which space has access to a public street. All off-street loading/unloading spaces shall be located entirely outside the right-of-way of any public street or private access or circulation drive and such spaces shall not be used or included in computing required off-street parking spaces.

“LOT” means a parcel or plot 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 set out in this resolution. Such lots shall have frontage on an improved public or private street and shall be a lot of record.

“LOT COVERAGE” means the ratio of ground floor area of all buildings and structures and all areas that are associated with driveways, parking areas, and other impervious surfaces on a lot to the total lot area, expressed as a percentage. Lot coverage shall not include retention basins, detention basins, and ponds.

“LOT DEPTH” means the total distance of each side lot line measured from the front lot line to the rear lot line.

“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. The applicable front, side, and rear lot lines shall be determined by the Zoning Inspector. See also Section 161.24.

- (a) "Lot line, front or frontage" means the boundary of a lot which abuts a public or private road right-of-way.
- (b) "Lot line, rear" means the boundary of a lot which is parallel or within forty-five (45) degrees of being parallel to the front lot line and is opposite the front lot line; provided, however, for a corner lot see Section 161.24.
- (c) "Lot line, side" means any boundary of a lot which is not a front lot line nor is a rear lot line. A side lot line extends between the front lot line and the rear lot line.

“LOT, AREA” means the total area, expressed in acres, included within the boundary lines of a lot computed exclusive of any portion of the right-of-way of any abutting public or private road. See also Section 161.24.

“LOT, CORNER” means a lot located at the intersection of, and having frontage on, two (2) intersecting road right-of-ways. See also Section 161.24.

“LOT, CUL-DE-SAC” means a lot with frontage on the arc of the permanent cul-de-sac. See also Section 161.24.

“LOT, FLAG” means a lot which is located to the rear of, and shall be contiguous with, another front lot that is not a flag lot. It shall have frontage and access through a strip of land in fee simple that shall be a part of the flag lot. A flag lot may also be referred to as a rear or back lot. See also Section 161.24.

“LOT, INTERIOR” means a lot with frontage on a single road right-of-way, a rear lot line, and at least two (2) side lot lines. See also Section 161.24.

“LOT, MULTIPLE OR DOUBLE FRONTAGE” means a lot, other than a corner lot, with front lot lines on two (2) nonintersecting road right-of-ways. A multiple frontage lot may also be referred to as a through lot. See also Section 161.24.

“LOT OF RECORD” means a lot which is part of a subdivision plat 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 on a deed or instrument of conveyance, and is shown as a separate unit on the last preceding county tax roll.

“LOT WIDTH” means the straight line horizontal distance between the side lot lines of a lot measured at the front setback line. See also Section 161.24.

“MAIN BUILDING” see “principal building.”

“MAINTENANCE FACILITY” means a building used for the storage and repair of vehicles, equipment, tools, and related activities.

“MANUFACTURED HOME PARK” means any tract of land upon which three (3) or more manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the park in accordance with O.R.C. 4781.01(D).

“MEDICAL MARIJUANA” means marijuana, as defined in O.R.C. Section 3796.01(A) (1), that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose per O.R.C. Section 3796.01 (A) (2).

“MEETING HALL” means a building with rooms or a space designed for public gatherings or meetings.

“MOBILE FOOD UNIT” means any apparatus or equipment that is used to cook, prepare or serve food and that routinely changes or can change location and is operated from a moveable vehicle or apparatus, including but not limited to motorized vehicles, trailers, and hand propelled carts.

“MOBILE HOME” means a building unit or assembly of closed construction as defined in O.R.C. 4501.01(O).

“MOBILE HOME PARK” means a lot where two (2) or more mobile homes are located.

“MONOPOLE” means a structure composed of a single spire used to support communications equipment.

“MOTEL/HOTEL” means any premises offering guest rooms with accompanying parking for the lodging of transients for a consideration.

“NONCONFORMING BUILDING or STRUCTURE” means a building, structure or parts thereof lawfully existing at the time this zoning resolution or any subsequent amendment thereto became effective which does not fully comply with the dimensional and area requirements of the district in which it is located.

“NONCONFORMING LOT” means a lot of record lawfully existing prior to the effective date of this zoning resolution or any subsequent amendment thereto which does not fully comply with the requirements of the district in which it is located. This can involve minimum area or dimensional requirements of the lot.

“NONCONFORMING SIGN” means any sign lawfully existing prior to the effective date of this zoning resolution or any subsequent amendment thereto which does not fully comply with the requirements of the district in which it is located.

“NONCONFORMING USE” means a use of land or use of a building or structure lawfully existing at the time this zoning resolution or any subsequent amendment thereto became effective which does not fully comply with the use requirements of the district in which it is located.

“NONCONFORMITY” means upon the effective date of this resolution, or any subsequent amendment thereto, a lawfully existing lot of record, building, structure, landscape area, parking lot, sign, or use which does not fully comply with the requirements currently applicable to the district in which the lot, building, structure, landscape area, parking lot, sign, or use is located.

“NURSING HOME” as defined in O.R.C 3721.01(A)(6) means a home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing services and of individuals who require personal care services but not skilled nursing services.

“O.A.C.” means the Ohio Administrative Code.

“OCCUPANCY” means the purpose for which a building, land or premises is used or intended to be used.

“OFF-STREET PARKING SPACE” means an area for parking one (1) motor vehicle, whether in a building or in the open and which space has access to a public street. All off-street parking spaces shall be located entirely outside the right of way of any public street or private access or circulation drive, and shall not be used or included in computing required off-street loading/unloading spaces.

“OFFICIAL ZONING MAP” means the map showing the location and boundaries of the zoning districts established by this resolution as adopted by the Board of Township Trustees and currently in effect. The map is entitled, the “Bainbridge Township Zoning Map.”

“OHIO ENVIRONMENTAL PROTECTION AGENCY” means the organization referred throughout this resolution as the "Ohio EPA."

“OHIO EPA CLASS I, II, III, and IV SOLID WASTE COMPOSTING FACILITIES” shall be as defined in O.A.C. Section 3745-560-02.

“OHIO REVISED CODE” means the duly enacted laws of the state of Ohio and may also be referred to as O.R.C. or R.C.

“OPEN SPACE” means land area that will be left undeveloped as part of a natural resource preservation, recreation, buffer yard, or other open space provision of this resolution. Open space excludes areas in lots, street rights-of-way, or parking lots. Private open space is designed and intended for common use and the enjoyment of the residents of a subdivision or other development. Public open space is designed and intended for common use and the enjoyment of the general public. Open space is sometimes referred to as "green space," however, such phrase shall have no

effect on the way open space is regulated pursuant to this resolution.

“ORDINARY HIGH WATER MARK” means the point of the bank to which the presence and action of surface water is so continuous as to leave an area marked by erosion, destruction, or prevention of woody terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. The ordinary high water mark defines the bed of a watercourse.

“OUTDOOR DINING” means an accessory use for exterior food and drink service to patrons in an area that is in conjunction with and under the same management and control of the owner or lessee of a restaurant or tavern that is located on the same lot.

“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.

“PARKING LOT” means an area of land that is designated for the parking of motor vehicles, the related parking aisles, the landscaped areas that are surrounded by the parking lot's paved areas, and the landscaped areas at the corners of the paved areas insofar as their inclusion in the parking lot area gives it a regular shape. The term "parking lot" does not include driveways on individual residential lots, nor does it include individual garages or carports. Parking lots that are principal uses of property are not related to a specific land use on the same parcel.

“PARKING SPACE” means an area that is used for parking of motor vehicles, whether in a building, structure, or in the open, that:

- (a) Is accessible from a street or parking aisle and meets the applicable dimensional requirements of this resolution; or
- (b) Is accessible from a street and is located in a residential driveway, garage, or carport, and meets the dimensional requirements for a standard parking space set out in this resolution.

“PARTY CENTER” means a special event facility that is rented for banquets, conferences, receptions, weddings, and similar temporary uses.

“PATIO” means a structure with a level, surfaced area consisting of concrete, pavers, stone or gravel with or without walls or a roof that is attached or is directly adjacent to a building.

“PAVILION” means a roofed open structure with no more than two (2) enclosed sides used for recreation, entertainment, dining or shelter.

“PERGOLA” means a structure consisting of horizontal trellis work supported on columns or posts.

“PERMANENT FOUNDATION” means permanent masonry, concrete, or a footing or foundation. O.R.C. 3781.06(C)(5) applies to a permanent foundation for a manufactured home.

“PERMANENTLY SITED” means, as applied to a manufactured home, compliance with all of the criteria in O.R.C. 3781.06(C)(6).

“PERMITTED USE” means a use that is allowed by right in a district after the issuance of a zoning certificate (if required), provided such use is authorized as a permitted use by this zoning resolution and the Zoning Inspector determines compliance with all applicable provisions included herein.

“PERSONAL CARE SERVICES” means services as defined in O.R.C. 3721.01(A)(5)(a).

“PERSONAL WIRELESS SERVICES” means commercial mobile services, unlicensed wireless services, and common carrier wireless, exchange access services.

“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).

“PERVIOUS SURFACE” means any materials or surfaces which permit percolation of storm water into the ground.

“PLACE OF WORSHIP” see “church.”

“POOL HOUSE” means a detached accessory structure that may include space for changing clothing, shower facilities, bathrooms, and storage that is located adjacent to a swimming pool. A pool house shall not include a kitchen or living space.

“PORCH” means a covered area adjoining an entrance to a building with no more than three (3) enclosed sides.

“PPN” means the permanent parcel number as assigned to a lot by the county auditor.

“PRESCHOOL” shall have the same meaning as in O.R.C. 2950.034.

“PRINCIPAL BUILDING” means a building in which the main or primary use of a lot or parcel is conducted.

“PRINCIPAL STRUCTURE” means, if there is no principal building, the structure in which the main or primary use of a lot or parcel is located.

“PRINCIPAL USE” means the main or primary use to which a parcel, lot, or premises is put.

“PRIVATE ROAD” means a recorded easement as defined in the Geauga County Subdivision Regulations held by a private owner or established legal entity for private use as a road right-of-way and not accepted for maintenance by the state, county, or township and which provides the principal means of ingress and egress and frontage for an abutting lot.

“PRODUCE” means fresh fruit and vegetables, eggs, grains, herbs, honey, maple syrup and milk.

“PROHIBITED USE” means a use that is not allowed in the specified district and in some cases the entire Township.

“PUBLIC PARK” means an active or passive park owned by the state of Ohio or a political subdivision thereof including a county, township, municipal corporation or park district.

“PUBLIC PLAYGROUND” means a recreational facility and area owned by the state of Ohio or a political subdivision thereof including a county, township, municipal corporation or park district.

“PUBLIC ROAD” means a road right-of-way for public use as defined in O.R.C. Section 5535.01 and the Geauga County Subdivision Regulations and accepted for maintenance by the state, county, or township and which provides the principal means of ingress and egress and frontage for an abutting lot.

“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.

(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?
- (4) Are there any applicable statutory or regulatory requirements that the service be accepted?
- (5) Is there a right of the public to demand and receive the service?

(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?)
- (3) Is there public regulation or oversight of rates and charges?

A “Public Utility” does not include a person that owns or operates a solid waste facility or a solid waste transfer facility, other than a publicly owned solid waste facility or a publicly owned solid waste transfer facility that has been issued a permit under Chapter 3734. of the Ohio Revised Code or a construction and demolition debris facility that has been issued a permit under Chapter 3714. of the Ohio Revised Code.

“RADIO” means the communication of impulses, sounds, and pictures through space by electromagnetic waves.

“RECREATIONAL FACILITIES” means public and private facilities open to the public which include, but may not be limited to, golf courses, driving ranges, tennis courts, other hard surface courts, skating rinks, swimming pools, riding stables, riding trails for horses or bicycles, ballfields, and fishing.

“RECREATIONAL VEHICLE” means a portable vehicular structure designed and constructed to be used as a temporary dwelling and including travel trailers, motor homes, and truck campers as defined in O.R.C. Section 4501.01.

“RESIDENTIAL CARE FACILITY” means a home as defined in O.R.C. 3721.01(A)(7) that provides either of the following:

- (a) Accommodations for seventeen (17) or more unrelated individuals and supervision and personal care services for three (3) or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment;
- (b) Accommodations for three (3) or more unrelated individuals, supervision and personal care services for at least three (3) 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 (1) of those individuals, any of the skilled nursing care authorized by section 3721.011 of the Revised Code.

“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.

“RETENTION BASIN” means a permanent stormwater management facility that provides for the storage of stormwater runoff while maintaining a permanent pool of water. Basins are designed to delay and attenuate flow and may have the ability to remove pollutants.

“RIGHT-OF-WAY” means an area of land that is dedicated for public use as a road, or land recorded as an easement for private use as a road, for ingress and egress.

“RIPARIAN AREA” means naturally vegetated land adjacent to watercourses that, if appropriately sized, helps to stabilize streambanks, limit erosion, reduce flood size flows, and/or filter and settle out runoff pollutants, or performs other functions consistent with the purposes of this resolution.

“RIPARIAN SETBACK” means an area of naturally vegetated land adjacent to designated watercourses that, if appropriately sized, helps to stabilize stream banks, limit erosion, reduce flood size flows and/or filter and settle out runoff pollutants. This area shall be a designated distance from a watercourse and wetland.

“ROAD” means a public or private road or street as defined in this resolution.

“ROADSIDE STAND” means a movable structure used for a farm market. See “farm market”.

“SATELLITE DISH ANTENNA” means an accessory structure capable of receiving, for the sole benefit of the principal use it serves, radio or television signals.

“SCHOOL” means (1) a public school or (2) a private or parochial school.

“SCHOOL, PRIVATE OR PAROCHIAL” means an educational institution, legal organization, or other entity that provides fee-based instruction or alternative programs, including, but not limited to, self-directed education, which may not be certified or accredited by the Ohio Department of Education.

“SCHOOL, PUBLIC” means i.e. the Kenston Local School District, the Chagrin Falls Exempted Village School District, or other public certified or accredited school system or district by the Ohio Department of Education.

“SCRAP METAL PROCESSING” means an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes.

“SCREENING” means a strip of land along the perimeter of a lot planted with shrubs or trees to form a year-round dense screen or shield that may include the placement of fencing, walls or earthen berms to create a buffer.

“SEAT” means the actual seating capacity of an area based upon the number of seating units provided or one (1) seat per eighteen (18) linear inches of bench length or space of loose chairs.

“SEDIMENT” means soils or other surface materials that are or have been transported or deposited by the action of wind, water, ice, gravity, or any combination of those forces, as a product of erosion.

“SEDIMENTATION” means the deposition or settling of sediment.

“SEDIMENT CONTROL” means the limiting of sediment transport by controlling erosion, filtering sediment from water, or detaining sediment-laden water allowing sediment to settle.

“SEDIMENT POLLUTION” means degradation of waters of the state by sediment as a result of failure to apply management or conservation practices to abate wind or water soil erosion, specifically in conjunction with soil-disturbing activities on land used or being developed for commercial, institutional, industrial, residential, or other non-farm purposes.

“SELF-SERVICE STORAGE FACILITY” means a building or group of buildings on a lot consisting of individual self-contained and fully enclosed units of various sizes for self-service storage of personal property and as further defined in O.R.C. 5322.01(A).

“SERVICE STATION” means any building or premises where fuel, oil, grease, batteries, and motor vehicle accessories may be supplied and dispensed at retail; electric vehicles may be recharged; and sales of beverages, food, tobacco, and similar convenience goods. Uses permissible at a service station do not include vehicle mechanical repair and body work, straightening of body parts, painting, welding, storage of vehicles not in operating condition, or other work involving noise, glare, fumes, and smoke.

“SETBACK” means a line established by this resolution, generally parallel with and measured from any lot line defining the limits of a front, side or rear yard in which no building or structure may be located, except as may otherwise be provided in this Resolution. See also Section 161.24.

“SEWAGE SYSTEM, ON-SITE” means a septic tank or similar installation on an individual lot which provides for the treatment of sewage and disposal of the effluent subject to the approval of health and sanitation agencies or departments having jurisdiction.

“SEWERS, CENTRAL” means a sewage disposal system which provides a collection network connected to a central treatment facility serving buildings, structures or uses subject to the approval of health and sanitation agencies or departments having jurisdiction.

“SHED or STORAGE BUILDING” means a detached accessory building to be used for the storage of tools, equipment, supplies, and other personal property owned by the occupants of a dwelling or the principal building on a lot.

“SHIELDED” means a light fixture in which the lamp is not in sight from normal viewing angles. All fully shielded and full cut-off fixtures are considered to be shielded.

“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.

“SIGN” means a name, display, identification, device, notice, figure, painting, drawing, message, placard, poster, word, bulletin board, symbol, letter, numeral, emblem, trademark, flag, or banner, pennant, or other illustration which is affixed to or painted or represented directly or indirectly upon a building, or other outdoor surface, or parcel of land and which directs attention to an object, product, place, activity, person, institution, organization, or business, and is visible from any alley, street, highway, sidewalk, or other public way, whether such is placed out of doors or in windows. The term sign does not include any display of official notices of courts or other public offices, nor the flag, emblem or insignia of a nation, political unit, school, or religious group. The term "sign" shall not include the merchandise, which is for sale on the premises, the packaging or container for such merchandise, or any writings or other symbols on such merchandise, container, or packaging.

“SIGN, AWNING, CANOPY, and PATIO UMBRELLA” means a sign that is mounted on or painted on or attached to an awning, canopy, or patio umbrella.

“SIGN, BANNER OR BLADE” means a sign that is constructed of cloth, canvas, plastic, fabric or similar lightweight non-rigid material and may be mounted to a structure or may be supported by a vertical pole or framing that is mounted into the ground.

“SIGN, BILLBOARD” means an outdoor advertising device which advertises an activity, service or product located on a lot other than a lot at which such activity or service occurs or which product is sold or manufactured, or an advertising device erected by a company or person for the purpose of selling advertising messages for profit. A billboard is an off-premises sign.

“SIGN, CHANGEABLE COPY” means a sign designed to display multiple or changing messages whether by manual, mechanical or electronic means. Such signs are characterized by changeable letters, symbols or numerals that are not permanently affixed to the structure, framing or background allowing the letters, characters, or graphics to be modified from time to time manually or by electronic or mechanical devices. Electronically changed signs may include either electronic message boards or digital displays (which may be both referred to as "electronic display").

“SIGN, CHANNEL LETTERS” means letters that are custom-made metal or plastic used in changeable copy exterior signage and often internally illuminated.

“SIGN, DIRECTIONAL” means a sign indicating a direction or a location to which traffic, whether pedestrian or vehicular, is requested to move within the parcel for the purpose of traffic control and public safety.

“SIGN FACE” means the area or display surface used for the message.

“SIGN, GENERAL ADVERTISING” means a sign directing attention to a business, product, service or entertainment conducted, sold or offered elsewhere than upon the lot on which the sign is located. See also “sign, off premises.”

“SIGN, GROUND OR MONUMENT” means a sign with not more than two (2) faces, the lowest surface of which is four (4) feet or less above the surface of the ground, erected on a free-standing wall or on a solid continuous permanent foundation that is entirely freestanding and independent of any building for support.

“SIGN, ILLUMINATED” means any sign illuminated by electricity, gas or other artificial light, including reflecting or phosphorescent light.

“SIGN LIGHTING DEVICE” means any light, string of lights or group of lights located or arranged so as to cast illumination on a sign.

“SIGN, NONACCESSORY or OFF-PREMISES” means any sign unrelated to any business or profession conducted, or to a commodity or service sold or offered for sale, upon the premises where such sign is located.

“SIGN, MENU BOARD” means a permanent sign for displaying the bill of fare available at a restaurant or other use serving food or beverages.

“SIGN, OFF PREMISES” means a sign directing attention to a specific business, product, service, event or activity about something that is not sold, produced, manufactured, furnished or conducted on the lot upon which the sign is located.

“SIGN, PENNANT” means a triangular or irregularly shaped piece of fabric, plastic or other material typically attached in strings or strands to a structure.

“SIGN, POLE or PYLON” means a sign with not more than two (2) faces that is affixed to one (1) or more pylons or poles, mounted in the ground that is entirely freestanding and independent of any building for support.

“SIGN, PORTABLE” means a sign designed to be transported or moved and not permanently attached to the ground, a building or a structure.

“SIGN, PROJECTING” means a sign erected on or attached to the outside wall of a building and which projects out at an angle from said wall.

“SIGN, ROOF” means a sign erected upon the roof of a building, all surfaces of which are located above the roof surface and do not project beyond any exterior wall of the building.

“SIGN, SANDWICH BOARD” means a freestanding temporary A-frame sign.

“SIGN, TEMPORARY” means any sign that is not classified as permanent, is intended for short-term display and is not permanently anchored in the ground. Temporary signs may contain graphics, logos, text, or a combination to display:

(a) Commercial messages regarding the sale of items or business related activities (*e.g.*, real estate or special event signs.); or

(b) Noncommercial messages (*e.g.*, political signs relating to a candidate for public office or a referendum issue).

“SIGN, WALL” means a sign erected on, attached to, painted on the surface of, or integral with the wall of any building, located in a plane parallel to the plane of the wall, and supported by the building.

“SIGN, WINDOW” means a sign painted on, attached or affixed to the interior or exterior surface of a window or door of a building, or designed to be seen through a window or door.

“SITE” See “lot.”

“SITE PLAN” means a plan as required in Section 109.04.

“SMALL SOLAR FACILITY” pursuant to O.R.C. 519.213, “Small Solar Facility” means solar panels and associated facilities with a single interconnection to the electrical grid and designed for, or capable of operation at an aggregate capacity of less than fifty (50) megawatts.

“SMALL WIND FARM” pursuant to O.R.C. 519.213, “Small Wind Farm” means wind turbines and associated facilities that are not subject to the jurisdiction of the Ohio Power Siting Board under O.R.C. 4906.20 and 4906.201.

“SLOPE” means the change in the vertical measurement divided by the change in the horizontal measurement. The figure is written as a ratio or a percentage.

“SOIL and WATER CONSERVATION DISTRICT” means an entity organized under Chapter 940 of the Ohio Revised Code; referring either to the Soil and Water Conservation District Board, or its designated employee(s), hereinafter referred to as the Geauga SWCD.

“SOIL DISTURBING ACTIVITIES” see “earth disturbing activities.”

“SOLAR PANEL” means a photovoltaic panel or collector device, including any accessory equipment and mounting structures or hardware, which relies upon solar radiation as an energy source for the generation electricity and/or heating.

“SOLAR PANEL ARRAY” means an integrated assembly of solar panels with a support structure or foundation and other components.

“SOLAR PANEL, FREESTANDING” means a solar panel or an array of solar panels that is not attached to a building and is mounted on a structure attached to the ground.

“SOLAR PANEL, ROOF MOUNTED” means a solar panel or an array of solar panels attached to the roof of a principal or accessory building.

“SPECIAL EVENT” means a temporary occasion, gathering or celebration for commercial for-profit or non-profit purposes that is open to the public held on public or private property including, but may not be limited to, fund raisers, marketing and promotional activities, receptions, festivals, carnivals, parades, walkathons, and marathons. However, a special event does not include a temporary occasion, gathering or celebration for noncommercial purposes that is not open to the general public held on private property for invited guests by the owner of the affected premises including, but may not be limited to, graduation parties, receptions, and other social activities.

“STORAGE CONTAINER” means a portable enclosed structure or unit consisting of metal or other components for the temporary storage of goods, merchandise, materials, equipment, or other personal property.

“STORMWATER MANAGEMENT” means a system of structural and non-structural practices used to safely convey, temporarily store, improve quality, release at an allowable rate and/or minimize erosion and flooding from stormwater runoff.

“STORY” means that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the surface of any floor and the ceiling next above it. A basement shall be deemed to be a story only when more than one-half (1/2) of its height is located above the finished grade level of the adjacent ground.

“STREET” see “road.”

“STREET, CUL-DE-SAC” means a local street one end of which connects with another street and the other end of which terminates in a vehicular turnaround the construction of which conforms to rules, regulations, and standard specifications for road improvements adopted by the board of county commissioners pursuant to O.R.C. 711.101.

“STREET, PRIVATE” see “private road.”

“STREET, PUBLIC” see “public road.”

“STRUCTURAL ALTERATION” means any addition or modification that changes the height or exterior footprint of a building or structure thereby affecting its floor area.

“STRUCTURE” means anything constructed, fabricated 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 lots, driveways, sidewalks, 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 wetland infiltration basins, catch basins, oil/water separators, sediment basins, modular, porous and solid pavements, and aggregate stone driveways. Structure also includes any edifice used for storage.

“SUBDIVISION” means the division of land as defined in O.R.C. 711.001(B).

“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 (2) feet or more at any point therein.

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

“TAVERN” means an establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food service may also be available.

“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.

“TELECOMMUNICATIONS” means technology permitting the passage of information from the sender to one (1) or more receivers in a usable form by means of an electromagnetic system and includes the term personal wireless services.

“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.

“TEMPORARY USE” means a use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time.

“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.

“TOWNSHIP” means Bainbridge Township, Geauga County, Ohio

“TOWNSHIP FISCAL OFFICER” means the fiscal officer of the township.

“TRUSTEE” means a member of the board of trustees of the township.

“TYPE A FAMILY DAY-CARE HOME” and **“TYPE A HOME”** as defined in O.R.C. 5104.0 (UU).

“TYPE B FAMILY DAY-CARE HOME” and **“TYPE B HOME”** as defined in O.R.C. 5104.01 (VV).

“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.

“USE” means the specific purpose for which a building, structure, lot, land, or premises is occupied, intended to be occupied, or maintained. Permitted principal, accessory, and conditional uses are designated by this Zoning Resolution. There may be more than one principal permitted, accessory, or conditional use located on a lot, except as may otherwise be provided in this Resolution.

“VARIANCE” means a modification or departure from the terms, regulations or conditions as specified in this Zoning Resolution for the affected zoning district, authorized by the Board of Zoning Appeals on appeal.

“VARIANCE, AREA” means a variance to any of the regulations regarding buildings, structures, and uses as specified in this Resolution for the affected zoning district including, but not limited to: lot size, frontage, width, yards, setbacks, height, coverage, floor area, and number of parking and loading/unloading spaces.

“VARIANCE, USE” means a variance to allow a use that is not specified in this Resolution for the affected zoning district.

“VEHICLE” means anything that is or has been on wheels, runners or tracks.

“VEHICLE WASH” means a facility used to clean the exterior and interior of motor vehicles and may be self-serve, automated, or full service utilizing attendants.

“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.

“VENDING KIOSK/ATM” means a self-service, interactive device that is located on the outer side of a principal building or as a stand-alone structure outside and independent of the principal building, which is accessible to the general public for the purposes of dispensing a product or information.

“VETERINARIAN” pursuant to O.R.C. 4741.01 (N), “veterinarian” means a person licensed by the State of Ohio Veterinary Medical Licensing Board to practice veterinary medicine.

“WALKWAY” means a horizontal structure made of concrete, bricks, stone, pavers, wood chips, or other like construction for the purpose of creating a pathway for walking. A walkway may include a sidewalk or a trail.

“WASTEWATER TREATMENT PLANT (WWTP)” means a facility at the end of a sanitary collection system, which processes the influent waste and discharges water to a receiving stream, treated to the standards of the Ohio EPA.

“WATERBODY” means any area where there is permanent water surface and is delineated by the following:

- (a) Lake: a waterbody greater than two (2) acres.
- (b) Pond: a waterbody that is two (2) acres or less.
- (c) River: See “Watercourse”.

(d) Stream: See “Watercourse”.

“WATERCOURSE” means a natural channel with defined bed and banks within which concentrated water flows, either continuously or intermittently, (e.g. brooks, creeks, rivers or streams).

“WATER, CENTRAL” means a system having one (1) or more wells or other sources of water supply joined together by pipelines so as to form a water distribution system for more than one (1) dwelling or building, community, or region subject to the approval of health and sanitation agencies or departments having jurisdiction.

“WETLAND” means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and contain a predominance of hydric soils, and that under normal circumstances do support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas (40 CFR 232, as amended).

“WIND ENERGY SYSTEM” means equipment that converts and then stores or transforms kinetic energy from the wind into usable forms of energy. Such equipment includes, but is not limited to, an anchor base, airfoil, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wiring, inverter, batteries, or any other components used in the system.

“WIND ENERGY SYSTEM TOWER” means a monopole that supports a wind turbine.

“WIND TURBINE” means the parts of a wind energy system including the blades or airfoils and associated mechanical and electrical conversion components mounted to a wind tower or a building.

“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.

“WIRELESS TELECOMMUNICATIONS EQUIPMENT BUILDING” means the structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

“YARD” means an open area on the same lot with a building or structure, which is unoccupied and unobstructed by any portion of the building or structure from the ground upward, except as may otherwise be provided in this resolution, and may be further defined as follows. See also Section 161.24.

- (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 or accessory building or structure.

(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 or accessory building or structure; provided, however, for a corner lot see Section 161.24.

(c) "Side yard" means a yard extending from the principal or accessory building or structure to the side lot line on both sides of the principal or accessory building or structure between the lines establishing the front and rear yards.

“ZONING BOARD OF APPEALS OR BOARD OF ZONING APPEALS” means the board of zoning appeals of the township.

“ZONING CERTIFICATE” means a written permit 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. A zoning certificate may be issued for permitted or conditional buildings, structures, and uses as specified in this zoning resolution.

“ZONING COMMISSION” means the zoning commission of the township.

“ZONING DEPARTMENT” means the Zoning Department of the township.

“ZONING DISTRICT MAP” means the map established by and made part of this Zoning Resolution which is currently in effect and indicates the boundaries and limits of the districts established by this Zoning Resolution.

“ZONING INSPECTOR” means the Zoning Inspector of the township Zoning Department whose duties include administration and enforcement of this resolution.

THE FOLLOWING WORDS OR PHRASES SHALL APPLY TO THE MUP ZONING DISTRICT

“AMUSEMENT OR WATER PARK” means an area of land used for outdoor commercial amusement on a general admission or per-amusement fee basis. Facilities at an amusement park include amusement rides (e.g., motorized rides, water slides, wave pools, go-carts, bumper cars, bumper boats, and comparable facilities), and may also include supporting uses and facilities such as concert stages, theaters, batting cages, gardens, playgrounds, shops, child care, food stands, and restaurants.

“ANIMAL BOARDING FACILITY, SMALL ANIMAL” means any premises where any combination of dogs, cats or other household pets, totaling four or more animals, six months of age or older, are kept, boarded or bred for the intention of profit. This also includes those services provided at an animal grooming facility, but with overnight accommodations.

“ANIMAL GROOMING FACILITY” means an establishment where domestic animals are bathed, clipped, or combed for the purpose of enhancing their appearance or health, and for which a fee is charged, but not including overnight boarding of animals.

“ANIMAL VETERINARIAN, LARGE ANIMAL” means an animal hospital or clinic that provides medical care services for large animals, livestock animals, or wildlife, including but not limited to: horses, cows, bison, elk, deer, llamas, alpacas, sheep, goats, chickens, turkeys, ducks, and pigs. (see also “Veterinarian, Small Animal”)

“ANIMAL VETERINARIAN, SMALL ANIMAL” means a use in which medical care is provided for household pets (e.g., dogs, cats, birds, and exotic pets). The phrase does not include medical care for wild animals or livestock. (see also “Animal Veterinarian, Large Animal”)

“ATTACHED WIRELESS TELECOMMUNICATIONS FACILITY (“WTF”) means a wireless telecommunications facility that is attached to a building, or to a structure other than a stealth tower, monopole, guyed tower, or lattice tower.

“BASE SITE AREA” means the calculated area obtained by subtracting various land areas from the gross site area.

“BEST MANAGEMENT PRACTICES” means that combination of conservation measures, structures, vegetation, or other management practices that reduces or avoids adverse impacts of development on an adjoining site's land, water, or watercourses and waterbodies.

“BUFFER YARD” means a designated strip of land upon which a buffer is installed. Buffer yards may be required between land uses, along district boundaries, along parking lot boundaries, and along street and railroad rights-of-way.

“BUS SHELTER” means a small, roofed structure, usually having three (3) walls, located near a street and designed primarily for the protection and convenience of bus passengers.

“CHARGING STATION” means a device or station that provides power to charge the batteries of a plug-in electric vehicle. These chargers are classified according to output voltage and the rate at which they can charge a battery as established by the Society of Automotive Engineers (SAE).

“COLLEGE/UNIVERSITY” means an educational institution that is authorized by the State of Ohio or other nationally recognized accrediting entity to award associates' or higher degrees.

“COMMERCIAL AMUSEMENT, INDOOR” means uses that provide commercial (for profit or non-profit) amusement indoors, including, but not limited to:

(a) Movie theaters;

(b) Bowling alleys and pool rooms;

(c) Video arcades.

The phrase "Commercial Amusement, Indoor" does not include the phrase "Adult Oriented Businesses," "Place of Assembly," or "Recreation / Fitness, Indoor." It also does not include video arcades that are accessory to restaurants. The phrase "Commercial Amusement, Indoor" is subsumed by the phrases "Amusement or Water Park" when such facilities include indoor commercial amusement activities.

“COMMERCIAL AMUSEMENT, OUTDOOR” means uses that provide commercial (for profit or non-profit) amusement outdoors including, but not limited to:

- (a) Amphitheaters;
- (b) Arenas;
- (c) Batting cages;
- (d) Miniature golf establishments;
- (e) Outdoor performing arts facilities; and
- (f) Paintball courses.

The phrase "Commercial Amusement, Outdoor" does not include "Adult Oriented Businesses," "Amusement or Water Park," "Outdoor Public Recreation, Active," "Outdoor Public Recreation, Passive," "Golf Course / Driving Range / Club," or "Shooting / Archery Range."

“COMMERCIAL BUSINESS” means any permitted for-profit business providing professional sales and services or supporting services directly to other business or the general public.

“COMMERCIAL OUTDOOR SALES EVENT” means outdoor sales of retail and seasonal products on a seasonal or temporary basis.

“COMMERCIAL STABLES” means the stabling, training, feeding of horses, or the provision of riding facilities for the use of anyone other than the resident of the property.

“CONDOMINIUM” means a form of real property ownership in which a declaration has been filed submitting the property to the condominium form of ownership pursuant to O.R.C. 5311, Condominium property, and under which each owner has an individual ownership interest in a unit with the right to exclusive possession of that unit and an undivided ownership interest with the other unit owners in the common elements of the condominium property.

“CONSTRUCTED WETLANDS” means:

- (a) An artificially created facility, designed and engineered to treat stormwater and wastewater runoff, or
- (b) A man-made wetland that is designed to have the same benefits of a natural wetland (*i.e.*, nutrient uptake and sediment removal).

“DRIVE-IN, DRIVE-THROUGH FACILITIES” means a facility used by an approved commercial retail or service use to provide service to customers in vehicles who either:

- (a) Drive up to a window or station (*e.g.*, an ATM or similar machine); or
- (b) Drive through the building for purchases.

“ESSENTIAL ACCESS” means access that must cross a resource restricted area, such as a wetland or steep slope, to reach an area of the site that is otherwise buildable and would result in damage to the restricted resource.

“EVENT FACILITY” means a facility that may temporarily hold a large number of persons that attend a special use such as a conference, ceremony, or exhibit, (*e.g.*, banquet hall or lodge). Meals may or may not be served or made available in such facilities.

“EXTENDED DETENTION BASIN, WET” means:

- (a) A facility for the detention of stormwater runoff volumes in water quality basins to remove suspended solids.
- (b) A facility similar to a dry pond or dry extended basin, except that it is designed to store stormwater for a longer duration.
- (c) A practice designed to store stormwater runoff by collection as a temporary pool of water and provide for its gradual release over twenty-four (24) hours or more.
- (d) A practice which is used to control peak discharge rates and which provides gravity settling of pollutants.

“FARM SUPPLIES and SERVICES” means businesses that principally provide supplies for agricultural or equestrian use, including feed and seed stores, tack and equestrian product shops, and farm equipment sales and service.

“FENESTRATION” relates to the design, construction, or presence of openings in a building or structures. Fenestration includes windows, doors, louvres, vents, wall panels, skylights, storefronts, curtain walls, and slope glazed systems, and other similar openings.

“FOOT-CANDLE” means a unit equivalent to the illumination produced by a source of one (1) candle at a distance of one (1) foot and equal to one (1) lumen incident per square foot.

“FRATERNAL ORGANIZATION” means a group of people formally organized for a common interest (*e.g.*, culture, religion, or public service), with regular meetings and formal written membership requirements.

“FUELING STATIONS, VEHICLE WASH, and LIGHT VEHICLE SERVICE” means:

- (a) Gasoline service stations or fuel stations (*e.g.*, hydrogen, compressed natural gas, or liquefied petroleum gas) for alternative fuel vehicles; or
- (b) Electric vehicle charging stations; or
- (c) Gasoline, fuel station, or charging station convenience marts (a gasoline service station, fuel station, and / or charging station with a convenience store); or
- (d) Automated, self-service, or full-service car wash or detailing (cars, light trucks, and sport utility vehicles only); or
- (e.) Any combination of (a), (b), (c), or (d) above.

“GOLF COURSE/DRIVING RANGE/CLUB” means a tract of land that is designed for the game of golf, including tees, fairways, greens, and hazards, and/or a tract of land on people drive golf balls from a central driving tee (*e.g.*, a driving range). Such uses may also include a clubhouse, pro shop, golf equipment rental, and incidental food vending. "Golf Course/Driving Range/Club" subsumes the uses "Recreation and Fitness, Indoor," and "Recreation and Fitness, Outdoor," when those are uses are present and incorporated into an overall golf course/driving range/club facility.

“GROSS FLOOR AREA” ("GFA") is the sum of the total horizontal areas of every floor of every building on a lot. The measurement of gross floor area shall be computed by applying the following criterion: the horizontal square footage is measured from the outside face of all exterior walls.

“GROSS PUBLIC FLOOR AREA” means the total area of a building accessible or visible to the public including showrooms, merchandise display areas, service areas, behind-counter areas, storage areas, stage areas, screen areas, and arcades; including the aisles, hallways, and entryways serving such areas.

“GROSS SITE AREA” means the total land and water surface area contained within the boundaries of a parcel proposed for development.

“GROUND COVER” means low growing plants that are planted landscape areas in such a manner as to form a continuous cover over the ground, such as turf, liriope, ground cover jasmine, or like plants that can be maintained at or below two (2) feet in height. The phrase "ground cover" includes grasses, ornamental grasses, vines, and other herbaceous material.

“HEAVY INDUSTRY” means:

- (a) Primary processing or manufacturing or repair operations not specifically defined elsewhere in this Section, which involve:

An outside storage area that is larger than the area of the first floor of buildings on the same lot; or

A material risk of environmental contamination, explosion, or fire; or Perceptible ground vibration; or

Perceptive noise or dust; or

Emission of objectionable odors;

or

More than twelve (12) trips by semi-trailer trucks per day; or

Processing of minerals (except precious and semi-precious stone cutting for jewelry or precision instruments such as lasers or watches), ores, or fossil fuels; or

Industries that are required to undergo New Source Review under the Federal Clean Air Act, or are subject to construction or operation permits pursuant to Title V of the Federal Clean Air Act.

- (b) Heavy industrial uses include:

Coal cleaning plants with thermal dryers; coke oven batteries; carbon black plants (furnace process); petroleum refineries; petroleum storage and transfer units (except retail gasoline or fuel stations); and bulk fuel dealers;

Facilities used in the primary or secondary production of metals (*e.g.*, primary zinc, copper, or lead smelters; primary aluminum ore reduction plants; iron and steel mills; sintering plants; secondary metal production plants; and blacksmith shops) or acids;

Portland cement plants;

Sawmills and pulp mills;

Incinerators with the capacity to charge more than two hundred and fifty

(250) tons of refuse per day;

Lime plants; phosphate rock processing plants; sulfur recovery plants; and hydrofluoric, sulfuric, or nitric acid plants;

Fossil fuel combustion (boilers or electricity generation) totaling more than two hundred and fifty (250) million BTUs per hour of heat input;

Fabrication of building materials such as countertops, drywall, and cut stone;

Fabrication of vehicles, manufacturing equipment, durable goods, or pre-fabricated homes or home components;

Auto or marine body, paint, or upholstery shops;

Drycleaner processing plants that use PERC or comparable petrochemical solvents;

Meat or seafood processing plants;

Manufacture of glass products (*e.g.*, window panes, bottles and jars), except hand-blown products;

Manufacture of plastic products (except assembly parts that are manufactured elsewhere);

Plasma arc welding, cutting, gouging, surfacing, or spraying; gas welding (but not brazing); arc welding with equipment that is rated at more than two hundred (200) amps; TIG welding; and other heavy welding procedures (*e.g.*, for structural steel, automotive body, or heavy equipment manufacture or repair);

Hot mix asphalt plants;

Regional wastewater utilities;

Fossil fuel power plants, waste-to-energy plants, and biomass plants that produce more than one hundred (100) megawatts of electricity.

“HEAVY RETAIL” means retail and/or service activities that have regular outside service or outside storage areas, exceptionally large floor areas, or partially enclosed structures, as listed below:

- (a) Permanent retail operations that are located outside of enclosed buildings, except nurseries or green houses, retail;
- (b) Home centers;
- (c) Lumber and other building materials;
- (d) Lawn, garden equipment, and related supplies stores;
- (e) Warehouse clubs and super stores;
- (f) Recreational equipment rental where the equipment is stored outside;
- (g) Heavy truck or recreational vehicle leasing or sales;
- (h) Manufactured home sales; and
- (i) Industrial or construction equipment leasing or sales.

“HELIPORT” means a facility that is designed to be used for the take-off and / or landing of helicopters, including operations facilities such as maintenance, loading and unloading, storage, fueling, or terminal facilities. (see also “helistop”)

“HELISTOP” means an area used for the take-off and landing of private helicopters for the purpose of picking up and discharging of passengers or cargo. The use of the helistop is restricted to specific users or purposes (*e.g.*, tenants of a corporate park; a hospital trauma center; etc.), and the term does not include facilities for general helicopter aviation use. The term Helistop does not mean "Heliport."

“IMPROVED HARD SURFACE” means any street, driveway, or parking lot surface paved with at least four inches of asphalt, concrete, brick pavers, or other approved uniform, hard material so as to provide a durable and dust-free surface for vehicular traffic.

“KENNEL” see “animal boarding facility, small animal.”

“LAMBERT” means a unit of luminance of a surface emitting or reflecting one (1) lumen per square foot.

“LANDFILL” means an area of land or an excavation in which solid wastes are placed for permanent disposal. For the purposes of this resolution, the word "Landfill" does not include clean debris, *e.g.*, dirt, trees, rocks, etc.

“LANDSCAPE AREA” means that portion of a lot or parcel which is required to contain landscape materials such as grass, ground covers, shrubs, vines, hedges, trees, and berms. Impervious surfaces are not counted as landscaped areas.

“LANDSCAPE SURFACE RATIO (LSR)” means the ratio of landscaped surface area to a unit of land area. Minimum LSRs for mixed-use development are set out in *Mixed-Use Intensity Requirements*. LSR is calculated by dividing the total amount of landscaped and open space area on a mixed-use parcel proposed for development by the entire area of the parcel proposed for development.

“LEVEL of SERVICE (LOS)” means a qualitative measure from A (best) to F (worst) describing operational conditions within a traffic stream, generally described in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety. LOS is measured by degree of volume to capacity ratio in accordance with the Ohio Department of Transportation, *Policy for Applying Level of Service and Volume-to-Capacity Ratio in the Transportation Development Process*. Policy 322-002(P).

“LIGHT INDUSTRY and WHOLESALE” means uses that involve research and development, assembly, compounding, packaging, testing, or treatment of products from previously prepared materials, with limited outside storage and limited external impacts or risks; or wholesale uses; or rental or sale of large items that are stored outside. Light industry and wholesale uses include:

- (a) Assembly, testing, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures from pre-manufactured components;
- (b) Offices of general contractors, specialty subcontractors, or tradesmen which include:
 - a. Bay door access to indoor storage of tools, parts, and materials;
 - b. Parking of commercial vehicles; or
 - c. Outdoor storage areas that are smaller than the area of the first floor of the building that are used for storage of materials or vehicles that are less than twelve (12) feet in height.
- (c) Communications facilities, except wireless telecommunications facilities;
- (d) Data centers, server farms, telephone exchange buildings, and telecom hotels;
- (e) Food production and packaging other than meat and seafood processing and restaurants;
- (f) Furniture making or refinishing;
- (g) Manufacture of textiles or apparel;

- (h) Screen printing of apparel;
- (i) Printing and publishing, except copy centers (which are Retail Sales and Services), and except printing presses that require a Stationary Source permit or Title V permit for air emissions (which are Heavy Industry);
- (j) Wholesale trade, durable and non-durable, except:
 - a. Farm products;
 - b. Combustible or hazardous materials, and
 - c. Wholesale clubs that are open to the public for membership;
- (k) Disassembly of consumer electronics and / or appliances into component parts, where all operations and storage are within an enclosed building;
- (l) Manufacture or compounding of pharmaceutical products, dietary supplements, health and beauty products, and herbal products; and
- (m) Packaging of products.
- (n) The phrase "Light Industry and Wholesale" does not include "Research and Testing Laboratory."

“LIGHT POLLUTION” means the visual consequence of using light outdoors, resulting from light going directly or being reflected into the sky and then redirected back to an observer (also called sky-glow).

“LIVE-WORK UNIT TOWNHOME” means a dwelling unit that provides space that is designed for one (1) or more commercial or office uses that are allowed in the MUP district. Access between the dwelling unit and the commercial or office space is provided within the unit.

“LOW IMPACT DEVELOPMENT (LID)” means a comprehensive land planning and engineering design approach with the goal of maintaining, as a minimum, the pre-development hydrologic regime on the site without solely using traditional storm drainage conveyance systems (e.g., detention/retention basins) to satisfy drainage and flood mitigation requirements. LID integrates small-scale measures scattered throughout the development site, including such things as constructed green spaces, native landscaping, and a variety of innovative bioretention (e.g., bioswales) and infiltration techniques to capture and manage stormwater on-site. LID reduces peak runoff by allowing rainwater to soak into the ground, evaporate into the air, or collect in storage receptacles for irrigation and other beneficial uses. In areas with slow drainage or infiltration, LID captures the first flush before excess stormwater is diverted into traditional storm conveyance systems.

“MEDICAL CLINIC” means a facility that provides medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis, including diagnostic services, treatment, training, administration, and services to outpatients, employees, or visitors, often without appointment. The term "Medical Clinic" includes immediate care facilities, where urgent care treatment is the dominant form of care provided at the facility, and "Medical Lab" to the extent necessary to carry out diagnostic services for the medical clinic's patients. The term "Medical Clinic" does not include the term "Medical Office." The term "Medical Clinic" is subsumed by the term "Hospital."

“MEDICAL LAB” means a facility that is used for the express purpose of the design, fabrication and repair of dental and optical goods, and / or a laboratory where tests are performed on biological specimens in order to obtain information about the health of a patient.

“OFFICE, MEDICAL” means office space used for the examination and / or treatment of patients on an outpatient basis (with no overnight stays by patients), generally by appointment, by such professionals as:

- (a) Medical doctors (physicians, pediatricians, obstetricians, gynecologists, radiologists, geriatricians, general and specialist surgeons, podiatrists, ophthalmologists, anesthesiologists, etc.) and nurses;
- (b) Dentists, endodontists, orthodontists, and periodontists;
- (c) Optometrists;
- (d) Midwives;
- (e) Physical therapists, occupational therapists, and speech therapists;
- (f) Chiropractors, licensed massage therapists, and acupuncturists;
- (g) Nutritionists and homeopaths;
- (h) Psychiatrists, clinical psychologists, clinical social workers, and marriage and family therapists;
- (i) Physiatrists, physiotherapists, orthodontists, prosthetists, recreational therapists, audiologists, respiratory therapists, rehabilitation counselors, prosthetic technicians, and personal care assistants; and
- (j) Other comparable health care professionals licensed by the state of Ohio.

The phrase "Medical Office" includes the term "Medical Lab" to the extent necessary to carry out diagnostic services for the medical office's patients. The term "Medical Office" does not include the term "Medical Clinic." The term "Office, Medical" is subsumed by the term "Hospital."

“MIXED-USE” means development in which a combination of residential and commercial uses (*e.g.*, residential-over-retail), or several classifications of commercial uses (*e.g.*, office and retail), are located on the same parcel proposed for development.

“MOTION PICTURE PRODUCTION STUDIO” means the use of a lot or building for the production of films or other motion picture entertainment, which are handled by the production company. A motion picture production studio may have an integrated public use component on the premises. A motion picture production studio does not include activities regulated by the adult oriented business provisions of the chapter.

“MULTI-FAMILY DWELLING” means:

(a) Buildings that contain two (2) or more dwelling units that:

- (1) Are accessed by from interior elevators or hallways, or from individual exterior entrances; and
- (2) Are separated by interior walls and/or floors.

(b) Multi-family dwelling does not include boarding houses, dormitories, fraternities, sororities, bed and breakfast establishments, single-family attached, or overnight accommodations (*e.g.*, hotels and motels).

“NET FLOOR AREA” means the gross floor area less the floor area taken up by lobbies and hallways, enclosed machinery rooms on the roof, stairs and escalators, mechanical and electrical services, lifts, columns, toilet areas (other than in domestic property), ducts and risers, and other non-usable areas of the building or structure.

“NON-STEALTH FREESTANDING WIRELESS TELECOMMUNICATIONS FACILITY ("WTF")” means lattice towers, monopole towers, guyed towers, or other freestanding wireless telecommunications facilities that do not meet the definition for "Stealth Freestanding Wireless Telecommunications Facilities."

“NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM (NAICS)” is the standard used by federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. As of the effective date of this zoning resolution or any amendment thereto, NAICS lookup tables were available from the U.S. Census Bureau website at <http://www.census.gov>.

“NURSERY or GREENHOUSE, RETAIL” means an enterprise that conducts the retail sale of plants grown on the premises. The terms also may include, as an accessory use, the sale of a limited selection of items (*e.g.*, such as soil, planters, pruners, mulch, lawn or patio furniture, and garden accessories, etc., but not power equipment) that are directly related to the care and maintenance of landscapes.

“OFFICE, GENERAL” means uses in which professional, business, information processing, or financial services are administered or provided. The term includes such uses as:

- (a) Accounting, auditing and bookkeeping;
- (b) Administration of businesses (*e.g.*, corporate headquarters);
- (c) Advertising, graphic design, and photographic design studios;
- (d) Architectural, engineering, interior design, urban planning, and surveying services;
- (e) Attorneys and court reporters;
- (f) Call centers;
- (g) Computer and software consulting, programming, development or design services;
- (h) Data processing and word processing services;
- (i) Detective agencies;
- (j) Employment agencies;
- (k) Management consulting services;
- (l) Military recruiters;
- (m) Mortgage companies; and financial services (but not walk-in or drive-through banks);
- (n) Government offices;
- (o) Insurance sales and / or administration;
- (p) Real estate management companies (*e.g.*, professional homeowners' association managers, commercial real estate managers, etc.);
- (q) Real estate sales;
- (r) Retail catalog, Internet, and telephone order processing, but not warehousing;
- (s) Software development; and

(t) Virtual office services.

The term "General Office" does not include the terms "Retail Sales and Services" or "Medical Office."

“OPACITY” means:

(a) Fence Opacity. The opacity of a fence is measured as the total width of pickets (or other fence components) between posts, divided by the distance between posts; or in the case of horizontal fence types, the total width of horizontal fence elements divided by the height of the fence.

(b) Landscape Opacity. The opacity of landscape material means the measurement of the screening effectiveness of a buffer yard expressed as the percent of view across the buffer yard that may be blocked to a height of thirty-five (35) feet, based on the expected volume of landscape material at a variety of heights that is likely to result from a given planting program.

“OPAQUE” means not able to be seen through; not transparent.

“OPEN SPACE RATIO (OSR)” means the proportion of a development required to be set aside and preserved as open space.

“ORNAMENTAL GRASSES” means grass that is not mown but is allowed to grow to its full potential and is used in the landscape in the same way as perennials or other ornamental plants. Most are herbaceous perennials, though many are evergreen and some develop woody tissues. Many are bunch grasses and tussock grasses, though others form extensive systems of many-branched rhizomes. The bunching types are often called "clump-forming." Some ornamental grasses are species that can be grown from seed while others are cultivars and must be propagated by vegetative propagation of an existing plant. In some instances in this chapter, ornamental grasses may be used to meet a minimum "screening" requirement in a parking lot. In these cases, only ornamental grasses whose full growth potential meets the minimum height required are allowed.

“OUTDOOR PUBLIC RECREATION, ACTIVE” means the public use of public property to provide active recreational facilities for the community within a park-like setting and atmosphere; to promote certain healthy and beneficial outdoor leisure time activities for park users which do not present a significant risk of harm to others; and to afford reasonable access for the public to outdoor athletic, social and educational activities. Compatible uses are intended to be active in nature and will require modification and alteration of natural terrain and disturbance to natural habitat to create a balance between the public's need for active outdoor recreation and preservation of open space. Compatible uses include but are not limited to:

- (a) All uses allowed in "Outdoor Public Recreation, Passive" areas;
- (b) Ice skating rinks;
- (c) Picnic grounds, barbecue pits and similar cooking facilities;
- (d) Playgrounds;
- (e) Shelters, observation decks, platforms, pavilions, storage sheds, patios, and restroom facilities;
- (f) Sports courts and playing fields, including baseball, basketball, football, lacrosse, rugby, soccer, softball, tennis, and other similar athletic activities; and
- (g) Swimming pools, lakes, and ponds.

The term "Outdoor Public Recreation, Active" includes allowances for public parking and access roads and buildings and structures normally incidental to the types of uses described above. The term "Outdoor Public Recreation, Active" does not include "Amusement or Water Park," "Golf Course / Driving Range/Club," "Commercial Amusement, Outdoor," "Recreation / Fitness, Outdoor," or "Shooting / Archery Range." In addition, the term "Outdoor Public Recreation, Active" does not include such uses including but not limited to all-terrain vehicle, motorbike, go-cart, snowmobile, or horse riding or operation; survival games, or any use that involves the use of a firearm or bow.

“OUTDOOR PUBLIC RECREATION, PASSIVE” means the public use of public property to protect and preserve park lands, wilderness areas, open spaces, and scenic areas; to conserve fish and wildlife, to promote forestry, wetlands, and other natural habitats; and to promote natural green spaces for the community to use for passive recreational purposes. Compatible uses are intended to be passive in nature to prevent the disturbance of the natural terrain, habitat and wildlife and include but are not limited to such things as:

- (a) Agricultural uses, not requiring extensive cultivation such as orchards and meadows;
- (b) Botanical gardens;
- (c) Community gardens;
- (d) Constructed wetlands;
- (e) Cross-country skiing;

- (f) Fishing in areas designated by applicable park board regulations;
- (g) Nature viewing;
- (h) Pedestrian walkways, sidewalks, trails, and bicycle paths (specifically excluding trails for motorized equipment).
- (i) Tree farms, operated on a non-profit basis and not for commercial logging;

The term "Outdoor Public Recreation, Passive" includes allowances for public parking and access roads and buildings and structures normally incidental to the types of uses described above. The term "Outdoor Public Recreation, Passive" does not include "Amusement or Water Park," "Commercial Amusement, Outdoor," "Golf Course/Driving Range/Club," or "Outdoor Public Recreation, Active."

“OVERNIGHT ACCOMMODATIONS” means places that offer overnight accommodations for short-term rental in increments of not less than twenty (20) hours, including hotels, motels, and commercial inns.

“PARCEL PROPOSED for DEVELOPMENT” means any legally described parcel of land that is recorded which is designated by the owner or developer as land to be used or developed as a single unit, or which has been developed as a unit as determined by the Zoning Inspector. Parcels proposed for development may go through the subdivision platting process to create individual lots.

“PARKING AISLE” means the area of a parking lot or parking structure which provides for vehicular access to off-street parking stalls. The term "parking aisles" does not include the term "driveway" or the term "access point."

“PLANNED-UNIT DEVELOPMENT (PUD)” means regulations authorized by O.R.C 519.021, Planned-unit development regulations, which furthers the purpose of promoting the general public welfare, encouraging the efficient use of land and resources, promoting greater efficiency in providing public and utility services, and encouraging innovation in the planning and building of all types of development.

“PLANNED CONSERVATION DEVELOPMENT” means a planned-unit development option for new residential neighborhoods that provides a more flexible arrangement of buildings and roadways intended to:

- (a) Maximize preservation of the Township's remaining sensitive natural resources by determining the site's capacity for development, including varying protections of:

(1) Waterbodies and Watercourses;

(2) Wetlands;

(3) Riparian Setbacks;

(4) Drainageways;

(5) Steep Slopes; and

(6) Woodlands;

(b) Provide common open space amenities for the enjoyment of the residents; and

(c) Afford through site design flexibility the opportunity to offset any potential adverse impacts of adjacent non-residential uses, utilities or major highways.

The term "Planned Conservation Development" is the opposite of the "Traditional Development" and does not allow a mixed-use form of development.

“PARKING ROW” means a row of parking spaces that are parallel to each other and take access to a parking aisle or street. Parking rows may exist as singular rows, or may be located back-to-back to each other providing access to different, but parallel parking aisles.

“PARKING, SHARED” means parking lots or spaces which are shared by tenants, visitors, and the general public.

“PARKING STRUCTURE” means a structure that is composed of one or more levels that are used exclusively for the parking of motor vehicles. A parking structure may be totally below grade (underground parking structure); or partially or totally above grade (above-ground parking structure); and may be separate from or integrated into a building that is used for other purposes. Parking structures include parking lifts. Parking structures that are principal uses of property are not related to a specific land use on the same parcel.

“PERMITTED ADMINISTRATIVE USE” means a use that is allowed, subject to standards that mitigate its impact on the environment or other uses in the zoning district or that prevent a concentration of the use in a particular area.

“PERMITTED with REGULATIONS USE” means a use that is approved by the zoning inspector contingent on compliance with listed regulations.

“PERVIOUS PAVEMENT” or “PERVIOUS PAVEMENT SYSTEM” means a pervious pavement surface which is combined with one or more underlying aggregate layers designed to temporarily store stormwater. These systems include, but are not limited to, the following:

- (a) Pervious asphalt;
- (b) Pervious concrete;
- (c) Modular pavers designed to funnel water between blocks;
- (d) Lattice or honeycomb shaped concrete grids with turf grass or gravel filled voids to funnel water;
- (e) Plastic geocells with turf grass or gravel; and
- (f) Reinforced turf grass or gravel with overlaid or embedded meshes.

Impervious surfaces and gravel, turf, or other materials that are not part of a structured parking system designed to manage stormwater shall not be considered pervious pavement or a pervious pavement system.

“PERVIOUS PAVEMENT SURFACE” means a pavement surface or other similar material which permits percolation of stormwater into the ground.

“PET STORE” means any retail establishment offering small animals, fish and birds for sale as pets and including grooming services and the sale of associated pet food and supplies.

“PLACE of PUBLIC ASSEMBLY” means a building in which people assemble for civic, educational, religious, or cultural purposes. This use includes facilities used for the following:

- (a) Event Facilities;
- (b) Meeting Halls;
- (c) Fraternal Organizations;
- (d) Places of Worship; and
- (e) Private Clubs.

The phrase "place of public assembly" does not include the phrase "indoor recreation" or "indoor commercial amusement."

“POST OFFICE or PARCEL SERVICE” means a retail branch of the United States Postal Service or private parcel delivery service.

“PRIVATE RESTRICTIONS” means easements, servitudes, covenants, conditions, and / or restrictions on property which are enforceable between private parties.

“PROFESSIONAL SALES & SERVICES OFFICE” means any business providing sales or services directly to other businesses or supports other businesses or the general public and their well-being. These include permitted uses other than general retail sales and services.

“PROPERTY OWNERS' ASSOCIATION” means an incorporated nonprofit organization operating under recorded land agreements through which:

- (a) Each lot, unit, or home or business owner in a planned conservation development (or other subdivision where there is common open space) is automatically a member;
- (b) Each lot, unit, or homeowner or business owner is automatically subject to a charge for a proportionate share of the expense of the organization's activities (e.g., maintaining common open space, or other commonly owned property such as entrance monuments and landscaping); and
- (c) The charge, if unpaid, becomes a lien against the property.

Property owners' associations may also be called such things as "community associations", "condominium associations", "homeowner associations", or "neighborhood associations".

“PROTECTED LANDS” means lands permanently protected from development, whether by purchase or donation, through a perpetual conservation or open space recorded easement or fee ownership for their cultural, historical, ecological, or agricultural value.

“PUBLIC SAFETY” means a police station, fire station, or emergency medical services station.

“PUBLIC SERVICES” means federal, state and county functions that have direct contact with residents, visitors, or business owners on a regular basis. The phrase "public services" is limited to services provided by the public sector.

“QUARRYING” means the removal of minerals, rock, stone, clay, gravel, sand, earth or topsoil by excavation or otherwise for disposition elsewhere. The term "Quarrying" does not include any necessary excavation related to any lawful construction operation, or any earth disturbing activities which cause any slope to become unstable, impose loads which affect the safety of structures or slopes, interfere with adequate drainage for the site area or the drainage of land tributary to the site, or obstruct, damage or adversely affect lawfully existing utilities or drainage, whether public or private, or cause stagnant water to collect, or cause sedimentation or erosion.

“RECREATION/FITNESS, INDOOR” means uses that provide active indoor recreation opportunities, on a subscription or membership basis, on a per-unit of time basis, or free of charge, for the public or for residents of a subdivision or development. The phrase "Recreation / Fitness, Indoor" includes:

- (a) Subdivision, neighborhood, or community recreation centers or athletic clubs;
- (b) Gymnasiums;
- (c) Indoor swimming pools;
- (d) Indoor tennis, basketball, racquetball, handball or other play courts;
- (e) Indoor skating rinks (ice or roller);
- (f) Indoor playgrounds (including, but not limited to, standard playground equipment, inflatable equipment, trampolines, rock climbing walls, and zip lines);
- (g) Indoor velodromes;
- (h) Laser tag; or
- (i) Martial arts, yoga, dance, and exercise studios.

The term "Recreation / Fitness, Indoor" does not include the term "Commercial Amusement, Indoor," nor does it include indoor playgrounds that are accessory to restaurants. The term "Recreation / Fitness, Indoor" is subsumed by the term "Amusement Park" when such facilities include indoor recreation activities.

“RECREATION/FITNESS, OUTDOOR” means uses that provide active or passive outdoor recreation opportunities, on a subscription or membership basis, on a per-unit of time basis, or free of charge, for the public or for residents of a subdivision or development. The phrase "Recreation/Fitness, Outdoor" includes:

- (a) Jogging, cycling, tot-lots, fitness trails, playing fields, playgrounds, outdoor swimming pools, and tennis courts;
- (b) Arboretums, wildlife sanctuaries, forests, and other natural areas which may be used for walking or hiking; or
- (c) Other passive recreation-oriented areas, including picnic areas and community garden plots.

The phrase "Recreation/Fitness, Outdoor" does not include "Amusement or Water Park," "Commercial Amusement, Outdoor," "Golf Course / Driving Range / Club," "Outdoor Public Recreation, Active," "Outdoor Public Recreation, Passive," or "Shooting / Archery Range."

“RECYCLING CENTER” means a building or site that is used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as bailing, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, or cleaning. Processing does not mean melting down.

“RENDERING PLANT” means any premises where raw rendering materials are converted into fats, oils, feeds, fertilizer, and other products in accordance with O.R.C. 953.21.

“RESEARCH and TESTING LABORATORY” means research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing, or sale of products. The phrase "Research and Testing Laboratory" does not include the phrase "Medical Lab," but does include other research and testing that may be related to medicine that is not included in that term, such as mass spectrometry and product quality testing.

“RESTAURANT” means an establishment that serves prepared meals to customers for consumption on-site or off-site, but does not include drive-in or drive-through facilities (but may include designated parking spaces for "curbside pickup" of food ordered in advance if the curbside pickup is a clearly subordinate function to the restaurant's operations). The phrase includes:

- (a) Full-service restaurants;
- (b) Limited-service eating facilities; and
- (c) Special foodservices.

“RETAIL SALES and SERVICES” means commercial retail, business service, and personal service uses that are not specifically defined elsewhere in this chapter, which do not include regular outside storage or sales. The phrase includes uses that are comparable to the following:

- (a) Branch banking
- (b) Clothing, clothing accessory, and jewelry stores;
- (c) Computer and small appliance repair;
- (d) Copy centers, parcel service drop-off locations, and mailbox services;
- (e) Electronics and appliance stores;
- (f) Florist, card, and gift shops;
- (g) Food and beverage stores;
- (h) Furniture and home furnishings stores;

- (i) General merchandise stores;
- (j) Hair and nail salons;
- (k) Hardware stores, plumbing supplies, electrical supplies, lighting stores;
- (l) Health and personal care stores;
- (m) Laundromat, retail dry cleaning, tailoring, shoe repair, and clothes restoration;
- (n) Miscellaneous store retailers;
- (o) Music, dance, martial arts, yoga, and other similar instruction;
- (p) Paint and wallpaper stores;
- (q) Pet stores (with or without animal grooming and boarding);
- (r) Sporting goods, hobby, book, and music stores;
- (s) Tanning facilities and day spas; and
- (t) Tutoring.

“SHOOTING/ARCHERY RANGE, INDOOR” means an area fully enclosed within a sound- proof building which is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other similar sport shooting.

“SHOOTING/ARCHERY RANGE, OUTDOOR” means an outdoor area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other similar sport shooting.

“SHOPPING CENTER, COMMERCIAL” means a planned retail commercial site of not less than eight acres that contains a minimum of ten (10) individual retail stores and a minimum of sixty thousand (60,000) gross square feet of building floor area in not more than three (3) buildings in a coordinated design with shared parking and access provisions.

“SHOPPING CENTER, LARGE COMMERCIAL” means a planned retail commercial site of at least twenty (20) acres that contains either a minimum of four hundred thousand (400,000) gross square feet of building floor area or a minimum of twenty (20) individual retail stores in a coordinated design with shared parking and access provisions.

“SHRUB” means any of the following:

- (a) A woody plant of less size than a small tree, and usually with several stems from the same root;
- (b) Perennial plants that reach at least three (3) feet in height; and
- (c) Ornamental grasses that reach at least three (3) feet in height.

“SIDEWALK” means a pedestrian way extending along, parallel to, and within an easement or the right-of-way of a public or private street. In addition, sidewalks are also used to provide off- site connections into and throughout a development.

“SIGHT DISTANCE TRIANGLE” means the triangular area formed by a diagonal line connecting two points located on intersecting street right-of-way lines, or a right-of-way line and the curb or edge of a driveway.

“SIGNIFICANT STAND” means a stand of trees with interconnected canopies that cover an area of at least ten thousand (10,000) square feet.

“SINGLE-FAMILY ATTACHED” means:

- (a) Two (2) or more dwelling units that are designed so that individual units have individual ground-floor access and are separated from each other by unpierced common walls from foundation to roof (*e.g.*, side-by-side duplexes and all types of townhomes); or
- (b) Two (2) dwelling units that are designed so that individual units:
 - (1) May or may not have individual exterior doors, but provide no direct access between the first floor and second floor unit (access may be through a common interior foyer that provides access to both units or through separate exterior doors); and
 - (2) Are separated from each other by a floor (*e.g.*, over-under duplexes).

“SINGLE-FAMILY DETACHED” means a dwelling unit that is:

- (a) Located in an individual building that is constructed on:
 - (1) Individual lots; or
 - (2) That is designated as a separate unit as part of a condominium plan;
- (b) Separated from each other by outside walls; and
- (c) Intended for the use of a single housekeeping unit.

The term also means industrialized units that are affixed to a permanent foundation and are similar in scale and appearance to houses in the general vicinity. Industrialized units are defined in O.R.C 3781.06(C)(3). "Industrialized unit" does not include a "manufactured home" or "mobile home" as defined in this chapter. The term does not include patio/garden homes or townhomes.

“SINGLE-FAMILY CLUSTER” means a development of single-family detached buildings that are arranged to provide common open spaces, sized according to minimum open space ratios that are established by this chapter.

“SKILLED NURSING CARE” as defined in O.R.C. 3721.01(A)(4) 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. "Skilled nursing care" includes, but is not limited to, the following:

- (a) Irrigations, catheterizations, application of dressings, and supervision of special diets;
- (b) Objective observation of changes in the patient's condition as a means of analyzing and determining the nursing care required and the need for further medical diagnosis and treatment;
- (c) Special procedures contributing to rehabilitation;
- (d) Administration of medication by any method ordered by a physician, such as hypodermically, rectally, or orally, including observation of the patient after receipt of the medication; or
- (e) Carrying out other treatments prescribed by the physician that involve a similar level of complexity and skill in administration.

“SLAUGHTERHOUSE” means a place where animals are slaughtered for food.

“SMALL WIND FARM” means wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than five (5) megawatts as defined in O.R.C. 519.213.

“STANDARD NEIGHBORHOOD” means a residential development that consists of single-family detached housing that could include a variety of lot sizes including single-family cluster development configurations.

“STEALTH ATTACHED WIRELESS TELECOMMUNICATIONS FACILITY ("WTF")” means a wireless telecommunications facility that is:

- (a) Attached to or incorporated into a building or structure (including light poles and electric power poles, but not including other guyed towers, lattice towers, or monopoles, except as provided in this definition, below); and
- (b) Designed so that it is either not visible (*e.g.*, it is located within a tower, cupola, steeple, silo, etc.) or it appears to be part of the building or structure (*e.g.*, integrated into the facade of a building as an architectural feature).

The phrase "Stealth Attached Wireless Telecommunications Facility" includes new antennae that are proposed for co-location on the support structure of a "Stealth Freestanding Wireless Telecommunications Facility," provided that such antennae will retain the stealth design of the Stealth Freestanding Wireless Telecommunications Facility.

“STEALTH FREESTANDING WIRELESS TELECOMMUNICATIONS FACILITY ("WTF")” means a wireless telecommunications facility, including a mounting structure, which are both:

- (a) Designed in such a way as to blend in with its immediate visual context, such that the structure and antenna is not readily recognized as a wireless communication facility; and
- (b) Not attached to a building or structure that is put to a different use.

“STEEP SLOPES” means land where the slope has a grade of eighteen percent (18%) or greater.

“STORAGE YARD” means outdoor storage of operable equipment and building or infrastructure construction materials for off-site projects or right-of-way maintenance.

“STRUCTURED PARKING” means a covered structure or portion of a covered structure that provides parking areas for motor vehicles. Parking on top of a structure where there is gross building area below the parking, but nothing above it is structured parking. The structure may be the primary structure for a Commercial Parking facility or be accessory to multi-family dwellings, commercial, industrial, and institutional uses.

“SUBSTANTIAL RECONSTRUCTION” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial reconstruction is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety

code specifications, which are solely necessary to ensure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

“TOWNHOUSE” means a single-family attached dwelling unit, with a single unit going from ground to roof and with individual outside access.

(a) Standard Townhouse. The term "standard townhouse" means that each unit shares a common wall along both stories.

(b) Weak-Link Townhouse. The term "weak-link townhouse" means that the units share a common wall, but each unit has a one-story and two-story section.

Oftentimes, this makes the weak-link townhouse wider than a standard townhouse.

“TRADITIONAL DEVELOPMENT” means a development option for new residential neighborhoods that provides a typical form of residential development characterized by subdivisions of large/medium sized lots along curving streets. For the purposes of this resolution the term "Traditional Development" is not a planned-unit development and not require an analysis of site's capacity for development nor the set aside of protected open space. The term "Traditional Development" is the opposite of the "Planned Conservation Development" and does not allow a mixed-use form of development.

“TREE, EVERGREEN” means a tree or shrub that has persistent foliage and remains green throughout the year. For the purposes of this chapter, evergreen trees shall reach at least twelve (12) feet in height at maturity.

“TREE, LARGE” means a tree with a canopy that, at maturity, would occupy the upper level of a forest in a natural ecological situation. These trees are commonly called shade trees. They typically reach heights of more than fifty (50) feet at maturity.

“TREE, SMALL” means a tree with a canopy that would occupy the intermediate level of a forest in a natural ecological situation. They are also found as dominant species in old field succession. These trees are commonly called ornamental trees. Small trees are deciduous trees that typically reach heights of twelve (12) to forty-four (44) feet at maturity.

“TREE, STREET” means a species of a tree that the Township has determined is appropriate for planting within private street right-of-ways.

“TREE, STREET GRATE” means a small planting area that is integrated into a sidewalk in order to provide a planting medium for street trees where there is an insufficient area for a street tree lawn, *e.g.*, in the MUP district. Street tree grates are located within the right-of-way lying between the public or private street and private property.

“TREE, STREET LAWN” means the land (or landscape area) within the right-of-way lying between the public or private street and private property (excluding such portion that is covered by a sidewalk) which is where street trees (and sometimes, other landscaping) are planted.

“TWIN” means a single building on a single lot, which contains two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from foundation to roof.

“URGENT CARE” is an establishment that provides unscheduled, ambulatory walk-in care outside of a hospital emergency room.

“VERTICAL MIXED USE” includes specific structures permitted in a mixed-use development. Multi-story buildings requiring first floor/level retail sales or retail service tenants with pedestrian access. Subsequent stories may have retail, professional offices, or apartment or condominium- style units, but may not have a blend of residential uses with non-residential uses on the same floor. First floor residential is prohibited.

“VOCATIONAL SCHOOL” means an educational facility that primarily teaches skills that directly prepare students for jobs in a trade or profession. Examples include, but are not limited to, art schools, business colleges, trade schools, and secretarial colleges.

“WAREHOUSING and LOGISTICS” means indoor warehousing, distribution, or logistics facilities; retail distribution centers; order fulfillment centers; and moving and storage services (including full-service moving and storage and indoor storage of shipping containers). The phrase does not include self-storage; wholesale; or warehousing and distribution that is accessory to a light industrial or heavy industrial facility, nor parcel service drop-off locations that are not accessory to a parcel service processing facility.

“WASTE TRANSFER STATION” means the use of land or a facility, regardless of name or title, to unload waste of any kind or type from vehicles, and, with or without intermediate processing such as compaction, sorting, or shredding, subsequently re-load the waste onto other vehicles for delivery to another transfer site, storage site, or disposal site. The phrase "Waste Transfer Station" includes a facility for drop-off of recyclable materials (e.g., waste paper, motor oil, scrap metal, polystyrene foam, porcelain, batteries, electronic components, textiles, plastics, discarded shoes, cardboard, and other discarded household materials), where the materials are sorted, temporarily stored, and then shipped in bulk to other locations for processing. The phrase "Waste Transfer Station" does not include a wastewater treatment facility.

“WASTE WATER TREATMENT PLANT (WWTP)” means a facility at the end of a sanitary collection system which processes the influent waste, and discharges water to a receiving system, treated to the standards of the Ohio Environmental Protection Agency (EPA).

“WILD, DANGEROUS or UNDOMESTICATED ANIMAL” means an animal whose natural habitat is the wilderness and which, when maintained in human society, is usually confined to a zoological park or exotic animal farm and which:

- (a) Is a poisonous or venomous animal or snake, or a snake that is a constrictor;
- (b) Is an omnivorous or carnivorous animal weighing more than twenty pounds and which is a predator in its natural habitat;
- (c) Is an animal which, by reason of its size, strength or appetite, if unrestrained and free in the Township, could cause peril to persons, pets, or other domesticated animals, buildings, landscaping or personal property;
- (d) Is an animal which makes noises with sufficient frequency and volume as to constitute a nuisance to persons in the vicinity of such animal;
- (e) Is an animal which emits such offensive odors as to constitute a nuisance to persons in the vicinity of such animal; or
- (f) Is, by illustration, and without limitation to the following: a lion, tiger, lynx, mountain lion, jaguar, cheetah, leopard, panther, bear, wolverine, elk, moose, caribou, elephant, giraffe, rhinoceros, hippopotamus, wolf, wild ox, boar, crocodile, alligator, caiman, gavial, ostrich, hyena, gorilla, bison or coyote.

“WIRELESS TELECOMMUNICATIONS FACILITIES” means radio or television broadcasting towers, telecommunications towers, and antenna / satellite dish arrays (free-standing or tower mounted). The phrase does not include residential satellite dishes, TV or HDTV antennae, or amateur radio antennae.

“WOODLAND” means an area covered by a canopy of woody plants (trees) that qualifies as mature and/or young. It may also be a forest, wood lot, grove, or stand of trees meeting the specifications of the forest type.