

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

105.02 SPECIFIC MEANINGS OF WORDS OR PHRASES.

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

“ABUTTING”, when referring to lots, parcels or property, means next to and having some portion of a boundary that is coterminous with the parcel proposed for development.

“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.

- A. **“ACCESSORY BUILDING”** means a building that is subordinate to the principal building which serves a purpose that is customarily associated with the principal use. An accessory building does not include structured parking.
- B. **“MAIN or PRINCIPAL BUILDING”** means a building in which is conducted the main or principal use of the lot on which such building is located.
- C. **“BUILDING HEIGHT”** means the vertical distance measured from the average finished grade at the front (street facing) of the building to the highest point of a gable, hip or gambrel roof or the coping of a flat roof or to the deck line of a mansard roof. [Adopted 4/8/2002 - Z-2002-2]

“ACCESSORY SIGN” means any sign related to a business or profession conducted, or to a commodity or service sold or offered for sale, upon the premises where such sign is located.

“ACCESSORY STRUCTURE” means a structure which is on the same parcel of property as a principal use or building the use of which is incidental to the use of the principal use or building.

“ACCESSORY USE” means a use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

“ADULT LONG-TERM CARE FACILITY” means a facility as defined in O.R.C 3721.21.

“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.

“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.

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

“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)

“ANTENNA” means any system of wires, poles, rods, discs, dishes, or similar devices used for the transmission or reception of electromagnetic waves attached to the exterior of a building or mounted in the ground independent (freestanding) of a building. [Adopted 7/7/1997 – Z-1997-4]

“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.

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

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

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

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

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

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

“BUILDING” means a temporary or permanent structure, other than a mobile home, affixed to or resting on the ground and designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

“BUILDING HEIGHT” means the vertical distance measured from the average finished grade at the front (street facing) of the building to the highest point of a gable, hip or gambrel roof or the coping of a flat roof or to the deck line of a mansard roof. [Adopted 4/8/2002 - Z-2002-2]

“BUILDING LINE” means a line that circumscribes or outlines the exterior wall face of any building.

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

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

“CEMETERY” means real property used for the interment of human remains including any one (1) or a combination of more than one (1) of the following: a burial ground containing plots designated for earth interments or inurnments, a mausoleum for crypt entombments, or a columbarium for the deposit 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.

“CHANGEABLE COPY SIGN” 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 electronic message boards and/or digital displays.

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

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

“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).

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

“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.

“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.

“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.

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

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

1. Movie theaters;
2. Bowling alleys and pool rooms;
3. Video arcades.

The phrase "Commercial Amusement, Indoor" does not include the phrase "Adult Oriented Businesses," "Internet Cafe/Sweepstakes," "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:

1. Amphitheaters;
2. Arenas;
3. Batting cages;
4. Miniature golf establishments;
5. Outdoor performing arts facilities; and
6. 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 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 OUTDOOR SALES EVENT” means outdoor sales of retail and seasonal products on a seasonal or temporary basis.

“COMMERCIAL SHOPPING CENTER” means a shopping center is a group of retail and other commercial establishments that is planned, developed, owned and managed as a single property, typically 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.

“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.

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

“CONDITIONAL USE” means a use permitted in a district which is not permitted by right but only upon approval of the Board of Zoning Appeals and the issuance of a conditional zoning certificate, provided such use is authorized as a conditional use by this 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 permit a conditional use in a district specifically authorized by this Zoning Resolution.

“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:

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

“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 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 regulation.

“DETENTION BASIN” means:

1. A facility for the collection and release of surface and stormwater runoff from a site at a slower rate than it is collected by the drainage facility system, the difference being held in temporary storage.
2. A facility that may remain dry for the majority of the year; except that it fills with water only after a large rain event and then slowly releases the stored water over the next few hours. (*see* also Extended Detention Basin)

“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.

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

“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” means a facility used by an approved commercial retail or service use to provide service to customers in vehicles who either:

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

“DRIVE-THRU RESTAURANT” means a retail service establishment where service of food is provided to customers in their car primarily to eat off premises. Customer orders are taken by a voice operated structure detached from the main structure and vehicle stacking is used to form a line around the main structure.

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

“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 manufactured home as defined in Ohio R. C. 4501.01(O), which is designed as used for residential purposes.

- A. "Single-family dwelling" means a dwelling consisting of a single dwelling unit only, separated by other dwelling units by open space.
- B. "Two-family dwelling" means a dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances. The combined two dwelling units

- shall be separated from other dwelling units by open space.
- C. "Multi-family dwelling" means a dwelling consisting of three or more dwelling units with varying arrangements of entrances and party walls.
 - D. "Industrialized Unit" means a building as defined in Ohio Revised Code Section 3781.06(C)(3) for which an insignia has been issued by the Ohio Board of Building Standards pursuant to Ohio Administrative Code 4101:2-1-62(A). "Industrialized unit" does not include a "manufactured home" or "mobile home" as defined in this resolution. **[Adopted 6/26/2000 - Z-2000-3]**
 - E. "Dwelling unit" means a group of rooms for living, dining and sleeping and attendant cooking, bathing and toilet facilities, which are arranged, maintained or designed to be occupied and used by a single family.

“EARTH DISTURBING ACTIVITY” means 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.

“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, whether publicly or privately owned, on a lot with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of five megawatts or more. (*see* also Small Wind Farm)

“EQUIPMENT BUILDING or SHELTER” means the structure in which the electronic receiving and relay equipment for a wireless telecommunication facility is housed. **[Adopted 7/7/1997 – Z-1997-4]**

“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 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.

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

“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:

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

“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 for a period of twenty-four (24) hours or more.

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

“FARM MARKET” as defined in O.R.C. 519.21(C)(1) means a farm market where fifty per cent 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.

“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.

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

“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.

“FENCE” means an artificially constructed structure 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 buildings. "Floor area" shall not include: basement space; attic space; terraces, breezeways and open porches; uncovered steps; and garages.

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

“FOOD PROCESSING” means the preparation, storage or processing of food products, and includes bakeries, dairies, canneries and other similar businesses.

“FOOT-CANDLE” means a unit equivalent to the illumination produced by a source of one candle at a distance of one foot and equal to one 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:

1. Gasoline service stations or fuel stations (*e.g.*, hydrogen, compressed natural gas, or liquefied petroleum gas) for alternative fuel vehicles; or
2. Electric vehicle charging stations; or
3. Gasoline, fuel station, or charging station convenience marts (a gasoline service station, fuel station, and / or charging station with a convenience store); or
4. Automated, self-service, or full-service car wash or detailing (cars, light trucks, and sport utility vehicles only); or
5. Any combination of 1, 2, 3, or 4 above.

“FUNERAL HOME” means a building that is used principally for:

1. Human funeral services;
2. Embalming and the performance of other services used in the preparation of the dead for burial; and / or
3. The performance of autopsies and other tests or surgical procedures on human remains.

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.

“GAMEROOM” means any premises other than a residence upon or within which there is located more than three billiard tables, pinball machines, electronic or mechanical games or other amusement devices, or any combination thereof.

“GAME AREA” means that portion of the net floor area of a gameroom which is devoted for the use of amusement devices and the required aisles, walkways and open spaces.

“GARAGE, PRIVATE” means a building attached to the principal building or a detached accessory building to be used for the storage of motor vehicles or recreational vehicles owned or operated by occupants of the principal use or by permission of such occupants,

- A. "Repair garage" means a building in which motor vehicles or recreation vehicles which are owned by the general public are stored, parked, repaired or serviced.
- B. "Storage garage" means any building or premises used for the storage or parking of motor vehicles or recreational vehicles which are owned by the general public.
- C. "Service station garage" means any building or premises where gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made:
 1. Sales and service of spark plugs, batteries and distributor parts;

2. Tire servicing and repair, but not recapping or regrooving;
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors and the like;
4. Radiator cleaning and flushing;
5. Washing, polishing and sale of washing and polishing materials;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps and lines;
8. Minor servicing and repairing of carburetors;
9. Adjusting and repairing of brakes;
10. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers as accessory and incidental to principal operations;
12. Provision of road maps and other informational material to customers;
13. Provision of restrooms and facilities; and
14. Warranty maintenance and safety inspections. Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations.

“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.

“GENERAL ADVERTISING SIGN” 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.

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

1. Accounting, auditing and bookkeeping;
2. Administration of businesses (*e.g.*, corporate headquarters);
3. Advertising, graphic design, and photographic design studios;
4. Architectural, engineering, interior design, urban planning, and surveying services;
5. Attorneys and court reporters;
6. Call centers;
7. Computer and software consulting, programming, development or design services;
8. Data processing and word processing services;

9. Detective agencies;
10. Employment agencies;
11. Management consulting services;
12. Military recruiters;
13. Mortgage companies; and financial services (but not walk-in or drive-through banks);
14. Government offices;
15. Insurance sales and / or administration;
16. Real estate management companies (*e.g.*, professional homeowners' association managers, commercial real estate managers, etc.);
17. Real estate sales;
18. Retail catalog, Internet, and telephone order processing, but not warehousing;
19. Software development; and
20. Virtual office services.

The phrase "General Office" does not include the phrases "Retail Sales and Services" or "Medical Office."

“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. [Adopted 6/25/2001 - Z-2001-2]

“GLARE, DIRECT” means the glare resulting from the human eye being able to see the light emitting portion of a light fixture. [Adopted 6/25/2001 - Z-2001-2]

“GOLF 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.

“GROUND SIGN” means a sign with not more than two (2) faces supported by one or more uprights, poles or braces, the lowest surface of which is four (4) feet or less above the surface of the ground, or a sign erected on a free-standing wall or monument with a solid continuous foundation.

“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 criteria:

- A. 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, lirioppe, ground cover jasmine, or like plants that can be maintained at or below two feet in height. The phrase "ground cover" includes grasses, ornamental grasses, vines, and other herbaceous material.

“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.

“HEAVY INDUSTRY” means:

1. Primary processing or manufacturing or repair operations not specifically defined elsewhere in this Section, which involve:
 - a. An outside storage area that is larger than the area of the first floor of buildings on the same lot; or
 - b. A material risk of environmental contamination, explosion, or fire; or
 - c. Perceptible ground vibration; or
 - d. Perceptive noise or dust; or
 - e. Emission of objectionable odors; or
 - f. More than 12 trips by semi-trailer trucks per day; or
 - g. 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
 - h. 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.
2. Heavy industrial uses include:
 - a. 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;
 - b. 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;
 - c. Portland cement plants;

- d. Sawmills and pulp mills;
- e. Incinerators with the capacity to charge more than 250 tons of refuse per day;
- f. Lime plants; phosphate rock processing plants; sulfur recovery plants; and hydrofluoric, sulfuric, or nitric acid plants;
- g. Fossil fuel combustion (boilers or electricity generation) totaling more than 250 million BTUs per hour of heat input;
- h. Fabrication of building materials such as countertops, drywall, and cut stone;
- i. Fabrication of vehicles, manufacturing equipment, durable goods, or pre-fabricated homes or home components;
- j. Auto or marine body, paint, or upholstery shops;
- k. Drycleaner processing plants that use PERC or comparable petrochemical solvents;
- l. Meat or seafood processing plants;
- m. Manufacture of glass products (*e.g.*, window panes, bottles and jars), except hand-blown products;
- n. Manufacture of plastic products (except assembly of parts that are manufactured elsewhere);
- o. Plasma arc welding, cutting, gouging, surfacing, or spraying; gas welding (but not brazing); arc welding with equipment that is rated at more than 200 amps; TIG welding; and other heavy welding procedures (*e.g.*, for structural steel, automotive body, or heavy equipment manufacture or repair);
- p. Hot mix asphalt plants;
- q. Regional wastewater utilities;
- r. Fossil fuel power plants, waste-to-energy plants, and biomass plants that produce more than 100 megawatts of electricity;
- s. Fossil fuel power plants.

“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:

1. Permanent retail operations that are located outside of enclosed buildings, except nurseries or green houses, retail;
2. Home centers;
3. Lumber and other building materials;
4. Lawn, garden equipment, and related supplies stores;
5. Warehouse clubs and super stores;
6. Recreational equipment rental where the equipment is stored outside;
7. Heavy truck or recreational vehicle leasing or sales;
8. Manufactured home sales; and
9. 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."

“HOME OCCUPATION” means an occupation for remuneration conducted within a dwelling on a lot within a residential zoning district.

“HOSPITAL” means a facility as defined in O.R.C. 3727.01 (B)(2).

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

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

“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.

“INDOOR DRIVING RANGE” means a golf practice facility comprised of a tee and landing area enclosed by an air-supported structure. The facility would also include an entrance building and parking lot. [Adopted 1/27/1996 – Z-1995-4]

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

“JUNK” means scrap or discarded household appliances, furniture, mattresses or bedding, plumbing fixtures, motor vehicle parts including batteries or tires, or accumulations of scrap metal, rubber, rags, bottles, cans, boxes, cardboard, waste paper or 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 an establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, or selling junk, including scrap metal processing facilities.

“**KENNEL**” See animal boarding facility, small animal.

“**LAMBERT**” means a unit of luminance of a surface emitting or reflecting one 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 proposed for development 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.

“**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.

“**LARGE COMMERCIAL SHOPPING CENTER**” means a planned retail commercial site of at least twenty (20) acres that contains either a minimum of 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. [Adopted 7/7/1997 - Z-1997-4]

“**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.

“**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).

“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 use of computers and the incidental or periodic sale of surplus books.

“LICENSED RESIDENTIAL FACILITY” means a facility as defined in O.R.C. Section 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 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:

1. Assembly, testing, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures from pre-manufactured components;
2. 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 12 feet in height.
3. Communications facilities, except wireless telecommunications facilities;
4. Data centers, server farms, telephone exchange buildings, and telecom hotels;
5. Food production and packaging other than meat and seafood processing and restaurants;
6. Furniture making or refinishing;
7. Manufacture of textiles or apparel;
8. Screen printing of apparel;
9. 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);
10. 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;
11. Disassembly of consumer electronics and / or appliances into component parts, where all operations and storage are within an enclosed building;
12. Manufacture or compounding of pharmaceutical products, dietary supplements,

- health and beauty products, and herbal products; and
13. Packaging of products.
 14. 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).

“LIGHT TRESPASS” means the light projected onto a property from a light source located on a different property typically in the form of either spill light or glare or both.

“LIVE-WORK UNIT TOWNHOME” means a dwelling unit that provides space that is designed for one 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.

“LOADING SPACE” means a durably paved, off-street space used for loading and unloading from vehicles, except passenger vehicles, in connection with the use of the property on which such space is located.

“LOT” means a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as 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 AREA” means the area of a lot taken at its perimeter exclusive of any portion within a public or private street right-of-way.

“LOT CORNER” means a lot located at the intersection of two (2) or more roads.

“LOT COVERAGE” means the ratio of gross floor area of all buildings and structures and all areas that are associated with driveways and parking areas on a lot to the total lot area, expressed as a percentage.

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

“LOT FRONTAGE” means the total length of the line or curve of a lot boundary that is coterminous with a street right-of-way line. For corner lots, frontage may be calculated for each street.

“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.

1. "Lot line, front or frontage" means the boundary of a lot which abuts a public or private road. In the case of a corner lot or a multiple frontage lot, all lot boundaries abutting a road are considered front lot lines.

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

3. "Lot line, side" means any boundary of a lot which is not a front lot line nor is a rear lot line.

“LOT, MINIMUM 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.

“LOT, MULTIPLE FRONTAGE” means a lot, other than a corner lot, with lot lines on more than one (1) road. A multiple frontage lot may also be referred to as a through lot.

“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, 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. **[Adopted 11/26/2018 – Z-2018-1]**

“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.

“MAIN or PRINCIPAL BUILDING” means a building in which is conducted the main or principal use of the lot on which such building is located.

“MAJOR THOROUGHFARE PLAN” means that part of the Comprehensive Development Plan or a separate plan adopted by the County Planning Commission that indicates the actual and recommended location of streets in the Township.

“MANUFACTURED HOME” means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974,” 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

“MANUFACTURED HOME PARK” means any tract of land upon which three 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).

“MANUFACTURING”

A. "Extractive manufacturing" means any mining, quarrying, excavating processing, storing, separating, cleaning or marketing of any mineral natural resource.

B. "Heavy manufacturing" means manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution and water pollution, but not beyond the district boundary

C. "Light manufacturing" means manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

“MARQUEE SIGN” means a sign attached to the underside, topside or face of a marquee roof over a walk or permanent awning.

“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.

“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). [Adopted 4/24/2017 – Z-2017-1]

“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:

1. Medical doctors (physicians, pediatricians, obstetricians, gynecologists, radiologists, geriatricians, general and specialist surgeons, podiatrists, ophthalmologists, anesthesiologists, etc.) and nurses;
2. Dentists, endodontists, orthodontists, and periodontists;
3. Optometrists;
4. Midwives;
5. Physical therapists, occupational therapists, and speech therapists;
6. Chiropractors, licensed massage therapists, and acupuncturists;
7. Nutritionists and homeopaths;
8. Psychiatrists, clinical psychologists, clinical social workers, and marriage and family therapists;
9. Physiatrists, physiotherapists, orthotists, prosthetists, recreational therapists, audiologists, respiratory therapists, rehabilitation counselors, prosthetic technicians, and personal care assistants; and
10. Other comparable health care professionals.

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."

“MEETING HALL” means a building that is designed for public gatherings or meetings.

“MINERALS” means substances or materials excavated from natural deposits on or in the earth.

“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.

“MOBILE HOME” means a structure that is similar in appearance to a manufactured home but that was constructed prior to June 15, 1976 and is not constructed in conformance with the Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403.

“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. [Adopted 7/7/1997- Z-1997-4]

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

“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” means:

1. Buildings that contain three or more dwelling units that:
 - a. Are accessed by from interior elevators or hallways, or from individual exterior entrances; and
 - b. Are separated by interior walls and/or floors.
2. Multi-family 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.

“NONACCESSORY or OFF-PREMISES SIGN” 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.

“NONCONFORMING BUILDING or STRUCTURE” means a building, structure or parts thereof lawfully existing at the time this chapter or a subsequent amendment to this chapter became effective which does not conform to the dimensional requirements of the district in which it is located.

“NONCONFORMING LOT” means a lot of record legally established prior to the effective date of this chapter which does not meet the standards of the district in which it is located. This can involve minimum area, or dimensional requirements of the lot.

“NONCONFORMING SIGN” means any sign, legally established prior to the adoption of this chapter, which does not fully comply with the standards of this chapter.

“NONCONFORMING USE” means a use of land or use of a building or structure lawfully existing at the time this chapter or a subsequent amendment to this chapter became effective which does not conform to the use requirements of the district in which it is located.

“NONCONFORMITY” (or nonconformities) occurs when, on the effective date of this resolution, or amendment thereto, or the previous Zoning Resolution, an existing lot, building, structure, landscape area, parking lot, sign, or use of an existing lot, building, or structure does not conform to one or more of the regulations currently applicable to the district in which the lot, building, structure, landscape area, parking lot, sign, or use is located.

“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 chapter, NAICS lookup tables were available from the U.S. Census Bureau web site at <http://www.census.gov/cgi-bin/sssd/naics/naicsrch?chart=2007>.

“NURSERY or GREENHOUSE, RETAIL” means an enterprise that conducts the sale of plants grown off of the premises. The terms also include, as an accessory use, the sale of a limited selection of items (*e.g.*, soil, planters, pruners, mulch, lawn or patio furniture, garden accessories, etc., but not power equipment) that are directly related to the care and maintenance of landscapes. The term "Nursery or Greenhouse, Retail" does not include the cultivation of trees (or other vegetation normally associated with landscaping) where the principal use is growing nursery stock for sale at off-site retail businesses, as this is more appropriately classified as agriculture.

“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. One off-street parking space shall be not less than nine (9) feet in width and twenty (20) feet in length. 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 spaces. (b)"Off-street loading space" means an area 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. One off-street loading space shall be not less than twelve (12) feet in width and fifty (50) feet in length with a vertical height clearance of not less than fifteen (15) feet. All off-street loading 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.

“OFFICIAL ZONING MAP” means the map showing the location and boundaries of the zoning districts established by this resolution. These maps are entitled, the "Official Zoning Map of Bainbridge Township, Ohio."

“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.

“OPACITY” means:

1. *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.

2. *Landscape Opacity.* The opacity of landscape material means the measurement of the screening effectiveness of a bufferyard expressed as the percent of view across the bufferyard that may be blocked to a height of 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” means land area that will be left undeveloped as part of a natural resource preservation, recreation, bufferyard, 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.

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

“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.

“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 MINIATURE GOLF” means an outdoor golf putting facility comprised of a number of tees and putting services connected by improved walkways. The facility may also include a small structure for the rental of golf putters and golf balls. [Adopted 3/16/1998 – Z-1997-8]

“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:

1. All uses allowed in "Outdoor Public Recreation, Passive" areas;
2. Fairgrounds;
3. Ice skating rinks;
4. Picnic grounds, barbecue pits and similar cooking facilities;
5. Playgrounds;
6. Shelters, observation decks, platforms, pavilions, storage sheds, patios, and restroom facilities;
7. Sports courts and playing fields, including baseball, basketball, football, lacrosse, rugby, soccer, softball, tennis, and other similar athletic activities; and
8. 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:

1. Agricultural uses, not requiring extensive cultivation such as orchards and meadows;
2. Botanical gardens;
3. Community gardens;
4. Constructed wetlands;
5. Cross-country skiing;
6. Fishing in areas designated by applicable park board regulations;
7. Nature viewing;
8. Pedestrian walkways, sidewalks, trails, and bicycle paths (specifically excluding trails for motorized equipment).
9. 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 ACCOMODATIIONS” means places that offer overnight accommodations for short-term rental in increments of not less than 20 hours, including hotels, motels, and commercial inns.

“PARCEL PROPOSED for DEVELOPMENT” means any legally described parcel of land 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 oftentimes go through the subdivision 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."

“PARKING LOT” means an area of land that is designated for the parking of automobiles and light trucks, 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 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 is shared by tenants, visitors, and the general public.

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

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

“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.

“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.

“PERMANENT FOUNDATION” means permanent masonry, concrete, or a footing or foundation approved by the manufactured homes commission pursuant to O.R.C 4781, to which a manufactured home may be affixed.

“PERMANENTLY SITED” means a manufactured home that meets all 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 chapter and the Zoning Inspector determines compliance with all applicable provisions of this chapter.

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

“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. [Adopted 7/7/1997 – Z-1997-4]

“PERSONAL WIRELESS SERVICE FACILITY” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by 47 U.S.C. 332 (c)(7). [Adopted 7/7/1997 – Z-1997-4]

“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:

1. Pervious asphalt;
2. Pervious concrete;
3. Modular pavers designed to funnel water between blocks;
4. Lattice or honeycomb shaped concrete grids with turf grass or gravel filled voids to funnel water;
5. Plastic geocells with turf grass or gravel; and
6. 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 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:

- 1.Event Facilities;
- 2.Meeting Halls;
- 3.Fraternal Organizations;
- 4.Places of Worship; and
- 5.Private Clubs.

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

“PLACE OF WORSHIP” means a facility where persons regularly assemble for religious purposes and related social events.

“PLANNED-UNIT DEVELOPMENT (PUD)” means a set of 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:

1. Maximize preservation of the Township's remaining sensitive natural resources by determining the site's capacity for development, including varying protections of:
 - a. Waterbodies and Watercourses;
 - b. Wetlands;
 - c. Riparian Setbacks;
 - d. Drainageways;
 - e. Steep Slopes; and
 - f. Woodlands;
2. Provide common open space amenities for the enjoyment of the residents; and
3. 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.

“POLE SIGN” means a sign with not more than two (2) faces supported wholly by a pole or poles, so as to permit passage of traffic there under.

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

“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.

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

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

“PRINCIPAL STRUCTURE” means, if there is no principal building the structure in which the principal use of a parcel is located, or the largest structure on a parcel. Fences and garden walls are not principal structures.

“PRINCIPAL USE” means the main use to which a parcel, lot, or premise (*e.g.*, a leased space in a commercial shopping center) is put.

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

“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.

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

“PROFESSIONAL SALES & SERVICES OFFICE” is any business who provides 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.

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

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

1. 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;
2. 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
3. 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 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 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.

“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.

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

“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.

“RADIO” means the communication of impulses, sounds, and pictures through space by electromagnetic waves. [Adopted 7/7/97 – Z-1997-4]

“RECREATIONAL FACILITIES” include public and private facilities open to the public which are used for golf courses, driving ranges, tennis courts, skating rinks, swimming pools, riding stables, riding trails for horses and bicycles, and fishing.

“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:

1. Subdivision, neighborhood, or community recreation centers or athletic clubs;
2. Gymnasiums;
3. Indoor swimming pools;
4. Indoor tennis, basketball, racquetball, handball or other play courts;
5. Indoor skating rinks (ice or roller);
6. Indoor playgrounds (including, but not limited to, standard playground equipment, inflatable equipment, trampolines, rock climbing walls, and zip lines);
7. Indoor velodromes;
8. Laser tag; or
9. 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:

1. Jogging, cycling, tot-lots, fitness trails, playing fields, playgrounds, outdoor swimming pools, and tennis courts;
2. Arboretums, wildlife sanctuaries, forests, and other natural areas which may be used for walking or hiking; or
3. 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."

“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.

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

“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.

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

“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:

1. Full-service restaurants;
2. Limited-service eating facilities; and
3. 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:

1. Branch banking
2. Clothing, clothing accessory, and jewelry stores;
3. Computer and small appliance repair;
4. Copy centers, parcel service drop-off locations, and mailbox services;
5. Electronics and appliance stores;
6. Florist, card, and gift shops;
7. Food and beverage stores;
8. Furniture and home furnishings stores;
9. General merchandise stores;
10. Hair and nail salons;
11. Hardware stores, plumbing supplies, electrical supplies, lighting stores;
12. Health and personal care stores;
13. Laundromat, retail dry cleaning, tailoring, shoe repair, and clothes restoration;
14. Miscellaneous store retailers;
15. Music, dance, martial arts, yoga, and other similar instruction;
16. Paint and wallpaper stores;
17. Pet stores (with or without animal grooming and boarding);
18. Sporting goods, hobby, book, and music stores;
19. Tanning facilities and day spas; and
20. Tutoring.

“RETENTION BASIN” means a facility within which stormwater runoff is stored in a permanent pool of water (also referred to as a wet pond).

“RIGHT-OF-WAY” means an area of land not on a lot that is dedicated for public use or private use to accommodate a transportation system.

“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 regulation.

“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.

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

“ROADSIDE STAND” means a movable structure or vehicle used for the sale of agricultural products or something produced therefrom.

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

“ROOF SIGN” 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.

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

“SCHOOLS, PRIVATE” means an educational institution which provides fee-based instruction.

“SCHOOLS, PUBLIC” means the Kenston Local School District or other public accredited school system 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 planted with shrubs or trees to form a year-round dense screen.

“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. [Adopted 10/26/1998 – Z-1998-5]

“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.

“SERVICE STATION” means buildings and premises where fuel, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail.

“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 may be located.

“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 and central treatment facility for more than one (1) dwelling or building, community or region subject to the approval of health and sanitation agencies or departments having jurisdiction.

“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.

“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 10 individual retail stores and a minimum of 60,000 gross square feet of building floor area in not more than three buildings in a coordinated design with shared parking and access provisions.

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

“SHOPPING STRIP CENTER” means a single free standing or a collection of single free standing buildings, wherein three or more businesses are located, with no internal access thereto by patrons and employees. [Adopted 5/22/2000 - Z-2000-2]

“SHRUB” means any of the following:

1. A woody plant of less size than an small tree, and usually with several stems from the same root;
2. Perennial plants that reach at least three feet in height; and
3. Ornamental grasses that reach at least three 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.

“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, 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, 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.

“SIGN, GROUND” means a sign with not more than two faces supported by one or more uprights, poles or braces, the lowest surface of which is four feet or less above the surface of the ground, or a sign erected on a free-standing wall or monument with a solid continuous foundation.

“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, MARQUEE” means a sign attached to the underside, topside or face of a marquee roof over a walk or permanent awning.

“SIGN, POLE or PYLON” means a sign with not more than two faces that is affixed to one or more pylons or poles, designed configured in one of the following ways:

1. The combined width of the pole(s) or pylon(s) is less than 60 percent of the width of the sign face; and
2. Two poles support the sign face, one on each end, and the clearance under the sign is more than four feet.

“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, TEMPORARY” means any sign that is not a permanent sign, is intended for short-term display. Temporary signs sometimes contain graphics, text, or a combination of both to display:

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

“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.

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

“SINGLE-FAMILY ATTACHED” means:

1. Two 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
2. Two dwelling units that are designed so that individual units:
 - a. 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
 - b. Are separated from each other by a floor (*e.g.*, over-under duplexes).

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

1. Located in an individual building that is constructed on:
 - a. Individual lots; or
 - b. That is designated as a separate unit as part of a condominium plan;
2. Separated from each other by outside walls; and
3. 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) and have an insignia which has been issued by the Ohio Board of Building Standards pursuant to Ohio Admin. Code 4101:2-1-62(A). "Industrialized unit" does not include a "manufactured home" or "mobile home" as defined in this chapter. The term does not include patio/garden homes nor 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.

“SITE” means, for the purpose of telecommunications towers, antennas, and facilities only; how or in what manner such towers, antennas, and facilities may be situated on a lot, building, or structure. [Adopted 7/7/1997 – Z-1997-4]

“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:

1. Irrigations, catheterizations, application of dressings, and supervision of special diets;
2. 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;
3. Special procedures contributing to rehabilitation;
4. 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
5. 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.

“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.

“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 megawatts as defined in O.R.C 519.213.

“SOIL and WATER CONSERVATION DISTRICT” means an entity organized under Chapter 1515 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” means clearing, grubbing, grading, excavating, filling, 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.

“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:

1. 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
2. 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 is both:

1. 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
2. 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 18 percent 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.

“STORMWATER MANAGEMENT” means runoff water safely conveyed or temporarily stored and released at an allowable rate to minimize erosion and flooding.

“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 or ROAD” means the entire area within an improved street or road right-of-way, which is intended for use as a means of vehicular and pedestrian circulation, which provides access and frontage for an adjacent lot.

“STREET, ARTERIAL” means a street (or road) for through traffic movement, typically carrying heavy traffic volumes, usually on a continuous route. A secondary function is providing access to abutting property.

“STREET, COLLECTOR” means a street (or road) for through traffic movement, which intercepts traffic from intersecting local streets and directs traffic movement to the nearest arterial street, typically carrying medium traffic volumes. A secondary function is providing access to abutting property.

“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, LOCAL” means a street (or road) used primarily for direct access to abutting property and to serve localized needs, typically carrying light traffic volumes.

“STREET, LOOP” means a type of local street each end of which terminates at an intersection with the same arterial, collector, or local street.

“STREET, MARGINAL ACCESS” means a local or collector street providing access to abutting properties and protection from arterial or collector streets.

“STREET, PRIVATE” means any street right-of-way that is not dedicated to public use, and which is maintained by a private entity, such as a property owners' association.

“STREET, PUBLIC” means any street right-of-way that is publicly dedicated, and maintained by the state, county or township.

“STRUCTURAL ALTERATION” means any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

“STRUCTURE” means anything constructed or erected, the use of which requires a location on the ground or is attached to something having a location on the ground, and includes, but is not limited to, buildings, parking 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. [Adopted 12/17/2007 – Z-2007-1]

“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.

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

“SUBSTANTIAL RECONSTRUCTION” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent 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.

“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.

“SURFACE MINING” means all or any part of the process followed in the production of minerals from the earth or from the surface of the land by surface excavation methods such as open pit mining, dredging, placering, or quarrying and includes the removal of overburden for the purpose of determining the location, quantity or quality of mineral deposits. Surface mining does not include test or exploration' boring nor mining operations carried out beneath the surface of the earth by means of shafts, tunnels, or similar mine openings.

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

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

“TECHNICALLY SUITABLE” means the location of a wireless telecommunication antenna(s) reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna (s) has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss of communication capability within the developed areas of the Township. [Adopted 7/7/1997 – Z-1997-4]

“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. [Adopted 7/7/1997 – Z-1997-4]

“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. [Adopted 7/7/1997 – Z-1997-4]

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

1. *Standard Townhouse.* The term "standard townhouse" means that each unit shares a common wall along both stories.
2. *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.

“TOWNSHIP” means Bainbridge Township, Geauga County, Ohio

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

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

“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 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 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 12 to 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.

"TRUSTEE" means the board of trustees of the township.

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

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

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

“UNLICENSED WIRELESS SERVICE” means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct to home satellite services. **[Adopted 7/7/1997 – Z-1997-4]**

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

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

“VARIANCE” means a modification or departure from the terms of this Zoning Resolution, authorized by the Board of Zoning Appeals on appeal. **[Adopted 3/27/1993 – Z-1992-3]**

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

“VEHICLE REPAIR” means the repair, rebuilding, and reconditioning of vehicles, or farm implements including collision service, painting, and steam cleaning of vehicles.

A. **“VEHICLE and FARM MACHINERY SALES”** means the display, sale or lease of new and used vehicles and farm machinery as defined herein, including incidental warranty repair work but excluding all other repair work.

B. **“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.

“VEHICLE RENTALS and SALES” means uses that sells or rents automobiles, light trucks, boats, all-terrain vehicles, and motorcycles, where the inventory is stored for any length of time on-site. The use may also include Fueling Stations, Vehicle Wash, and Light Vehicle Service uses as an accessory use (*i.e.*, fleet maintenance or a service department). The use does not include body shops (*e.g.*, collision repair), paint booths, or reupholstering unless they are approved as principal uses on the same site.

“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 unit outside and independent of the principal building), which is accessible to the general public for the purposes of dispensing product or information.

“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 either 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.

“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.

“WALL SIGN” 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.

“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 are 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).

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

1. Lake: a waterbody greater than two acres.
2. Pond: a waterbody that is two acres or less.
3. River: a waterbody that is 20 feet or greater in width.
4. Stream: a waterbody is less than 20 feet in width.

“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).

“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:

1. Is a poisonous or venomous animal or snake, or a snake that is a constrictor;
2. Is an omnivorous or carnivorous animal weighing more than twenty pounds and which is a predator in its natural habitat;
3. 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;
4. Is an animal which makes noises with sufficient frequency and volume as to constitute a nuisance to persons in the vicinity of such animal;
5. Is an animal which emits such offensive odors as to constitute a nuisance to persons in the vicinity of such animal; or
6. 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.

“WIND ENERGY CONVERSION SYSTEM (WECS)” 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. A WECS may include equipment that is used for pond aeration and/or pumping water and may be free standing or attached to a building that supports the wind turbine. A single WECS, or multiple WECS's may be combined to create a small wind farm.

“WINDOW SIGN” 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.

“WIRELESS TELECOMMUNICATIONS ANTENNA” means an antenna designed to transmit or receive communications as authorized by the Federal Communications Commission (FCC), excluding an antenna for an amateur radio operator. [Adopted 7/7/1997 – Z-1997-4]

“WIRELESS TELECOMMUNICATIONS EQUIPMENT BUILDING” means the structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed. [Adopted 7/7/1997 – Z-1997-4]

“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.

“YARD” means an open area on the same lot with a building, which is unoccupied and unobstructed by any portion of the building from the ground upward, except as may otherwise be provided in this chapter, and may be further defined as:

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

“ZONING CERTIFICATE” means a document authorized by this Zoning Resolution and issued by the Zoning Inspector authorizing a building or structure or the use of a building, structure, land or premises.

“ZONING CERTIFICATE FOR A SIGN” means a Zoning Certificate permitting erection, construction, reconstruction, enlargement, extension, moving or alteration of a sign.

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

“ZONING DEPARTMENT” means the Zoning Department of Bainbridge Township, Ohio.

“ZONING DISTRICT MAP” means the Map established by and made part of this Zoning Resolution which indicates the boundaries and limits of the districts established by this Zoning Resolution.

“ZONING INSPECTOR” means the Zoning Inspector of the Zoning Department for Bainbridge Township, Ohio, or designee thereof, and whose duties include administration and enforcement of this resolution.

“ZONING MAP” means the official zoning map of the township, which shows the boundaries of the zoning districts, established in this resolution.