

## **CHAPTER 1000 - DEFINITIONS**

### INTERPRETATION OF TERMS OR WORDS

For the purpose of this resolution, certain terms or words used herein shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or cooperation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
4. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
5. The word "lot" includes the words "plot" or "parcel".
6. Any other terms not defined herein shall be as defined by the Ohio Revised Code (ORC), or if not such definition exists therein, as commonly used in the community.

**ACCESSORY STRUCTURE** - A detached subordinate building that is located on the same lot as a principal building and not used or designed for human occupancy; and the use of which is clearly incidental to the use of the land or to the use for human occupancy.

**ACCESSORY USE** - A use of land or buildings related to the primary use, which use is clearly subordinate to the principal use of the land or buildings, and which is not used for human occupancy.

**ADMINISTRATIVE OFFICES** - Any office for which the purpose is conducting management or employment; executive functions.

**ADULT ARCADE** – Any place to which the public is permitted or invited in which coin operated, slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and in which the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

**ADULT BOOKSTORE** – “adult novelty store” or “adult video store” means a commercial establishment that, for any part of consideration, has as a significant or substantial portion of its stock-in-trade in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental of any of the following:

1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides or other visual representations, that are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas;
2. Instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.
3. Adult bookstore, adult novelty store, or adult video store includes a commercial establishment as defined in section 2907.38 of the Revised Code. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials exhibiting or

describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, or adult video store. The existence of other principal business purposes does not exempt an establishment from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental for some form of consideration, such materials that exhibit or describe specified sexual activities or specified anatomical areas.

ADULT CABERET – A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:

- A. Persons who appear in a state of nudity or semi nudity.
- B. Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities;
- C. Films, motion pictures, videocassettes, slides, or other photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

ADULT ENTERTAINMENT – An adult arcade, adult bookstore, adult novelty store, adult video store, adult caberet, adult motion picture theater, adult theater, nude or semi nude model studio, or sexual encounter establishment. An establishment in which a medical practitioner, psychologist, psychiatrist or similiar professional person licensed by the state engages in medically approved and recognized therapy including, but not limited to, massage therapy, as regulated pursuant to section 4731.15 of the Revised Code, is not an adult entertainment establishment.

ADULT MOTION PICTURE THEATER – A commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

ADULT THEATER – A theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or semi nudity or live performances that are characterized by their emphasis uon the exposure of specified anatomical areas or specified sexual activities.

AGRICULTURE - For use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce provided, however that:

1. The operation of any such accessory uses shall be secondary to that of normal agricultural activities, and
2. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within 100 feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feed yard.

AIRPORT - Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings, and open spaces.

ALLEY - Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

ALTERATION - Any change in the nature of the use of land and/or buildings; and includes any change in supporting members, beams, bearing walls, column or girders which would tend to prolong the life of the building or use; but not including normal maintenance and repair.

ANIMAL HUSBANDRY - The branch of agriculture which is concerned with farm animals, especially in

regards to breeding, judging, care and production.

**APARTMENT** - Is a room or suite of rooms in a multi-family building arranged and intended as a place of residence for a single family or a group of individuals living together as a single housekeeping unit as herein defined.

**APARTMENT HOTEL** - Is a building designed for or containing both dwelling units and individual guest rooms or suites of rooms, which building may include any accessory use, such as a cigar store, coffee shop, etc. permitted in a hotel as defined herein, provided such uses are accessible only from the lobby.

**ASSISTED LIVING** - See dwelling, multi-family.

**AUTOMOBILE SERVICE STATION** - A building or buildings, structures and adjoining space used for supplying gasoline or oil at retail direct to the motoring public from fixed equipment into the fuel supply tanks of motor vehicles: including minor accessories and services for automobiles conducted wholly within an enclosed building.

**AUTO/TRUCK & EQUIPMENT REPAIR STATION** - The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

**AUTOMOTIVE, MOBILE HOMES, TRAVEL TRAILER AND FARM IMPLEMENT SALES** - The sale or rental of new and used motor vehicles, mobile homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

**AUTO WRECKING/JUNKYARDS/SALVAGE YARDS** - Land or buildings where waste and/or recycles or discarded, used property and materials are accumulated and are or may be salvaged for reuse or resale; including, but not limited to automobiles, farm equipment, mobile homes, travel trailers, truck and/or parts thereof.

BAKERY - A shop where bread, cake, pastry, etc. are sold at retail.

BARBER. BEAUTY SHOP, TANNING SALON - An establishment for the hairdressing, manicuring, cosmetic treatment, etc. of men and women.

BASEMENT - A story partly or wholly underground, where no more than one-half the height of the story is above the average level of the adjoining ground.

BED/BREAKFAST - See Hotel/Motel.

BOARD - The Board of Zoning Appeals of Ballville Township.

BUILDING - A roofed "structure" for the shelter, support, enclosure or protection of persons, animals, or property; where each part of such a structure that is separated from the rest by unbroken party walls is a separate building for the purposes of this resolution. Where the building is located on sloping terrain, the height may be measured from the average ground level of the grade at the front building wall, unless otherwise defined herein.

BUILDING AREA - The horizontally-protected area of any building on a lot within the building line.

BUILDING HEIGHT - The vertical distance measured from the average level of the finished grade at the front of the building to the highest point of a flat roof; to the decline of a mansard roof or to the ridges of a gable, hip, or gambrel roof.

BUILDING LINE - The line that is defined by the setback requirements of the zoning district measured from the lot lines. No part of a principal building may extend beyond this line.

BUILDING, PRINCIPAL - A building in which is conducted the main or principal use of the lot on which said building is situated.

BUSINESS, LOCAL - Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectional influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pick-up facilities, and grocery stores, if less than 5,000 square feet in floor area. Uses in this classification tend to serve a day-to-day need in the neighborhood.

BUSINESS, GENERAL - Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day-to-day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture; department stores; discount stores; business services; auto and truck sales and service; auto service stations; and similar activities.

BUSINESS, WHOLESALE - Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

CATERING BUSINESS - A business in which food or entertainment is furnished.

CEMETERY - Land use or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

CHURCH - A building whose sole purpose is for religious worship, to conduct a religious service for a person or persons, regular religious services; public worship.

CLINIC (MEDICAL) - A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but shall not include board and room or overnight on the premises accommodations.

CLUB - Is an organization of persons for special purposes or for the promotion of sports, arts, sciences, literature, politics, social activities and other similar group activities.

COMMERCIAL ENTERTAINMENT FACILITIES - Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

COMMISSION - The Board of Zoning Commission of Ballville Township.

COMPOST STRUCTURE - An accessory structure designed and built for the specific purpose of composting vegetable matter, excluding animal or human waste, size not to exceed 6 feet cubed in a residential area and a non-restrictive limitation in an agricultural, business or industrial zone.

COMPREHENSIVE DEVELOPMENT PLAN - A plan, or any portion thereof, adopted by the Planning Commission and the legislative authority of the County of Sandusky showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

CONDITIONAL USE - See Special Use.

CONDOMINIUM - Condominium means property in which one or more individually-owned dwelling units are contained within a single building or buildings, and the units are offered together with common ownership of land. For purposes of determining lot and building requirements and the approval process for the building containing dwelling units, refer to Chapter 400. The condominium shall also comply with the declaration and other requirements of the appropriate chapter (s) of the Ohio Revised Code (ORC),

CORNER LOT - See Lot.

COUNTRY CLUB - A club or sporting facility in the outskirts of a community which may have a clubhouse, grounds, and facilities for outdoor sports.



DAIRYING - The business of producing or selling dairy products.

DAIRY FARM - Any place or premises where one or more cows or goats are kept and from which milk or milk products are provided, sold, or offered for sale to a milk plant, receiving stations, or transfer station.

DAY CARE CENTER - See Nursery, Nursing Homes.

DENSITY - A unit of measurement; the number of dwelling units per acre of land:

1. Gross Density or Acreage - the number of dwelling units per acre of the total land to be developed, excluding peripheral street rights-of-way.
2. Net Density or Acreage - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding all street and utility rights-of-way and easements.

DETACHED BUILDING - A building that has no structural connection with another building.

DEVELOPMENT - Is the construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

DISTRICT - Is the portion of the unincorporated area of the township within which certain regulations and requirements or various combinations thereof apply under the provisions of this resolution.

DRIVE-IN/DRIVE-THRU/CARRYOUT - An establishment selling foods, frozen desserts or beverages to consumers. The establishment being designed, used or intended to be used for the consumption of such items on the premises outside of the building in which they are prepared.

DRUG STORE - A building where prescriptions are compounded, and drugs and miscellaneous merchandise are sold; a pharmacy.

DWELLING - Any building or structure (except a house trailer or mobile home as defined by the Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

DWELLING, CONVERTED - Is a dwelling altered to change the number of dwelling units.

DWELLING, MULTI-FAMILY - A dwelling consisting of three or more dwelling units including condominiums with varying arrangements or entrances and party walls. Multi-family housing may include public housing, industrialized units, and assisted living.

DWELLING, ROOMING HOUSE - (Boarding House, Lodging House, Dormitory): A dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

DWELLING, SINGLE FAMILY - A dwelling consisting of a single dwelling unit only designed exclusively for occupancy by one family; separated from other dwelling units by open space.

DWELLING, TWO-FAMILY - 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.

DWELLING UNIT - Space, within a dwelling, comprising living, dining, sleeping room (s), storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only on family and its household employees.

EASEMENT - Authorization by a property owner for the use by another, and for a specified purpose, of any designed part of this property.

ERECTED - For the purpose of this resolution shall include built, constructed, altered, reconstructed, moved upon, or any physical operation on the premises, including excavation, fill and/or drainage.

ESSENTIAL SERVICES - Is the erection, construction, alteration or maintenance by public utilities, county or township of underground, surface, or overhead gas, electrical, telephone, telegraph, steam/fuel/water, transmission or distribution system, collection, communication, supply or disposition system, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accesses in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or political units for the general health, safety, welfare.

EXCAVATION - Is any breaking of ground, except common household gardening and ground care or tilling for agricultural purposes.

EXOTIC ANIMALS - Animals belonging by nature or origin to another part of the world; brought in from abroad; an animal not native to the United States.

**FAMILY** - One or more persons living as a single housekeeping unit, but not including an unrelated group of more than six persons or a group occupying a hotel, motel, club, nurses' home, dormitory, fraternity or sorority house, or institution.

**FARM ANIMALS** - Animals belonging by nature on a farm; animals the use of which is for husbandry.

**FARMING** - The business of operating a farm; pertaining to farms; engaged in, suitable for, or use for agriculture.

**FARM MARKET, ROADSIDE STANDS** - A structure permitted in conjunction with an agricultural use where fifty (50%) percent or more is derived from produce raised on farm (s) owned or operated by the market owner/operator; size, parking areas, building setback line, ingress/egress must comply with the zoning resolution.

**FENCE** - See definition of "Structure". A fence is however exempt from all setback requirements for both side and rear yard, but does require a permit.

**FERTILIZER MIXING** - The process of making a substance such as manure or a chemical mixture for the use and purpose of making soil more capable of sustaining abundant growth.

**FINANCIAL INSTITUTION** - A building, business, institution pertaining to those dealing professionally with money and credit.

**FLOODPLAIN** - That land, including the flood fringe and the floodway, subject to inundation by the 100-year flood as defined by the U.S. Army Corp of Engineers and/or the Sandusky County Regional Planning Commission.

**FLOODWAY** - That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less-frequent recurrence are usually contained completely within the floodway.

**FLOODWAY FRINGE** - That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

**FOOD PROCESSING** - The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

**FRATERNAL ORGANIZATIONS, LODGES** - A structure used for an organization for the attainment of some mutual benefit.

**FREIGHT TERMINAL** - A station for freight that is central to a considerable area or serves as a junction at any point with other lines.

**FRONT LINE** - With respect to a building, means the foundation line that is nearest the front lot line.

FRONT LOT LINE - See Lot Frontage.

FRONT YARD - See Yards.

FLOOR AREA, GROUND - The living area of a building in square feet, as measured in a horizontal plane at the ground floor level within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, overhangs, and exterior stairways.

FLOOR AREA, TOTAL - The living area of a building, in square feet, as measured in a horizontal plane at all floor levels within their largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, overhangs, and exterior stairways.

**GARAGE\YARD SALE (Private)** - The on-premises sale of unwanted and useable household goods and/or articles. The sale may not exceed a maximum of four (4) days consecutive per calendar month, and not to exceed twelve (12) days (total) per year. Control of noise, traffic, and parking are the responsibility of the person/persons conducting the sale.

**GOLF COURSE** - The course over which a game of golf is played.

**GROCERY** - A store that deals in supplies for the table, as sugar, tea, coffee, spices, country produce; other household articles.

**GARAGE, COMMERCIAL PARKING** - Is a building or other structure which is used for the storage or parking of motor vehicles. A commercial parking garage may include the dispensing of motor fuels, lubricants, air, water and other operating commodities wholly within the building, but not readily visible from or advertised for sale on the exterior of the building. However, a commercial parking garage shall not include a building or other facility used for auto repair or primarily for storage of commercial vehicles or for dead storage of vehicles.

**GARAGE, PRIVATE** - Is an accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is an accessory.

**GARAGE, SERVICE** - Is any building used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

**GRADE (GROUND LEVEL)** - Is the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, the above ground level shall be measured at the sidewalk, unless otherwise defined herein.

**GRAIN ELEVATOR** - A building or structure for elevating, storing, discharging, and processing grain.

**GREENHOUSES** - See Nursery, Plant Materials.

HAZARD - Expose to, exposing to, or involving danger or risk or loss. (Accident, casualty, chance, contingency, danger, fortuity, jeopardy, peril, risk, venture)

HELIPORT - See Airport.

HISTORICAL MOTOR VEHICLE - Any motor vehicle of the age of 25 years or more which is defined pursuant to the Ohio Revised Code Section 4501.01 (g) and eligible for a collector's license pursuant to Section 4503.45 of the Ohio Revised Code.

HOME OCCUPATION - An occupation conducted as a secondary activity to a dwelling unit.

HOSPITAL - An institution for the reception, care and medical treatment of the sick or wounded; the building used for the purpose; an inn or hospice.

HOTEL/MOTEL AND APARTMENT HOTEL - A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

**INDUSTRIAL PARK** - A tract, parcel, acreage of land for the use and intent of engaging in industry; denoting the processes or products of manufacture.

**INDUSTRIALIZED UNIT** - A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction needs to form a completed structural entity. "Industrialized unit" does not include a manufactured or mobile home as defined herein.

**INSTITUTIONS** - Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling or other correctional services.

**INSTITUTION (NON-MEDICAL)** - A building occupied by a corporate body.

**INSURANCE** - A building, business, or system by which pecuniary indemnity is guaranteed by one party to another party in certain contingencies as of death, accident, damage, disaster, injury, loss, old age, risk, sickness, etc.

JUNK MOTOR VEHICLE - Means a motor vehicle that meets all of the following criteria:

1. three model years old, or older;
2. apparently inoperable;
3. extensively damaged, including, but not limited to any of the following:
  - a. missing wheels,
  - b. tires,
  - c. engine,
  - d. transmission
4. having a fair market value of \$1,500 or less as determined by the Zoning Inspector (Ohio Revised Code 505.17.3, 4513.63, 4513.65).

JUNK YARD - See Auto Wrecking/Junkyards/Salvage Yards.

LANDSCAPING - See Nursery, Plant Materials.

LAUNDROMAT - A commercial establishment where the customer brings laundry to be washed and dried in coin operated automatic machines.

LOADING SPACE/OFF-STREET - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

Required off-street parking loading spaces are not to be included as an off-street parking space in computation of required off-street parking space.

All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

LODGING HOUSE - A building, not available to transients, in which lodging is regularly provided for compensation and by pre-arrangement for a definite period of time where meals or lodging/meals are provided for at least three (3) but not exceeding ten (10) sleeping rooms.

LOT - For the purposes of this resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements or use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record,
2. A portion of a lot of record,
3. A combination of complete lots of record, of complete lots and portions of lots of record, or of portions of lots of record.

LOT COVERAGE - The ratio of enclosed ground floor area of all buildings on a lot to the horizontally-projected area of the lot, expressed as a percentage.

LOT DEPTH - The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

LOT FRONTAGE - The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

LOT, MINIMUM AREA OF - The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

LOT OF RECORD - A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES - Terminology used in this Resolution with reference to corner lots, interior lots, and through lots is as follows:

1. CORNER LOT - A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street (s) shall be considered a corner lot if straight lines drawn from the foremost point of the side lot lines to the foremost point of the lot meet at an interior angle or less than one hundred and thirty-five (135) degrees.
2. INTERIOR LOT - A lot with only one (1) frontage on a street.
3. THROUGH LOT - A lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage lots.
4. REVERSED FRONTAGE LOT - A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

LOT WIDTH - The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the lot frontage. For lots fronting on a cul-de-sac, the lot is measured at the interior limit of the front yard (building setback line). Lot width for lots in the Agricultural District is measured at the front yard lines parallel to the street.

LUMBER MILL - An establishment that processes logs into lumber for wholesale or retail sales.

LUMBER YARD - An establishment that sells lumber and other building materials from a yard.

**MAILING SERVICE** - A business system for the handling of letters, magazines, and other printed material, parcels, consigned and sent from place to place.

**MANUFACTURING** - Manufacturing, processing, assembly, extracting, storing, testing, other similar industrial uses which may require large sites, open storage and service areas, access to transportation; and may generate limited nuisances, but not beyond the district boundary.

**MARINAS AND RELATED ACTIVITIES** - A basin or safe anchorage for small vessels; especially, one at which provisions, supplies, may be obtained.

**MEDICAL INSTITUTION** - An institution pertaining to the practice of medicine; curative techniques.

**MANUFACTURED HOME** - A building unit or assembly of closed construction fabricated in an off-site facility, that conforms 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," and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.

**MANUFACTURED HOME PARK** - Any site, or tract of land under single ownership, upon which three or more mobile homes for habitation are parked, either free-of-charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. [See Mobile Home Park Regulations - Section 340].

**MOBILE HOME** - A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than 35 body feet in length, or when erected on site, is 320 or more square feet, that is built on a permanent chassis and is transportable in one or more sections and does not qualify under this resolution's definition of a manufactured home or industrialized unit.

**MONUMENT BUSINESS** - See Professional Services.

**NON-CONFORMITIES** - A building, structure, or use of land existing at the time of enactment of this Resolution, and which does not conform to the regulations of the district or zone in which it is situated.

**NOXIOUS WEEDS** - Brush, briars, burrs, vines, multiflora rose, Russian, Canadian, or common thistles, wild lettuce, wild parsnip, wild carrots, wild mustard, oxeye daisies, ragweed, milkweed, and ironweed are all defined as weeds by Ohio law. As used in the Ohio Revised Code 5579.04 through 5579.08, “noxious weed” means shatter cane (*sorghum bicolor*), Russian thistle (*salsola kali* var. *tenuifolia*), or any plant designated a prohibited noxious weed by the Director of Agriculture. Abatement of noxious weeds on land in a district zoned for residential use shall be the responsibility of the Zoning Inspector.

**NUDE OR SEMINUDE MODEL STUDIO** – Any place where a person, who regularly appears in a state of nudity or semi nudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

A modeling class or studio is not a nude or seminude model studio and is not subject to this resolution if it is operated in any of the following ways.

- A. By a college or university supported entirely or partly by taxation;
- B. By a private college or university that maintains and operates educational programs, the credits for which are transferable to a college or university supported entirely or partly by taxation;
- C. In a structure that has no sign visible from the exterior of the structure and no other advertising indicating that a person appearing in a state of nudity or semi nudity is available for viewing, if in order to participate in a class in the structure, a student must enroll at least three days in advance of the class and if not more than one nude or seminude model is on the premises at any one time.

**NUISANCE FACTOR** - Is an offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as: noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people, particularly at night, passing traffic, invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities; or harm, injury, annoying, unpleasant, obnoxious; a wrongful act that results in an unreasonable interference with the use and enjoyment of property:

- a. dependent on the character of the area of the land use.
- b. factor of land use/purchase: grandfathered agricultural use in a residential area vs. a residential district with the land purchase being for agricultural use intent.
- c. compliance with zoning resolution being a factor in a nuisance element.

**NURSERY, NURSING HOMES** - A home or facility for the care and treatment of babies, children, pensioners, or elderly persons. A small private hospital.

**NURSERY, PLANT MATERIALS** - Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

**OPEN SPACE** - An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the Board of Township Trustees deem permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

**ORPHANAGE** - A building or institution for the care of a child or children whose parent or parents are unable to care for them due to personal difficulty or death.

PAINTBALL - See Country Clubs.

PARKING SPACE, OFF-STREET - For the purpose of this ordinance (Resolution) an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly-related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

PATIO-DECK - A patio is a structure at ground level and a deck is a non-permanent structure at above-ground level. The ground level structure does not require a permit. The structure being six (6) inches or more above grade or ground level requires a permit. Porches included.

PERMANENT FOUNDATION – A permanent masonry substructure of a building whose exterior walls, bearing walls, columns and piers shall be supported on continuous solid masonry or concrete footings, wood foundations or other approved structural systems which shall be of sufficient design to support safely the loads imposed as determined from the character of the soil, and shall in all cases extend below the frost line to which a manufactured or mobile home may be affixed (taken from CABO codes.)

PERMANENTLY SITED MANUFACTURED HOME – Is a manufactured home that meets all of the following criteria:

1. the structure is affixed to a permanent foundation and is connected to appropriate facilities.
2. the structure, excluding any addition, has a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area of at least 1000 square feet, excluding garages, porches, or attachments,
3. the structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six inch minimum eave overhang, including appropriate guttering.
4. the structure was manufactured after January 1, 1995,
5. the structure is not located in a manufactured home park.

PERSONAL SERVICES - See Professional Services.

PLANNED UNIT DEVELOPMENT - An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to landscaping plans.

PLAYGROUND EQUIPMENT - Swing sets, slides, gyms, not to exceed twelve (12) feet in height and 100 square feet as defined by the outside perimeter. For the purposes of this ordinance, treehouses and/or playground structures with roofs are considered playground equipment.

POND - Means a body of water, of which none of the excavated material has been removed from the site for commercial purposes and is used for the following purposes: to provide water for the livestock, fish, and wildlife, recreational uses, swimming, and/or fire protection.

PRINCIPAL BUILDING - The building in which the principal use of the lot on which it is located is conducted, including a building that is attached to such a building in a substantial way, such as by a roof and walls.

PRIVATE GARAGE - A garage whose principal use is to house motor vehicles for the accommodation of related dwelling units or related business establishments, located on the same lot as the principal uses.

PRIVATE RESIDENTIAL SWIMMING POOL – Any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving or bathing which is located a principal dwelling with no more than three families and used exclusively by the residents and their nonpaying guests.

PROFESSIONAL SERVICES - The use of offices and related spaces for such professional activities and services as provided by medical practitioners, lawyers, architects, engineers, monument sales, personal services and similar professions.

PUBLIC BUILDINGS/USES - Public parks, schools, administrative and cultural buildings are structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

PUBLIC SWIMMING POOL – Any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving or bathing that is intended to be used collectively for swimming, diving or bathing and is operated by any person whether as the owner, lessee, operator, licensee, or concessionaire, regardless of whether or not a fee is charged for the use, but does not mean any public bathing area or private residential swimming pool.

PUBLIC UTILITY COMPANY - See Public Use.

**RECREATION CAMP** - An area of land on which two or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

**RECREATION FACILITIES** - Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include but need not be limited to hunting, fishing, riding clubs, and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

**REGULARLY FEATURES OR REGULARLY SHOWN** – A consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the adult entertainment establishment.

**RETENTION BASIN** - Means an enclosure designed to retain storm water during designated flood interval storms. Retention basins are not designed to hold water permanently and are required to be designed by an engineer as a part of an overall drainage plan for a subdivision, condominium, or commercial/industrial development.

**RIGHT-OF-WAY** - A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities; and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

**ROOMING HOUSE, DORMITORY** - See Lodging House.

SANITARIUM - A health retreat, institution for treatment of disease; care of invalids.

SATELLITE DISH ANTENNA - A structure erected and/or placed on one's property for the purpose of receiving television transmission signals [Refer to Sections 330-333]

SCHOOL - An educational institution; place in which formal instruction is given; a body of disciples of a teacher or system; means of instruction or training; subject to rule or discipline.

SEMINUDE OR STATE OF SEMI NUDITY – A state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

SEXUAL ENCOUNTER ESTABLISHMENT – A business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where either of the following occur:

- A. Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.
- B. Two or more persons appear nude or seminude for the purpose of displaying their nude or seminude bodies for their receipt of consideration or compensation in any type or form.

An establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State engages in medically approved and recognized therapy, including but not limited to, massage therapy, as regulated pursuant to section 4731.15 of Revised Code, is not a sexual encounter establishment.

SETBACK LINE - A line established by the Zoning Resolution, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said code. [See Yard and Building Line]

SIGN - Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

1. SIGN, ON-PREMISES - Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
2. SIGN, OFF-PREMISES - Any sign unrelated to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
3. SIGN, ILLUMINATED - Any sign illuminated by electricity, gas or other artificial light including reflecting or phosphorescent lights.
4. SIGN, LIGHTING DEVICE - Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
5. SIGN, PROJECTING - Any sign which projects from the exterior of a building.

SPECIAL USE - A use permitted within a district other than a principally permitted use, requiring a Special Use Permit and approval of the Board of Zoning Appeals. Special Uses permitted in each district are listed in Chapter 300 herein.

SPECIAL USE PERMIT - A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

SPECIFIED ANATOMICAL AREAS – The cleft of the buttocks, anus, male or female genitals, or the female breast.

SPECIFIED SEXUAL ACTIVITY – Any of the following:

- A. Sex acts, normal or perverted, or actual or simulated, including intercourse, oral copulation, masturbation or sodomy.
- B. Excretory functions as a part of or in connection with any of the activities described in subsection (A) above.

STABLE - For the keeping of horses, etc. for the use of the residents of the principal use and shall include the keeping of horses, etc. for others.

STREET, ROAD OR THOROUGHFARE - The full width between property lines bounding every public way or whatever nature with apart thereof to be used for vehicular traffic and designated as follows:

1. ALLEY - See “A” definition section of this zoning resolution.
2. ARTERIAL STREET - A general term denoting a highway primarily for through traffic, carrying heavy loads and volume of traffic, usually on a continuous route.
3. COLLECTOR STREET - A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets including the principal entrance and circulation routes within residential subdivisions.
4. CUL-DE-SAC - A local street relatively short in length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. DEAD-END STREET - A street currently having only one inlet/outlet for vehicular traffic which may be extended or continued in the future.
6. LOCAL STREET - A street primarily for providing access to residential or other abutting property.
7. MARGINAL ACCESS STREET - A local or collector street parallel and adjacent to an arterial or collector, providing access to abutting properties and protection from arterial or collector streets. [Also called Frontage Street]

STRUCTURE - Anything constructed or erected, the use of which requires location on the ground or below the ground, or attachment to something having a fixed location on the ground or below the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and swimming pools.

SWIMMING POOLS - A pool, pond, lake, or open tank containing at least 1.5 feet in depth of water at any point and maintained by the owner or manager [See Section 484]. See “P” for private residential swimming pool/public swimming pool.

1. PRIVATE - Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel/hotel; and accessory use.
2. COMMUNITY - Operated with a charge or admission; a primary use.

**TELECOMMUNICATIONS TOWER** – A telecommunications free standing structure typically higher than its diameter and high relative to its surroundings that may stand apart or be attached to a larger structure, and that may be fully walled in or of skeleton framework; the use of which is for the technological transmission of information (ORC 519.211).

**TEMPORARY** - Lasting for a limited time.

**TEMPORARY BUILDINGS** – A temporary building(s) is a structure (s) that is not designed to be permanently constructed in a specific point location. Only the temporary buildings and structures as stated in Section 335 shall be permitted

**TRACTOR-TRAILER** - A vehicle without automotive power designed to be coupled with a cab or tractor and used to haul freight, household goods, equipped to serve as living quarters.

**TRAVEL AGENCY** - A building, business for the purpose of scheduling, booking travel for profit.

**TRAVEL TRAILER** - A vehicle or other portable structure 30 feet or less in length that is designed to move on the highway and designed or used as a temporary dwelling.

**TRAVEL TRAILER PARK** - An area of land on which two or more travel trailers are regularly accommodated with or without charge, including any buildings, structures, or fixtures or equipment that is used or intended to be used in connection with providing such accommodations.

**TRUSTEES** - The Board of Trustees of Ballville Township.

UPHOLSTERY - materials such as fabric, padding, and springs used to make a soft covering for a seat, furniture, etc.

UTILITY TRAILER - A portable trailer 30' or less in length; designed to move on the highway.

VARIANCE - A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

VETERINARY MEDICINE - A business pertaining to the diseases or injuries of animals, and to their treatment by medical or surgical means.

**YARD** - A required open space other than a court, unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility. [Also Building Line and Setback Line]

1. **YARD, FRONT** - A yard extending between side lot lines across a lot and from the road right-of-way line to the front building line. [On Corner Lots, See Section 471]

Example: Minimum of 30 feet from the road right-of-way line or 60 feet from the road centerline, whichever is greater.

2. **YARD, REAR** - A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the building line.
3. **YARD, SIDE** - A yard extending from the building line to the side lot line between the lines establishing the front and rear yards.

**ZONING INSPECTOR** - Is the administrative official responsible for the administration and enforcement of this zoning resolution.

**ZONING PERMIT** - A document issued by the Zoning Inspector and authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.