

## ARTICLE 2: DEFINITIONS

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200 INTERPRETATION OF TERMS OR WORDS.

## ARTICLE 2

### DEFINITIONS

#### 200 INTERPRETATION OF TERMS OR WORDS:

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

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation 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, and 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."

## A

### **ACCESSORY USE OR STRUCTURE:**

Accessory Use means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "Accessory Use" includes anything of a subordinate nature attached to or detached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards. Except as otherwise required in this Ordinance, an accessory use shall be a permitted use.

### **ACTION:**

Approval, approval with conditions, or disapproval by the Planning Commission of a subdivision application filed in accordance with these regulations.

### **ADULT ENTERTAINMENT BUSINESS:**

An adult bookstore, adult motion picture theater, adult dive-in motion picture theater, or an adult only entertainment establishment as further defined in this Article.

### **ADULT BOOK STORE:**

An establishment which utilizes fifteen (15) percent or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, or other periodicals, films, tapes, cassettes, compact discs, CD-ROMs, and/or any other devices which are distinguished by their emphasis on adult materials as defined in this Article.

### **ADULT MOTION PICTURE THEATER:**

An enclosed motion picture theater which is regularly used or utilizes fifteen (15) percent or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this Article.

### **ADULT MATERIAL:**

Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, or other tangible thing, or any service, capable of arousing interest

through sight, sound, or touch, which is deemed "harmful to juveniles," if it is offensive to prevailing standards in the adult community with respect to what is suitable for juveniles, and if any of the following apply:

1. It tends to appeal to the prurient interest of juveniles;
2. It contains a display, description, or representation of sexual activity, masturbation, sexual excitement, or nudity;
3. It contains a display, description, or representation of bestiality or extreme or bizarre violence, cruelty, or brutality;
4. It contains a display, description, or representation of human bodily function of elimination;
5. It makes repeated use of foul language;
6. It contains a display, description, or representation in lurid detail of the violent physical torture, dismemberment, destruction, or death of a human being; and
7. It contains a display, description, or representation of criminal activity that tends to glorify or glamorize the activity, and that, with respect to juveniles, has a dominant tendency to corrupt.

#### **ADULT MOTION PICTURE DRIVE-IN THEATER:**

An open air drive-in theater which is regularly used or utilizes fifteen (15) percent or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to adult material as defined in this Article.

#### **ADULT ONLY ENTERTAINMENT ESTABLISHMENT:**

An establishment where the patron directly or indirectly is charged a fee where the establishment features entertainment or services which features exhibitions, dance routines, or gyration choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators, or similar entertainment or services which constitute adult material.

#### **AGRICULTURE:**

The 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 and sheltering of animals or poultry in penned enclosures within one-hundred (100) feet of any residential

zoning district. Agriculture does not include the feeding of garbage to animals or operation or maintenance of a commercial stockyard or feedyard.

**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, hangers, and other necessary buildings, and open spaces.

**ALLEY:**

A permanent public right-of-way providing secondary access to the rear or side of abutting property.

**ALTERATION, STRUCTURAL:**

Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

**AMUSEMENT ARCADE:**

A place of business within a building or any part of a building having more than five (5) mechanical or electronically operated amusement devices which are used for the purpose of public entertainment through the operation, use or play of any table game or device commonly known as an electronic game which is operated by placing therein any coin, plate, disc, slug, key, or token of value by payment of a fee.

**ASSEMBLY HALL:**

A public or quasi-public meeting place associated with a community center, church (temple), school, or other government building.

**AUTOMOTIVE REPAIR:**

The repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision services, painting, and steam cleaning of vehicles.

**AUTOMOTIVE, MANUFACTURED HOME, RECREATIONAL VEHICLE, AND FARM IMPLEMENT SALES:**

The sale or rental of new and used motor vehicles, manufactured homes, recreational vehicles, or farm implements, but not including repair work except incidental warranty repair of the same, to be displayed and sold on the premises.

**AUTOMOTIVE WRECKING:**

The dismantling or wrecking of used motor vehicles, manufactured homes, and recreational vehicles, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**AUTOMOBILE GRAVEYARD:**

Any establishment or place of business which is maintained, used or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts that is surrounded by a fence or barrier at least six feet in height, constructed of non-transparent material, and maintained so as to obscure the property from the ordinary view of persons as stated in Section 4513.63 of the Ohio Revised Code.

**AVERAGE DAILY TRAFFIC:**

The average number of vehicles per day that pass over a given point in the street or highway.

## **B**

### **BANNER:**

Any sign of light weight fabric or similar material that is mounted to a pole or building at one or more edges. (Flags excluded).

### **BASEMENT:**

A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

### **BED AND BREAKFAST:**

A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the bed and breakfast shall live on the premises or in adjacent premises.

### **BLOCK:**

The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

### **BOTTOMLESS:**

Less than full opaque covering of male or female genitals, pubic area, or buttocks.

### **BRIDGE:**

A structure having a clear span equal to or greater than ten (10) feet designed to convey vehicles and/or pedestrians over a watercourse, railroad, public or private right-of-way, or any depression.

### **BUFFER AREA:**

A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or zoning districts from one another.

### **BUILDING:**

Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

### **BUILDING, ACCESSORY:**

A building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

**BUILDING, HEIGHT:**

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest points of the roof for flat roofs, to the deck line of mansard roofs and the mean height between eaves and ridge for gable, hip, and gambrel roofs.

**BUILDING LINE**

See Setback Line item E:

**BUILDING, PRINCIPAL:**

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

**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 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; and discount stores.

## C

### **CAMPGROUND:**

See Recreation Camp

### **CANOPY SIGN:**

Any sign that is part of or attached to an awing, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

### **CATCH BASIN:**

An inlet designed to intercept and redirect surface waters.

### **CELLAR:**

That portion of the building wholly below, or with less than half of its ceiling height above the average finished grade of the ground adjoining the building.

### **CEMETERY:**

Land used or intended to be used for the burial of 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.

### **CHANNEL:**

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

### **CHILD DAY-CARE:**

Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a place or residence other than the child's own home. The following are child day-care facilities as described in Section 5104.01 of the Ohio Revised Code:

1. Child Day-Care Center - Any place in which child day-care is provided, with or without compensation, for thirteen (13) or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for seven to twelve children at any one time. In counting children for the purposes of this

definition, any children, under six years of age, who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

2. Type A Family Day-Care Home - A permanent residence of the administrator in which child day-care is provided for four to twelve children at any one time if four or more children are under two years of age. In counting children for the purpose of this definition, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A Family Day-Care Home" does not include a residence in which the needs of children are administered to, if all such children are siblings for the same immediate family and the residence is their home.

**CHURCH (TEMPLE):**

A building designated as a place of worship by one or more religious denominations. The acreage involved may include one parsonage and/or a church school. All churches shall be located on a major State, County, or Village highway.

**CLINIC:**

A place used for the care, diagnosis and treatment of sick, ailing, surgical attention, but who are not provided with board or room or kept overnight on the premises.

**CLUB:**

A building or portion thereof or premises owned or operated by a person for social, literary, political, educational, or recreational purposes primarily for the exclusive use of members and their guests.

**COMMERCIAL:**

See Business, General.

**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.

**COMMUNICATION ANTENNA:**

An antenna system designed to transmit or receive communications as authorized by the Federal Communications Commission (FCC), excluding amateur radio operator's antennas.

**COMMUNICATION TOWER:**

A tower, including but not limited to, self-supporting lattice or monopole, which elevates the wireless communication antenna and may include accessory transmission and receiving equipment.

**COMMUNITY CENTER (NEIGHBORHOOD):**

A structure in a neighborhood and designated as a meeting place or adult recreation parlor. This structure can be part of a picnic area. The center shall be administered by a unit of local government or by a responsible homeowners association for the neighborhood or subdivision in which it is located.

**COMPREHENSIVE DEVELOPMENT PLAN:**

A plan, or any portion thereof, adapted by the village Planning Commission, showing the general location and extent of present and proposed physical facilities including: Housing, industrial and commercial uses, major thoroughfare, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the village.

**CONDITIONAL USE:**

A non-transferable use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Official Schedule of Conditional Uses (see Article 5).

**CONDITIONAL 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.

**CONDOMINIUM:**

A building or group of buildings in which units are individually owned but the structure, common areas, and facilities are owned on a proportional, undivided basis by all of the owners.

**CONVENIENCE STORE:**

Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

**CORNER LOT:**

A lot type that is located adjacent to the intersection of two (2) streets or roadways and having frontage on both such streets or roadways.

**COVENANT:**

A written promise or pledge between the owners of the plat agreeing to performance or non-performance of certain acts or requiring or preventing certain uses of the property.

**CUL-DE-SAC:**

A short local street having but one end open for motor traffic and the other end terminated by a vehicle turn-around or back-around.

**CULVERT:**

A transverse closed drain that is used to convey water in an open channel through an embankment such as a roadway.

**CURB CUT:**

The opening along the curb line at which point vehicles may enter or leave the roadway.

## D

### **DEAD-END STREET:**

See Thoroughfare.

### **DEDICATION:**

The transfer of property by the owner for a public use and the acceptance of it by a unit of government.

### **DEED RESTRICTION:**

A restriction on the use of land usually set forth in the deed, running with the land and binding on subsequent owners of the property.

### **DENSITY:**

A unit of measurement expressing the number of dwelling units per acre of land.

1. **Gross Density** - The number of dwelling units per acre of the total land to be developed.
2. **Net Density** - The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

### **DETENTION BASIN:**

A facility for the temporary storage of storm water runoff and the gradual release of the stored runoff at an acceptable rate.

### **DEVELOPER:**

Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land.

### **DISABLED VEHICLE, RECREATIONAL VEHICLE, TRAILER, MOBILE HOME:**

Any type of motor vehicle, recreational vehicle, mobile home that meets any six of the following criteria:

1. Is five (5) years or older;
2. Has an NADA fair market value of \$500.00 or less;
3. Is 50% or more damaged;
4. Is not running and not operable (able to be started and driven under its own power);
5. Is with one or more flat tires or other visible signs that it is not capable of propelling down a roadway;

6. Has vegetation growth underneath as high as the vehicle body or frame; refuse or debris collected underneath;
7. Is being used solely for storage purposes;
8. Has major and visible parts that are dismantled;
9. Is incapable of safe operation under its own power, or a vehicle that cannot be self-propelled or moved in a manner it was originally intended to move;
10. Is without a valid and current vehicle license tag affixed, without a valid and current registration, and without current proof of financial responsibility.

**DISTRICT:**

A part, zone, or geographic area within the village within which certain zoning or development regulations apply.

**DOUBLE FRONTAGE LOT:**

A lot, other than a corner lot, which has frontage on more than one street or roadway.

**DRIVEWAY:**

A private road giving access from a street to a detached single family dwelling in abutting ground or to one (1) or more multi-family, commercial or industrial buildings.

**DWELLING:**

Any building or structure (except a recreational vehicle or manufactured home as defined by 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 UNIT:**

Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

**DWELLING, SINGLE FAMILY:**

A dwelling consisting of a single dwelling unit only, 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, MULTI-FAMILY:**

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

**DWELLING, INDUSTRIALIZED UNIT:**

An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit by not a manufactured home (as defined by Ohio Revised Code 4501.01).

## E

### **EASEMENT:**

Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of their property.

### **ELDERLY HOUSEHOLD:**

Not more than three (3) persons, related or unrelated, who occupy a single dwelling unit, of whom one person is elderly.

### **ELDERLY HOUSING FACILITY:**

A building or buildings containing twelve (12) or more dwelling units where occupancy is restricted to elderly persons or households. Such facilities may include emergency first aid care, day care, therapy, personal care, nursing facilities, recreational facilities, and provide for independent or semi-independent living. For the purpose of this definition, "elderly housing facility" shall not include convalescent homes, nursing homes, group residential facilities, or homes of the aged.

### **ELDERLY PERSON:**

Any person who is sixty-two (62) years of age, or older, or any person under sixty-two (62) years of age who is handicapped such that their physical impairments are of a long-term duration and impede his ability to live independently without a suitable housing environment.

### **ESSENTIAL SERVICES:**

The erection, construction, alteration, or maintenance, by electrical, steam, or water transmission, or distribution systems, 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 services by such public utilities or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

### **EXHIBITOR:**

Any person owing and exhibiting or contracting or permitting any mechanical or electrically operated amusement device to be installed, used, and exhibited in his own place of business, irrespective of the ownership of such device.

## F

### **FAMILY:**

A person living alone, or two or more person living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house, provided, however, that "family" shall not include more than four (4) persons unrelated to each other by blood, marriage, or legal adoption, except for Class I Type B group residential facilities.

### **FARM VACATION ENTERPRISES (PROFIT OR NON-PROFIT):**

Farms adapted for the use as vacation farms, picnicking and sport areas, fishing waters, camping, scenery, and nature recreation areas; hunting areas; hunting preserves; and watershed projects.

### **FEEDLOT:**

A relatively small, confined land area for the fattening or temporarily holding livestock for shipment.

### **FENCE:**

A structure erected around or by the side of any open space to restrict passage in or out; especially a structure enclosing or separating yards, fields, etc.

### **FENCE, BARRIER:**

A structure at least six (6) feet in height, constructed of non-transparent material, and maintained so as to obscure the junk from the ordinary view of person passing upon Village roads.

### **FILL:**

Soil, rock, earth, sand, gravel, or any other material which may be deposited or placed onto or into the ground.

### **FIREARM RANGES AND/OR TARGET SHOOTING BUILDINGS:**

A facility for the enjoyment of handgun, rifle, or shotgun shooting.

### **FLAG:**

Flag of the United States, the State, a city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of

which is more than forty (40) feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be regulated as such.

**FLAG LOT:**

A lot for which the access to the building site or primary portion of the lot is provided by a strip of land having a width at the front property line of less than thirty percent (30%) of the greatest width of the lot

**FLOOD, HUNDRED YEAR:**

The temporary inundation of normally dry land areas by a flood that is likely to occur once every one-hundred (100) years (i.e., that has a one percent (1%) chance of occurring each year, although the flood may occur in any year).

**FLOOD, BASE:**

The highest height, expressed in feet above sea level, of the level of floodgates occurring in the regulatory base flood.

**FLOOD PLAIN:**

That land, including the floor fringe and the floodway, subject to inundation by the regional flood.

**FLOOD PLAIN, REGULATORY:**

That land area of the Village of Rock Creek which is subject to inundation by the 100-year flood as determined by the Flood Insurance Study of the Village of Rock Creek, Ohio prepared by the Federal Emergency Management Agency.

**FLOOD, REGIONAL:**

Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one-hundred (100) year recurrence interval flood.

**FLOODWAY:**

The portion of the flood plain, including the channel, which is reasonably required to convey regional floodwaters. Floods of less frequent recurrence are usually contained completely within the floodway.

**FLOODWAY FRINGE:**

The portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

**FLOOR AREA OF A RESIDENTIAL BUILDING:**

The sum to the gross horizontal area of the several floors of a residential building, excluding basement floor, areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

**FLOOR AREA OF A NON-RESIDENTIAL BUILDING (TO BE USED IN CALCULATING PARKING REQUIREMENTS):**

The floor are of the specified use excluding stairs, wash-rooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms, and similar areas.

**FLOOR AREA, USABLE:**

Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

**FOOD PROCESSING:**

The preparation, storage, or processing of food products. Example of these activities include bakeries, dairies, canneries, and other similar businesses.

**FRONTAGE:**

That portion of a lot which directly abuts a roadway.

## **G**

### **GARAGES, PRIVATE:**

A detached or attached accessory building or portion of a principal building for the parking or temporary storage of automobiles, recreational vehicles, and/or boats of the occupants of the premises and wherein:

1. Not more than one space is rented for parking to persons not residing on the premises;
2. No more than one commercial vehicle per dwelling unit is parked or stored;
3. The commercial vehicle permitted does not exceed two tons capacity.

### **GARAGE, SERVICE STATION:**

Buildings and 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 services of spark plugs, batteries and distributors' parts;
2. Tire servicing and repair, but not recapping or re-grooving;
3. Replacement of mufflers and tail pipes, water hose, fan belts, break 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 repair of carburetors and fuel injectors;
9. Adjusting and repairing 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 conveniences or racing the motor;
12. Provisions of road maps and other informational material to customers, provisions of restroom facilities;
13. Warranty maintenance and safety inspections;
14. Major mechanical repairs.

### **GO CART TRACK:**

A black-topped area laid out for the riding of go-carts usually rented by the hour.

**GOLF COURSE:**

An area designed as and arranged for the playing of golf. Conventional golf courses consist of a series of fairways and greens with holes numbering one (1) through nine (9) or multiples of nine (9). Par 3 and putt-putt are considered golf courses.

**GRADE:**

The average elevation of the land around a building or the percent of rise or descent of a sloping surface.

**GROUP RESIDENTIAL FACILITY:**

A group residential facility is a community residential facility, licenses and/or approved and regulated by the State of Ohio, which provides rehabilitative or habitative services. There are two classes of group residential facilities.

**CLASS I:** Any state, federal, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care of rehabilitation of dependent or pre-delinquent children, for the physically handicapped or disabled, or for those with mental illness or development disabilities. A Class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff.

**CLASS II:** Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; or place used as a home for residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house for providing residence for person leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A class II Type B group residential facility contains five (5) or less residents, exclusive of staff.

## H

### **HANDICAPPED PERSON:**

Any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or so severely handicapped as to be unable to move about without the aid of crutches or a wheelchair, or other handicapping condition.

### **HISTORIC AREA:**

A district or zone designated by a local authority, state, or federal government within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale, including materials, proportion, form and architectural detail, or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical, or architectural motives or purposes.

### **HOME OCCUPATION:**

Home Occupation means an accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit by conditional use permit, without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, babysitting, tax services at any one time, with the exception of certified or uncertified Type B Family Day-Care Homes, which constitute a residential use and not an accessory use.

### **HORSE RIDING CLUB:**

Persons joined together for the enjoyment of horses and horse riding. Horse riding clubs usually have a show ring, bleachers, and a parking area for contestants and on-lookers of scheduled horse shows.

### **HOTEL OR 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.

# I

## **IMPERVIOUS SURFACE**

Any material that prevents absorption of water into the ground.

## **IMPOUND LOT:**

An enclosed lot where vehicles may be held for up to one (1) year upon retrieving the vehicle, unless the vehicle is being held as evidence by the police, sheriff's department, or the Ohio State Patrol.

## **IMPROVEMENTS:**

Any addition to the natural state of land which increases its values or utility, including buildings, street pavements, sidewalks, crosswalks, water mains, sanitary sewers, storm sewers, landscaping, street lighting, street trees, public utilities, paved parking areas and other appropriate items.

1. Public: All improvements which have been dedicated to public use by plat, easement or deed of transfer; and
2. Site: Any improvements made to the land outside the exterior limits of a structure or structures.

## **INSTITUTION:**

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

## **INTERSECTION**

The location where two or more roadways cross at grade.

## **J**

### **JUNK:**

Old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, junked, or dismantled or wrecked automobiles or parts thereof, iron, steel, and other old or scrap ferrous or non-ferrous materials.

### **JUNK BUILDINGS AND JUNK SHOPS:**

Any land, property, structure, building, or combination of the same, on which junk is stored or processed or an establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, or selling junk as defined in Ohio Revised Code Articles 4737.05 to 4737.99.

### **JUNK YARD:**

An establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, or selling junk and scrap metal processing facilities.

### **JUVENILE:**

Any persons under eighteen (18) years of age.

## K

### KENNEL:

Any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

## L

### **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 off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking spaces. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

### **LOCATION MAP:**

See Vicinity Map.

### **LOT:**

For the purposes of this ordinance, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such 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 of record 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 FRONTAGE:**

The front of a lot shall be construed to be the portion nearest the street. For the purposes 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 MEASUREMENTS:

A lot shall be measured as follows:

1. **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.
2. **WIDTH:** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

### 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, REVERSE FRONTAGE

A through lot that is not accessible from one of the parallel or intersecting streets upon which it fronts.

### LOT SPLIT

A division of a parcel of land not within a platted subdivision that does not create an additional building lot and which is for the transfer of land between adjoining property owners.

### LOT TYPES:

Terminology used in this ordinance with reference to corner lots, interior lots and through lots are as follows:

1. **CORNER LOT:** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five degrees (135°).
2. **INTERIOR LOT:** A lot with only one 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 streets may be referred to as double frontage lots (see Ashtabula County Subdivision Regulations).
4. **REVERSE FRONTAGE LOT:** A lot on which frontage is a right angle to the general pattern in the area. A reverse frontage lot may also be a corner lot.

## **M**

### **MAJOR THOROUGHFARE PLAN:**

The portion of the comprehensive plan adopted by the Village Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

### **MAINTENANCE AND STORAGE FACILITIES:**

Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

### **MAINTENANCE BOND:**

An agreement by a subdivider or developer with the Village guaranteeing the maintenance of the physical improvements for a period of time.

### **MANUFACTURED HOME:**

Any non self-propelled vehicle transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Any such structure as defined in the preceding sentence shall be a Manufactured Home for purposes of this ordinance whether or not such structure is subject to taxation under Section 4503.06 of the Ohio Revised Code or its successor provisions as a manufactured home, and whether or not such structure is permanently attached to a site and no longer has the potential for mobility, by reason of, but not limited to, lack or surrender of any manufactured home title, physical alteration such as removal of towing tongue, and/or situation on property owned by the owner of such structure. Calculations used to determine the number of square feet in the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. This dwelling unit shall bear a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards (see 24CFR3280 for legal definition).

### **MANUFACTURED HOME PARK:**

Any site, or tract or land under single ownership, upon which three or more manufactured homes used for habitation are parked, either fee 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 a park.

**MANUFACTURING, HEAVY:**

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 service 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.

**MANUFACTURING, LIGHT:**

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.

**MANUFACTURING, EXTRACTIVE:**

Any mining, quarrying, excavating processing, storing, separating, cleaning, or marketing or any mineral natural resource.

**MARQUEE:**

Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**MECHANICALLY OR ELECTRONICALLY OPERATED AMUSEMENT DEVICE:**

Any machine, device, or instrument which, by the payment of a fee or other things of value, or by the insertion of a coin, plate, disc, slug, key or token, operates or may be operated as a game, contest or amusement, and which contains no automatic pay-off device for the return of money, coins, tokens, or merchandise or check redeemable in money or anything of value. Mechanical or electronically operated amusement device includes, but is not limited to, devices such as mechanical baseball, mechanical football, pinball, and other similar types of devices; provided, however, that this definition is not intended to, nor shall it be construed to, include merchandise vending machines or coin operated mechanical or electrical musical instruments or devices.

**METES AND BOUNDS:**

A method of describing the boundaries or land by directions (bounds) and distances (metes) from a known point of reference.

**MIDBLOCK CROSSING:**

A non-vehicular right-of-way, publicly owned, cutting across a block in order to provide pedestrian access to adjacent street or property.

**MOBILE HOME:**

Any non-selfpropelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of four-thousand, five-hundred (4,500) pounds and an overall length of thirty (30) feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974. (See Manufactured Home).

**MOBILE HOME PARK:**

See Manufactured Home Park.

**MODULAR HOMES:**

Factory-built housing certified as meeting the BOCA Basic Building Code as applicable to modular housing. Once certified by the Ashtabula County Department of Building Regulations, modular homes shall be subject to the same standards as site-built homes.

**MONUMENTS:**

Permanent concrete or iron markers capped with the registered surveyors name and registration number used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary line corners, and points of change in street alignment.

## N

### **NON-ACCESS RESERVATION:**

A designation of an area of land adjacent to a frontage road which prevents access to that road.

### **NONCONFORMITIES:**

Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Ordinance in combination lawfully existing at the time of this Ordinance or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

### **NUDE OR NUDITY:**

The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering any portion thereof, or female breast(s) with less than a full opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly durgid state.

### **NURSERY, NURSING HOME:**

A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

### **NURSERY, PLANT MATERIALS:**

Land, buildings, structure, or combinations 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.

## O

### **OCCUPANCY PERMIT:**

When A building is being altered, enlarged, constructed, or reconstructed, its owner or agent shall apply to the Zoning Inspector for a Certificate of Occupancy before the intended occupant resumes use of or moves into the designated structure. If the structure has occupants while be altered or enlarged, only the new sections will be involved in the occupancy permit. A new certificate of occupancy shall be required if there are substantial variations from the operations referred to in the building permit or pervious certificates or occupancy permitting such use.

### **OFFICIAL THOROUGHFARE PLAN:**

The Thoroughfare Plan for the Village of Rock Creek.

### **OPEN SPACE:**

An area substantially open to the sky which may be on the same lot with a building. The area my include, along with the natural environmental features, water areas, swimming pools, and tennis courts, and any other recreational facilities that the Zoning Commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

### **OPEN SPACE, PUBLIC:**

Any parcel or area of land conveyed or otherwise dedicated to the Village for public use or enjoyment.

### **OVERLAY DISTRICT:**

A district described by the zoning map within which, through superimposition of a special designation, furthermore regulations and requirements apply in addition to those of the underlying districts to which such designation is added.

### **OWNER:**

Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

**P**

**PAD**

A building site prepared by artificial means, including but not limited to grading, excavation or filling, or any combination thereof.

**PARKING SPACE:**

For the purpose of this ordinance, an off-street parking space shall consist of an 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.

**PENNANT:**

Any lightweight plastic, fabric, or other material, not containing a message of any kind, suspended from a rope or wire, or string, always in series, designated to move in the wind.

**PERFORMANCE BOND OR SURETY BOND:**

An agreement by a subdivider or developer with the Village Planning Commission for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

**PERSONAL SERVICES:**

Any enterprise conducted for gain which primarily offers services of the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

**PERSONS:**

Any individual, corporation, company, business partnership, association or legal entity.

**PICNIC GROUNDS:**

An area either public or private designated as a site for picnic tables, pavilions, rest rooms, and necessary accessories. Picnic grounds area sometimes associated with Play Grounds and/or Recreational Areas.

**PLAN:**

A drawing showing the proportion and relation of parts of improvements to each other and their surroundings:

1. **Construction Plan:** A plan which gives information required to construct improvements including plan views, sections, profiles, details, quantities, reference specifications and standard drawings;
2. **Grading Plan:** A plan which shows the proposed grades for the development in a manner that reflects the scope of earthwork required and the finished site grades; and
3. **Preliminary Plan:** A tentative subdivision plan showing approximate street and lot layout on a topographic map as a basis for consideration prior to preparation of a plat. When used in the general sense, the term "preliminary plan" includes all plans and supplementary material submitted to the Planning Commission, as required in section 1720.

**PLANNED UNIT DEVELOPMENT:**

An area of land in which a variety of housing types and subordinates commercial and industrial facilities are accommodated in a pre-planned environment under 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 those of the standard subdivision, such as building design principles, and landscaping plans.

**PLAT:**

A plan of a tract or parcel of land made by a surveyor registered in the State of Ohio showing public dedication, property lines, lot lines and such other information as is required herein.

**PLAYGROUND, TOT LOT:**

An area either public or private designed as a site for swings, slides, and other playground facilities. Playgrounds are common accessory uses for public picnic grounds or recreational areas.

**PUBLIC USES:**

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

**PUBLIC WAY:**

An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, bicycle path; or other ways in which the general public or a public entity have a right, or which are dedicated whether improved or not.

## Q

### QUASIPUBLIC USE:

Churches, Sunday schools, parochial schools, colleges, hospitals, and/or other facilities of an educational, religious, charitable, philanthropic, non-profit or not-for-profit nature.

## R

### RECREATION CAMP:

An area of land on which two or more recreational vehicles, 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:

The 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.

1. **EXTENSIVE FACILITIES:** Areas that generally require and utilize considerable areas of land and include, but need not be limited to, hunting, fishing, and riding clubs and parks.
2. **INTENSIVE FACILITIES:** Areas that generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

### RECREATIONAL VEHICLE:

A vehicular portable structure built on or carried on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet and a length not exceeding thirty-five (35) feet.

Representative of this type of unit is:

1. **TRAVEL TRAILER (INCLUDING FIFTH WHEEL TRAILER):** A non self-propelled recreational vehicle not exceeding an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and includes a tent type fold out camping trailer as defined in division S of Section 4517.01 of the Ohio Revised Code;
2. **MOTOR HOME:** A self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping;
3. **TRUCK CAMPER:** Any non self-propelled recreational vehicle, without wheels for road use, and designed to be placed upon and attached to a motor vehicle. Truck camper does not include truck covers which consist of walls and roof but do not have floors and facilities for using same as dwelling; and
4. **CAMPER VAN:** Any fully customized van with a fiberglass turtle top, toilet, kitchen, and sleeping facilities. They are generally narrower than other Recreational Vehicles because they utilize space within the van body. Most have raised roofs and dropped floors to provide standing room.

**RECYCLING:**

The process of collecting, sorting, cleansing, treating, and reconstituting waste or other discarded material for the purpose of recovering and reusing the materials.

**RESEARCH ACTIVITIES:**

Research, development, and testing related to, but not restricted to, such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried out entirely within enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

**RESIDENTIAL SIGN:**

Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning resolution.

**RETENTION BASIN:**

A permanent pond, pool, or basin constructed and used where additional storage capacity is provided above the normal water level for the temporary storage of storm water runoff and the gradual release of the stored runoff at an acceptable rate.

**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.

**ROADSIDE STAND:**

A temporary structure designed or used for the display or sale of agricultural and related products.

**RUNOFF:**

The portion of rainfall, melted snow, irrigation or water that flows across ground surface and eventually is returned to a water body.

## S

### **SATELLITE SIGNAL RECEIVER:**

A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such devices shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbital based uses. "Dish-type Satellite Signal-Receiving Antennas," "Earth Stations," or "Ground Stations," whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one, or a combination of two or more of the following:

1. A signal-receiving devices, such as a dish antenna, whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.
2. A low-noise amplifier (LNA), whose purpose is to boost, magnify, store, transfer, or transmit signals.
3. A coaxial cable whose purpose is to convey or transmit signals to a receiver.

### **SCRAP METAL PROCESSING FACILITY:**

An establishment having facilities for processing iron, steel, or non-ferrous scrap and whose principal product is scrap iron and steel or non-ferrous scrap for sale for re-melting purposes.

### **SEAT:**

For the purpose of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicted, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

### **SETBACK LINE:**

A line established by the zoning ordinance, 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.

### **SEWERS, CENTRAL OR GROUP:**

An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

**SEWERS, ON-SITE:**

A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

**SEWER, STORM:**

A conduit that collects and transports water runoff.

**SEXUAL ACTIVITY:**

Sexual conduct or sexual contact, and/or both.

**SEXUAL CONTACT:**

Any touching of an erogenous zone of another including, but without limitation to, the thigh, genitals, buttock, pubic region, or if the person is female, a breast, for the purpose of sexually arousing or gratifying either person.

**SEXUAL EXCITEMENT:**

The condition of the human male or female genitals, when in a state of sexual stimulation or arousal.

**SIDEWALK:**

That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

**SIGN:**

Any visual communication display, object, device, graphic, structure, or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization or the like, by means of letter, words, designs, colors, symbols, fixtures, images, or illuminations.

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 to a commodity or service sold or offered upon the premises where such sign is offered.
3. **SIGN, ILLUMINATED:** Any sign illuminated by electricity, gas, or other artificial light, including reflecting or phosphorescent light.

4. **SIGN, LIGHTING DEVICE:** Any light; sting of lights, or group of lights located or arranged so as to cast illumination on a sign.
5. **SIGN, PORTABLE:** Any sign not permanently affixed to the ground or to a building, including any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising a business establishment, product, service, or entertainment, when that vehicle is so parked as to attract the attention of the motoring or pedestrian traffic.
6. **SIGN, PROJECTING:** Any sign which projects from the exterior of a building.

**SIGN TYPES:**

See specific definitions such as window, wall, incidental, etc.

**SITE-BUILT HOMES:**

Dwelling unit constructed on the lot in accordance to the BOCA Basic Building Code and inspected/approved by the Ashtabula County Department of Building Regulations.

**SLOPE:**

The deviation of a surface from the horizontal, usually expressed in percent or degrees or ratio.

**STABLE:**

A land use usually found in an agricultural area and consisting of breeding, training, housing, and rental of saddle horses.

**STORY:**

That part of a building between the surface of a floor and the ceiling immediately above.

**STREET:**

The full width of the right-of-way between two (2) property lines, both paved and unpaved, intended to provide principle means of access to an abutting property

**STRUCTURE:**

Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the homes, walls, fences, and billboards.

**SUBDIVIDER'S CONTRACT:**

A contract entered into by the applicant and the Village by which the applicant promises to complete the required public improvements within the subdivision within a specified time period following final plan approval.

**SUBDIVISION:**

The division of a lot, tract, or parcel into two or more lots, tracts, or parcels or other divisions of the land for sale, development, or lease (see Ohio Revised Code 711.001).

**SUBDIVISION REPLAT:**

Any alteration of lot boundaries within a previously approved and recorded subdivision plat.

**SURVEYOR:**

Any person registered to practice professional surveying by the state board of registration as specified in Section 4733.14 of the Ohio Revised Code.

**SWIMMING POOL:**

A structure intended primarily for swimming or wading containing at least one-and-a-half ( $1\frac{1}{2}$ ) feet of water at any point and maintained by the owner or manager.

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 or hotel; an accessory use.
2. **COMMUNITY:** Operated with a charge for admission; a primary use.

## T

### TEMPORARY SIGN:

Any sign that is used only temporarily and is not permanently mounted.

### THOROUGHFARE, STREET OR ROAD:

The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

1. **ALLEY:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. **ARTERIAL STREET:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large 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 of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. **DEAD-END STREET:** A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. **LOCAL STREET:** A street primarily for providing access to residential or other abutting property.
7. **LOOP STREET:** A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of one-hundred and eighty (180) degree system of turns are not more than one-thousand (1,000) feet from said arterial or collector street, nor normally more than six-hundred feet from each other.
8. **MARGINAL ACCESS STREET:** A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets (also called **FRONTAGE STREETS**).

### THROUGH LOT:

See **LOT TYPES**.

### TIME SHARING:

A land use concept which involves the transfer of ownership by deed of undivided fee interest (share) in property to an individual or group of individuals for the use,

occupancy, or possession of which circulates among owners according to a fixed or floating time basis.

**TOPLESS:**

The showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

**TRAILER:**

Any vehicle without motive power designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type, such as that commonly known as a trailer dolly, and a vehicle 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 public road or highway at a speed greater than twenty-five (25) miles per hour.

**TRANSPORTATION, DIRECTOR OF:**

The director of the Ohio Department of Transportation.

**TREE LAWN:**

The area between the back of the street curb and the front of the sidewalk.

U

**USE:**

The specific purpose, for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

## V

### **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.

### **VEHICLE:**

Any self-propelled mechanical device or a device that is pulled by a self-propelled device such as: Tractors, Trailers, boats, campers, recreational vehicles, buses, trucks, automobiles, motorcycles, snowmobiles, and/or all-terrain (ATV's).

### **VETERINARY ANIMAL HOSPITAL:**

A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation, and/or recuperation. It may also include boarding that is incidental to the primary activity.

### **VICINITY MAP:**

A drawing located on the plat which sets forth by dimensions or other means, by the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

## W

### WALKWAY:

A public way four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

### WALL SIGN:

Any sign attached parallel to, but within six (6) inches of, a wall painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

### WATERSHED:

The drainage basin, catchment or other area of land that drains water, sediment and dissolved materials to a common outlet at some point along a stream channel.

### WATER SLIDE:

A recreational land use which utilizes a number of downhill slides, along with water to propel the slider down the course.

### WETLANDS:

Those areas defined by the Federal Water Pollution Control Act Amendments of 1972 and delineated on wetland maps prepared by the U.S. Fish and Wildlife Service.

### WINDOW SIGN:

Any sign, pictures, symbol, or combination thereof, designated to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

## Y

### 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.

1. **YARD, FRONT:** A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
2. **YARD, REAR:** A yard extending between the side lot lines across the rear of the lot and from the rear lot line to the rear of the principal building.
3. **YARD, SIDE:** 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.

### YARD SALE:

The sale of varied use household items but not to include food or agricultural products. This sale is by and for the residents or family of a household or residential dwelling unit. Also known as Porch, Lawn, Basement, Barn, Garage, House, Flea Market, etc. (Sales).

## Z

### **ZERO LOT LINE DEVELOPMENT:**

An arrangement of housing on adjoining lots in which the required side yard is reduced on one side and increased on the other so that the sum of the offsets on any lot is no less than the sum of the required offsets. No building or structure shall be closer to a lot line than five (5) feet unless it abuts the lot line and is proved with an access easement of five (5) feet on the adjoining lot or abuts a building or structure on the adjoining lot. The offset adjacent to property not included in the zero lot line development or a street shall not be less than required in the zoning district.

### **ZONING INSPECTOR/ADMINISTRATOR:**

The person, designated by the Village Council, to administer and enforce zoning regulations and related ordinances.

### **ZONE LOT:**

A parcel of land, in a single ownership, that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

### **ZONING PERMIT:**

A document issued by the Zoning Inspector/Administrator authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.