

Article - 2

DEFINITIONS

Section 2000 Interpretation of Terms or Words

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

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- D. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."

Section 2001 Definitions

Abutting: Having a common border with, or being separated from such common border by, an alley or easement.

Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.

Acre: A land area of 43,560 square feet.

Adult Entertainment Facility: See the definition section of Article -15 Adult Entertainment Facilities.

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

- A. The operation of any such accessory uses shall be secondary to that of normal agricultural activities.
- B. 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: See Thoroughfare.

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

Apartment House: See Dwelling, Multi-Family.

Automotive Repair: The repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

Automotive, Manufactured Home, Travel Trailer, and Farm Implement Sales: The sale or rental of new and used motor vehicles, manufactured 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.

Automotive Service Station - Filling Station: A place where gasoline, kerosene or any other motor fuel or lubrication oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including repairing, greasing, and oiling on the premises.

Automotive Wrecking: The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Awning: A roof like cover that is temporary or permanent in nature and that projects from the wall of a building for the purpose of shielding an area and typically constructed of a rigid supporting framework with a canvas, vinyl or fabric covering.

Awning Sign: See 'sign, awning'.

Banks and Finance Establishments including drive-thrus: Any building where in the primary occupation is concerned with such federal or state-regulated businesses as banking, savings and loans, loan companies, investment companies, and credit unions.

Banquet Facility: A facility available for lease by private parties.

Batch Plant: A plant for the manufacture or mixing of concrete, cement, and concrete and cement products, including any apparatus and uses incident to such manufacturing and mixing.

Beginning of Construction: The incorporation of labor and material within the walls of the building or buildings; the incorporation of labor and materials at the site, lot or parcel where a building is to be constructed; the incorporation of labor and material where land is to be used for purposes other than construction of a building.

Boarding or Lodging House: A dwelling or part thereof where fewer than five (5) rooms are used for lodging and where meals may be provided, for compensation by previous arrangement, but not transients.

Buffer: A section or area within a property or site consisting of either natural existing vegetation or created by the planting of trees and/or shrubs or the erection of fences and/or berms designed to limit the view, sound, illumination, or other characteristics from the site to adjacent sites or properties. Buffers are free from advertising, buildings, driveways, or other paved surfaces and should be natural or aesthetically pleasing. They are usually composed of dense evergreens, landscaped earthen berms, walls, or fences made of natural appearing materials. **Resolution 07-11-08-01**

Buffering and/or Landscaping Plan: A plan, drawn to scale, showing dimensions and details of existing vegetation or for re-vegetating an area, including maintenance and protection measures and any other requirements of Article 16.

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

Building, Accessory: A subordinate 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 point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip or gambrel roofs.

Building Line: The line beyond which no building or part thereof shall project, except as otherwise provided by this Zoning Resolution. Also see Setback Line.

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

Business Services: Any profit making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and business.

Business, Wholesale: Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, or 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.

Canopy: A free standing permanent roof-like shelter not attached to or requiring support from an adjacent structure.

Canopy Sign: See 'sign, canopy'.

Car Wash, Touch-less: A drive-thru establishment where there are no on-site employees, except to collect money from coin-operated machines and to maintain equipment. Touch-less car washes use no mechanical friction to clean the vehicle, but utilize a coin-operated chemically dependent system to clean the vehicle.

Car Wash, Automatic: A drive-thru establishment, having no on-site employees, except to collect money from coin operated machines and to maintain equipment, where labor is not supplied by the patron, which utilizes coin-operated mechanical devices, foam brushes, soft cloth brushes, in addition to chemicals to clean the vehicle.

Car Wash, Self-Operation: A drive-in establishment, having no on-site employees, except to collect money from coin operated machines and to maintain equipment, where the patron, using coin-operated equipment to clean the vehicle provides labor.

Cemetery: Land used 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.

Centralized Water: Any potable water system that is operated by a municipality, governmental agency, or a public or private utility for the treatment and furnishing of potable water.

Change of Copy: The ability to modify or change displays, words, lines, logos, or symbols on a sign to provide different information. A change of copy includes modifications of a changeable copy sign, reimagining of a sign, and replacement of a sign, provided the change of copy does not alter the size, dimensions, height, or location of the sign.

Changeable Copy Sign: See 'sign, changeable copy'.

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

Clear Sight Triangle: The triangular area formed by a diagonal line connecting two points located on intersecting lines of a right-of-way, each point being a defined distance from the intersecting lines. See Article 16 – Buffering, Landscaping, and Resource Preservation.

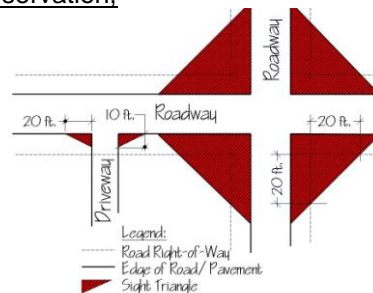


Figure 16A – Clear Sight Triangles.

Clinic: A place which provides a range of services by a group of licensed practitioners and their associates, including the care, diagnosis and treatment of those who are sick, ailing, infirm or injured, and includes the care of those who are in need of medical, surgical or dental attention, but who are not provided with board or room or kept overnight on the premises.

Club, Association: A non-profit association of persons who are bonfire members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

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

Coin Operated Amusement Device: A pinball machine, video game, and/or other similar electronic or electro-mechanical devices that require coins or tokens to be played.

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.

Commercial Message: Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

Commercial Vehicle: A motor vehicle used for commercial purposes with or without an attached or permanently attached delivery body and includes vehicles such as catering or canteen trucks, buses, cube vans, tow trucks, tilt and load trucks, dump trucks, tractor trailers, semi-trailers, and any vehicle which has an exterior fixture or fixtures for the purposes of carrying equipment, materials, or supplies for commercial uses. This definition shall exclude township vehicles, public and private school buses and vehicles, police and fire vehicles.

Commission: The Township Zoning Commission.

Common Open Space: Open space designed specifically to benefit the residents of a planned development through aesthetics, buffering, parks, recreation, entrance features, etc. Common Open Space is intended to be fully open and accessible by all residents of the planned development. Common Open Space can be improved or natural in character.

Completion of Construction: Shall mean the point and time in which the act or process of erecting, fabricating, installing, altering, demolishing, removing and/or any combination thereof, of a structure for

which a zoning permit is issued is completed. This shall be the date an Occupancy Permit is issued by the Licking County Building Code Department in accordance with their regulations and the Etna Township Zoning Inspector in accordance to Section 305 – Certificate of Occupancy of the Etna Township Zoning Resolution.

Comprehensive Development Plan: A plan, or any portion thereof, adopted by the County Planning Commission and the legislative authority of Licking County 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 general goals, objectives, and policies of the community.

Conditional Use: A 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 district regulations.

Conditional Use Permit: A permit issued by the zoning inspector upon approval of the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

Conservation Subdivision: A residential community where a predefined percentage of the buildable land area is designated as undivided, permanent open space. This result is achieved by clustering homesites on smaller lots and preserving the remaining land as permanent open space. The open space must be well organized and responsive to the existing conditions of the site. The open space and lot layout should achieve the goals of natural features preservations, reduced impervious surface and maintenance of the rural character of the community.

Corner Lot: See Lot Types.

Cul-de-Sac: See Thoroughfare.

Daisy Sign: See 'sign, portable/daisy'.

Dead-End Street: See Thoroughfare.

Density, Residential: A unit of measurement; the number of dwelling units per acre of land.

A. Gross Density - The number of dwelling units per acre of the total land to be developed.

B. Net Density - The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Density, Commercial: Total area occupied by structures exclusive of parking areas.

Diameter at Breast Height (DBH): A measurement of the size of a tree equal to the diameter of its trunk measured four and one-half (4 ½) feet above natural grade.

Display Sign: A structure that is arranged, intended, designed or used as an advertisement, announcement or direction, including a sign, sign screen, billboard or advertising device of any kind.

District: A portion of the territory of the township within which certain uniform regulations and requirements or various combinations thereof apply.

Dwelling: Any building or structure which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

Dwelling Group: A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

Dwelling Unit, Common Wall Single Family Attached: Type of residential construction characterized by a common vertical firewall extending from the foundation up to the underside of the roof separating single family dwelling units, where no more than three units are attached in a group.

Dwelling Unit, Detached Single Family: Detached, individual dwelling units, which accommodate one family living as one housekeeping unit. The type of construction of such units shall conform either to the OBOA or CABO One and Two family dwelling code, or other applicable building code, or be classified as an Industrialized Unit under the Ohio Basic Building Code, or conform to the Ohio Revised Code 3781.06 definition of permanently-sited manufactured home as provided for in ORC §519.212.

Dwelling Unit, 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, Multi-Family: A residential building arranged or designed for three (3) or more dwelling units as separate and complete housekeeping units.

Dwelling, Rooming House (Boarding House, a 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, Temporary: Any building or structure which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants on a temporary basis.

Earth Material: Soil, sediment, rock, sand, gravel and organic material or residue associated with or attached to the soil.

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

Electronic Message Center Sign: See 'sign, electronic message center'.

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

Existing Features (Site Analysis) Plan: Plan that depicts all of the following:

- A. A topographic map as provided by Licking County, using the most detailed available contour interval;
- B. The location of slopes greater than 20%, wetlands, watercourses, 100-year floodplains and all existing rights-of-way and easements;
- C. Soil boundaries as shown on USDA Natural Resources Conservation Service medium-intensity maps; and

The location of significant features such as woodlands, tree lines, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, roads, tracks and trails, and any sites listed on the ODNR Natural Diversity Inventory, or National Historic Registry.

Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption, or marriage, no such family shall contain over five persons.

Fence: An enclosure or barrier, such as wooded posts, wire, iron, etc. used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees, or other natural growth.

Flag: Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

Fleet Storage: Outdoor storage of 6 or more commercial vehicles and/or industrial equipment.

Flood Plain: That land, including the flood fringe and the floodway, subject to inundation by the regional flood.

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: 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.

Flood Fringe: That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

Floor Area of a Residential Building: The sum of 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 area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

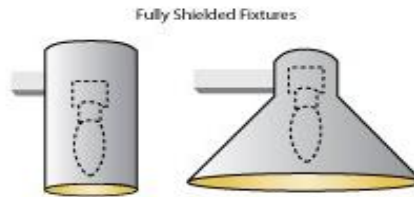
Floor Area, Usable: Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls, but excluding the basement.

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

Freeboard: A margin of safety added to the base flood elevation or normal pool level of a pond to account for fill, waves, debris, miscalculations, or lack of data. Physically, this will be the embankment of the pond or basin from the designed water (normal pool) elevation to the top of the embankment.

Freestanding Sign: See 'sign, freestanding'.

Fully Shielded Fixtures: Fixtures that emit no light above the horizontal plane. Such fixtures almost always have a flat, horizontally-oriented lens and opaque sides and the lamp or optical part of such a fixture should not be visible from the side of the luminary.



Garages, Private: A detached accessory building or portion of a principal building used, intended to be used, or adapted to be used for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein:

- A. Not more than one space is rented for parking to a person not resident on the premises.
- B. No more than one commercial vehicle permitted and it shall not exceed two tons capacity.

Garage, Public: A principal or accessory building other than a private garage, used, intended to be used or adapted to be used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

Garage, Public Station: Buildings and premises where gasoline, oil, grease, batteries, tires, and/or motor vehicle accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered and sales made:

- A. Sales and service of spark plugs, batteries, and distributors, parts.
- B. Tire servicing and repair, but not recapping or re-grooving.
- C. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like.
- D. Radiator cleaning and flushing.
- E. Washing, polishing, and sale of washing and polishing materials.
- F. Greasing and lubrication.
- G. Providing and repairing fuel pumps, oil pumps, and lines.
- H. Minor servicing and repair of carburetors.
- I. Adjusting and repairing brakes.
- J. Minor motor adjustment not involving removal of the head or crankcase or racing the motor.
- K. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service customers, as accessory and incidental to principal operations.
- L. Provisions of road maps and other informational material to customers, provision of restroom facilities.
- M. Warranty maintenance and safety inspections.

Uses permitted at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of autos not in operational condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations. A service station is neither a repair garage nor a body shop.

Grade: The relative existing ground level in the immediate vicinity of a structure.

Graffiti: Unauthorized writing or drawing scribbled, scratched, or sprayed illicitly on a wall or other surface.

Group Home: A residential facility that provides room and board, personal care, habitation services, and supervision in a family setting for not more than eight (8) persons with developmental disabilities, as defined in the [Ohio Revised Code](#).

Governmental Sign: See 'sign, governmental'.

Half-Way House: The term used to identify an intermediate care facility which provides residential accommodations in a group setting for alcoholic persons. It shall provide guidance, supervision, and personal services relating to those areas of adjustment, which enable the alcoholic to move into independent living in normal surroundings.

Historic Buildings: Buildings greater than 100 years old that are structurally sound and deemed worthy of preservation by the Trustees of Etna Township. The Board of Trustees shall utilize the Ohio Historical Society definition of Historic Structure as their standard for making this determination. The Ohio Historical Society defines a Historic Structure as any building or structure which has historic, architectural or archaeological significance and has been so designated according to the standards set by the Ohio

Historical Society. The significance of a property to the history, architecture, archaeology, engineering, or culture of a community, state, or the nation. It may be achieved in several ways:

- A. Association with broad pattern of our history, events, activities, or patterns.
- B. Association with important persons.
- C. Distinctive physical characteristics or design, construction, or form.
- D. Potential to yield information important in history or prehistory (archaeology).

Home Occupation: An occupation conducted in a dwelling unit, provided that:

- A. No more than one person other than members of the family residing on the premises shall be engaged in such occupation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of floor area of the dwelling unit shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
- D. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this resolution, and shall not be located in a required front yard.
- E. No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot.
- F. No equipment or process shall cause electrical interference's in any radio or television receiver(s) off the premises.
- G. No equipment or process shall cause fluctuations in line voltage off the premises.

Homeowner's Association: A private non-profit corporation, association or other non-profit entity established by the developer to maintain such open space and facilities as may be dedicated to subdivision residents. Membership in such an association shall be mandatory for all purchasers of lots in the development (or units in a condominium). The association shall be responsible for maintenance, control and insurance of common areas, including the open space, as may be dedicated to the association, and shall have the right to impose assessments upon its members, enforceable by liens, in order to ensure that it will have sufficient financial resources.

Hospital: A building or portion thereof used for the accommodation of sick, injured or infirm person, including sanitaria, and/or sanatoria.

Hotel or Motel and Apartment Hotel: A building in which five (5) or more rooms are used for lodging or boarding and lodging 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.

House Trailer: See Manufactured Home.

Identification Sign: See 'sign, identification'.

Illegal Sign: See 'sign, illegal'.

Illuminated Sign: See 'sign, illuminated'.

Impervious Surfaces: Areas that have been paved and/or covered with buildings and materials that do not absorb and/or allow water to penetrate which include, but are not limited to, concrete, asphalt, rooftop, blacktop and brick.

Impervious Surface Ratio (ISR): The total area of impervious surfaces divided by the net area (excluding right-of-way) of the lot.

Improved Open Space: Open space set aside for passive or active recreational purposes. These areas may contain accessory buildings and improvements necessary and appropriate for recreational uses as shown on the development plan. If deemed appropriate by the Township, improved open space may incorporate land for on-site wastewater disposal.

Industrialized Unit: Means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self sufficient as a unit or as a part of a greater structure and that requires transportation to the site of 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 methods to form a completed structural entity. Industrialized unit does not include a manufactured or mobile home as defined herein.

Industry: Storage, repair, manufacture, preparation or treatment of any article, substance or commodity. (Also see Manufacturing).

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

Junk Motor Vehicles: A motor vehicle, which 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: missing wheels, tires, motor, or transmission. See Article – 14 Prohibition of Junk Motor Vehicles.

Junk Yard, Building or Shop: Any open area or building where waste, discarded or salvaged materials are bought, sold, stored, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking, used lumber yards and places or yards for storage and equipment. Including insurance storage lots, holding areas, and/or impounding lots.

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

Landfill: A sanitary land disposal site employing a method to dispose of solid or semi-solid waste material.

Landscape: Plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

Landscaping, Interior Parking-Lot: An area set aside, usually as an island in a parking lot, to provide environmental relief. The interior buffer will help to define spaces and indicate directions for pedestrian and vehicular circulation.

Landscaping and/or Buffering Plan: A plan, drawn to scale, showing dimensions and details of existing vegetation or for re-vegetating an area, including maintenance and protection measures and any other requirements of Article 16.

Licking County Planning Commission: LCPC.

Livable Area: The area excluding porches, breezeways, garages, carports, and other similar areas. (See Floor Area, Usable).

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 loading space is not to be included as 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.

Location Map: See Vicinity Map.

Lot: For the purposes of this resolution, 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 required. Such lot shall have frontage on an improved public street, and may consist of:

- A. A single lot of record.
- B. A portion of a lot of record.
- C. 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 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 the definition "Yard" in the definition 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 Measurement: A lot shall be measured as follows:

- A. **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.
- B. **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 Types: Terminology used in this resolution with references to corner lots, interior lots, and through lots is as follows in Figures 16 B and 16C from Article – 16 Buffering, Landscaping, and Resource Preservation:

- A. **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 (135) degrees.
- B. **Interior Lot** - A lot with only one frontage on a street.
- C. **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.
- D. **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.

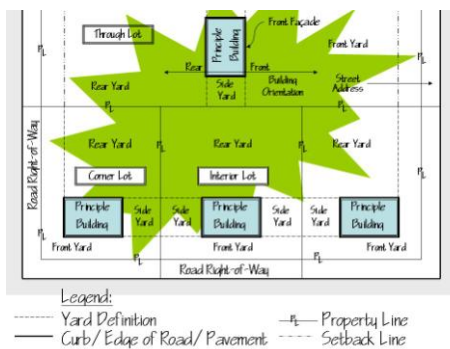


Figure 16B – Corner & Through Lot Diagram

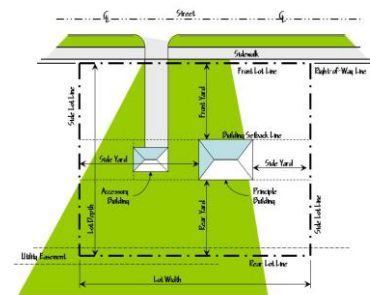


Figure 16C – Standard Lot Diagram

Maintain: To permit a sign, structure or any part of each to continue, or to repair or refurbish a sign, structure or any part of either.

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

Major Thoroughfare Plan: The portion of a comprehensive plan adopted by the County Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

Manufactured Home: A non self-propelled building unit or assembly of closed construction fabricated in an off site facility, and which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development (HUD) 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. A manufactured home is transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 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, designed to be used as a dwelling with or without permanent foundation when connected to required utilities. Calculations used to determine the number of square feet in a structure's exterior dimension is measured at 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. (ORC 4501.01) For the purposes of this section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connection to utilities and the like.

Manufactured, Extractive: Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any natural resource.

Marquee: Any permanent structure which projects from a wall of a building over a walkway or entrance way generally providing protection from the weather elements. For the purpose of this resolution, a freestanding, permanent roof-like structure providing protection from the elements, such as a service station gas pump canopy, will also be considered a marquee. The term "marquee" also includes canopy.

Mobile Home: A non self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is 8 feet or more in width and more than 35 feet in length, which when erected on site is 320 or more square feet, that is transportable in one or more sections and which does not qualify as a manufactured home or industrialized unit.

Mobile Home Park: Any site, or tract of land under single ownership, upon which three or more mobile homes used 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.

Motel: See Hotel.

NAICS: North American Industrial Classification System, for the United States, by the Executive Office of the President, Office of Management and Budget.

Natural Open Space: Land set aside in its natural condition. Typical natural conditions might be, but are not limited to ravines, wetlands, floodplains, woods, tree rows, stream corridors, scenic views, or agricultural elements such as fence rows.

Neon Sign: See 'sign, neon'.

Net Developable Area: The net area left after deducting from a planned unit development tract's gross acreage:

- A. Right of way for streets and utilities (15% of gross acreage when estimating density);
- B. Jurisdictional wetlands, as defined U.S. Army Corps of Engineers Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Miss. Jurisdictional wetlands as regulated by Section 404 of the Clean Water Act consist of a.) hydric soils, b.) hydrophytic vegetation and c.) wetland hydrology (this generally means they support more than 50% wetland vegetation, and are poorly drained soils which are periodically inundated or saturated);
- C. Floodplains within a FEMA 100-year floodplain;
- D. Slopes greater than 20%;
- E. Utility rights-of-way and easements for above-ground and currently existing utility structures such as above ground pipelines and existing overhead electric transmission (not local service) wires; Existing bodies of water.

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 located.

Non-Conforming Sign: See 'sign, non-conforming'.

Non-Conforming Uses: A use of building or land lawful at the time of enactment of this resolution that does not conform with the "permitted use" provisions of this resolution.

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

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.

Objectionable Substances: Objectionable substances shall include but are not limited to sediment, increased runoff, debris, chemicals, dust, fumes, litter, and the like.

Off-Premises Sign: See 'sign, off-premises'.

On-Premises Sign: See 'sign, on-premises'.

Open Space: See the definitions of Improved Open Space, Natural Open Space, or Common Open Space. It does not include the areas of individual fee simple lots conveyed to homeowners.

Open Space Development: Land that is designed and developed as a unified residential development with open space as an integral characteristic. Instead of subdividing an entire tract into house lots and streets, the same number of housing lots may be clustered on a reduced amount of acreage on the condition that the remaining land in the tract is permanently reserved for open space area, the future development or subdivision of which is prohibited.

Open Space Easement: A recorded legal instrument which permanently and irrevocably protects land from future development, other than for approved open space use. The easement shall be tied to the title of the land regardless of the subsequent ownership of the land.

Parking Space, Off-Street: For the purpose of this 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.

Permanent Sign: See 'sign, permanent'.

Permanently Sited Manufactured Housing: Manufactured housing constructed and located pursuant to the definition in ORC §3781.06 (C) (6) and further meeting the following standards.

- A. Be constructed after January 1, 1995 in compliance with the Manufactured Housing Construction and Safety Standards Act of 1974, 88 stat. 700, 42 U.S.C.A. 5401 and 5403. It must also have a permanent label attached as specified in 42 U.S.C.A 5415.
- B. Be attached to a permanent foundation as defined in ORC §3781.06 (C) (6).
- C. Be connected to appropriate facilities (water, sanitary sewage disposal, and electric).
- D. Have a length of at least 22 feet and a width of at least 22 feet, as manufactured.
- E. Conform to minimum size of living area, by zoning standards herein.
- F. Have conventional residential siding (i.e. lap, clapboard, shake, masonry, and vertical natural materials), a 6-inch minimum eave overhang, and a minimum "A" roof pitch of 3:12.
- G. Not be located in a manufactured home park as defined by Section 3733.01 of the Ohio Revised Code.
- H. Meet all applicable zoning requirements uniformly imposed on all single-family dwellings in the district such as minimum lot size, setbacks, and minimum dwelling unit square footage (excepting contrary requirements for minimum roof pitch and requirements that do not comply with HUD code standards for manufactured housing).
- I. All indicia of mobility are removed upon placement upon its foundation.

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

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 those for the standard subdivision, such as building design principles, and landscaping plans.

Pond: Shall mean a basin or body of water in the ground with a depth three (3) feet or greater and 1,000 square feet or greater used to hold water. This shall include retention ponds used to retain water and detention ponds used to detain water after a rain event commonly used to control stormwater in platted, commercial, industrial and multifamily developments.

Portable Sign: See 'sign, portable/daisy'.

Primary Conservation Areas: Steep slopes (over 20%), wetlands, watercourses, wood stands over 2 acres, tree rows, intermittent streams and 100-year floodplains.

Professional Activities: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professionals.

Public Service Facility: The erection, construction, alteration, operation, or maintenance of buildings, power plant, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

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 Utility: A business or service which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need, such as electricity, gas, water, transportation, or telephone or telegraph service. The test for determining if a concern is a public utility is whether it has held itself out as ready, able and willing to serve the public.

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.

Quasi-public Use: Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

Recreation Camp: An area of land on which two or more travel trailers, campers, tents, or other similar temporary recreation structures are regularly accommodated with or without charge, including any building, structure or fixture or equipment that is 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 and 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.

Research Activities: Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and related facilities including operation of prototype, pilot plant or semi-works processes which are no larger than the normal version of said process, exposure of product to weather and all other tests relating to code and other product performance requirements and fabrication or assembly operations which process materials or equipment for market development and other uses, provided that such operations shall be conducted within a building or be visually screened or located more than two hundred (200) feet from adjacent property lines, and provided further, that the same do not violate the provisions of Sections 1016 through 1024, inclusive.

Restaurant – Sit Down: An establishment maintained, operated, and/or advertised or held to the public as a place where food and beverage are served to the public on demand from a menu during stated business hours, served in and on reusable containers and dinnerware, to be consumed on the premises primarily inside the building at tables, booths, or counters, with chairs, benches or stools.

Restaurant – Carry Out/Take out: A restaurant where food, frozen dessert, or beverages are primarily sold in a packaged, ready-to-consume state, intended for ready consumption by the customer on or off the premises.

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

Roof Line: The outline or outer edge of a roof.

Roof Sign: See 'sign, roof'.

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.

Screening: A continuous fence, wall, compact evergreen hedge or combination thereof, supplemented with landscape planting, which would effectively and opaquely screen the property which it encloses from noise or unsightly visual intrusions, and is broken only by access drives and walks.

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

Secondary Conservation Areas: Land typically consisting of upland forest, meadows, pastures, and farm fields that are part of the ecologically connected matrix of natural areas significant for wildlife habitat and/or water quality protection; historic, archaeological or cultural features listed (or eligible to be listed) on national, state or county registers or inventories, and scenic views into the property from existing public roads and other reasons. Secondary conservation areas are those selected areas to be saved in a conservation subdivision in addition to the primary conservation areas.

Setback Line: A line established by the zoning resolution generally parallel with and measured from the lot line, defining the limits of a yard.

Sewage: The waste matter from domestic, industrial, commercial establishments typically carried off in sewers.

Sewers, Central or Group: An approved sewage disposal system, which provides a collection network and disposal system and central sewage treatment facility for the 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.

Shopping Center:

- A. Any group of more than five permitted or discretionary uses, designed, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants.
- B. A group of commercial uses, which have been designed, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants and distinguished from a business area comprising unrelated individual uses.
- C. A building or group of buildings on the same site, in which more than six of the permitted uses are located together for their mutual benefit, including the use of off-street parking and other joint facilities.
- D. A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves.
- E. A commercial development, containing at least three individual business establishments conceived and designed as a single, comprehensively planned development project with appropriate relationships between the shopping centers buildings, activities, open spaces, parking areas, loading areas, driveways, other shared facilities, public areas and adjoining streets, and held in single ownership or by participants in a condominium corporation or commercial cooperative.
- F. Several mixed commercial functions housed in one or more buildings designed as an integrated unit and contained within one legal parcel of land.
- G. A commercial area developed in accordance with a comprehensive scheme containing not less than four separate commercial uses which uses are intended to serve more than one neighborhood area with a broad range of retail, cultural, and personal services.
- H. A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Shrub: A plant that at the time of planting is at least eighteen inches (18") tall above the highest root or of a size requiring a two (2) gallon pot. Shrubs must be appropriate for climate zone and soil type to meet requirements of this resolution.

Shrubs, Hedge: Plants that at maturity will range in height from 7 feet to 15 feet and are spaced from 3 to 6 feet on center depending upon the variety.

Shrubs, Blooming: Plants that flower or undergo change in leaf color. They range in height from 2 to 14 feet.

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

Sign: Any object, device, display or structure or part thereof situated outdoors or adjacent to the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.

Sign Area: The entire display area of a sign including all writing, representation, emblem, or other display of the advertising surface located on one or more sign faces, together with any material or color that is an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. This does not include any supporting framework, bracing, or decorative fence or wall. See **Section 1203** (Computations) for specific sign area calculation requirements.

Sign, Awning: A permanent sign that is mounted or painted on or attached to a seasonal or permanent awning structure.

Sign, Canopy: A permanent sign that is mounted or painted on or attached to a canopy structure.

Sign, Changeable Copy: Permanent or temporary sign in which the sign allows characters, letters, or illustrations to be changed without altering the sign.

Sign, Electronic Message Center: A sign or portion of a sign, that displays an electronic image or video, which may or may not include text, including any sign or portion of a sign that uses changing lights or similar form of electronic display such as LED to form a sign message or messages with text and or images wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. This definition includes without limitation television screens, plasma screens, digital screens, flat screens, LED displays, video boards, and holographic displays.

Sign Face: The area or display surface used for the message.

Sign, Freestanding: A sign attached to or supported by the ground, and not attached or affixed to a building or structure. Also commonly referred to as "ground sign" or "pole sign". Signs attached to fences will be considered freestanding signs.

Sign, Governmental: A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance, Resolution or other governmental regulation.

Sign Height: The vertical distance to the top of a sign structure measured from the relative existing adjacent grade. If sign is located on a man-made earthen mound, mounding shall be considered part of sign height. Any visible material whose major function is providing structural support for the sign shall be considered part of the overall sign height.

Sign, Identification: An on-premises sign in which the main purpose of the sign is the identification of a business, institutional use, or premises.

Sign, Illegal: Any sign which is contrary to the requirements of this Resolution and which does not satisfy the nonconforming specifications stated in this Resolution.

Sign, Illuminated: A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

Sign, Neon: A sign made using electrified, luminous tube lights that contain neon or other gases.

Sign, Nonconforming: Any sign lawfully existing on the effective date of a Resolution, which does not conform to all the standards and regulations of the current Resolution.

Sign, Off-Premises: Any sign, including billboards, that advertises or otherwise directs attention to an activity not on the same lot where the sign is located.

Sign, On-Premises: A sign, which only advertises or otherwise directs attention to an activity on the same lot where the sign is located.

Sign, Permanent: A sign intended, and permitted by this Resolution, to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground.

Sign, Portable/Daisy: A sign not affixed to the ground, building, or other structure, which may be moved from place to place, including, but not limited to, signs designed to be transported by means of wheels, menu and sandwich Board signs, and signs attached to or painted on a vehicle parked and visible from the public right-of-way, unless such vehicle is used in the day to day operations of a business.

Sign, Roof: A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the roof line of a building.

Sign, Temporary: A sign intended, and permitted by this Resolution, to be located on the premises for a limited period of time only.

Sign, Under-Marquee: Any sign which forms part of or is integrated into or attached to a marquee and which does not extend horizontally beyond the limits of such marquee.

Sign, Wall: A sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project more than 18 inches from such building or structure.

Sign, Window: A sign that is applied or attached to the interior of a window or located in such manner within a building that it conveys a message to the exterior of the structure through a window.

Solid Waste: Such unwanted residual solid or semi-solid material as result from industrial, commercial, agricultural, and community operations, or other waste materials of the type that would normally be included in demolition debris, non-toxic fly ash, spent non-toxic foundry sand and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, combustible, and non-combustible material, street dirt and debris.

Stable, Commercial: A stable for horses, donkeys, mules or ponies, which are let, hired, used or boarded on a commercial basis and for compensation.

Stable, Private: An accessory building for the keeping of horses, donkeys, mules or ponies owned by the occupant of the premises and not kept for remuneration, hire or sale.

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

Street: Any public or private way dedicated to public travel, fifty (50) feet or more in width. The word "street" shall include the words "highway," and "thoroughfare."

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, and billboards.

Structural Alteration: Any change in the structural members of a building, such as walls, columns, beams, or girders.

Supply Yards: A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

Swimming Pools: A pool, or open tank containing at least three (3) feet of water at any point and maintained by the owner or manager.

A. 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.

B. Community - Operated with a charge for admission; a primary use.

Telecommunications Antenna, or Antenna: Refers to the actual directional antenna, panel, microwave dish or satellite dish, and omni-directional antennas such as whips and other equipment utilized to serve personal communication services, to receive or transmit electromagnetic waves between cellular phones, pagers, commercial mobile services, wireless services and ground-wired communications systems.

Telecommunications Carrier: Means a public utility engaged in the provision of telecommunication services. **Resolution 09-05-05-04**

Telecommunications Tower: Means any structure as defined in ORC 519.211 (B) (1).

Temporary Sign: See 'sign, temporary'.

Thoroughfare, Street, or Road: A full width between property lines bounding every public way or whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

A. Alley - A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.

B. Arterial Street - A general term denoting a highway primarily for through traffic, carrying heavy loads and a large volume of traffic, usually on a continuous route.

C. Collector Street - A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets, including the principal entrance and circulation routes within residential subdivisions.

D. Cul-de-Sac - A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turn-around.

E. Dead-End Street - A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.

F. Local Street - A street primarily for providing access to residential or other abutting property.

G. 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 the one hundred and eighty (180) degree system of turns are not more than one thousand (1,000) feet from said arterial or collector street, not normally more than six hundred (600) feet from each other.

H. 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 Street).

Through Lot: See Lot Types.

Tourist Home: A building or part thereof, other than a hotel, boarding house, lodging house or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

Township Government Building: A building or structure owned, operated or occupied by a township government agency to provide a government service to the township.

Transportation, Director of: The Director of the Ohio Department of Transportation.

Tree, Canopy: A deciduous tree which at maturity will shed its leaves annually, and provide shade.

Tree, Evergreen: A coniferous tree with needles or a broadleaf tree which retains its leaves throughout the year.

Tree, Understory: A lower growing tree which screens, flowers, defines space and provides seasonal interest.

Under-Marquee Sign: See 'sign, under-marquee'.

Unnecessary Hardship: Hardship which is substantial and serious and one or more of the following is true:

- A. Application of the zoning resolution to the parcel of land causes such a diminution of its value as to amount to a confiscation.
- B. The affected property cannot be used for any productive use if devoted to a permitted use. Economic loss alone is not sufficient to meet this criteria; the landowner's property must be rendered practically valueless without the variance.
- C. None of the permitted uses in the zoning resolution may reasonably be applied to the property.
- D. The hardship is unique to the applicant's property and is not a hardship common to the area.

In any of the foregoing situations, the hardship cannot have been self-created. An applicant who has knowledge of the zoning restrictions and/or the problems bringing about the hardship, or should have known them at the time the property was purchased, may not claim unnecessary hardship.

Use: The specific purposes for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

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, literal enforcement of the regulations would result in practical difficulties. As used in this Resolution, a variance is authorized for height, area, and size of structure, or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district, unless so authorized by this resolution.

Vehicular Use Area: Any open or unenclosed area containing more than 1,800 sq. ft. of area and/or used by six (6) or more of any type of vehicle, whether moving or at rest, including but not limited to parking lots, loading, and unloading areas, mobile home parks, and sales and services areas.

Veterinary Animal Hospital or Clinic: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those, which 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 nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

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: See 'sign, wall'.

Window Sign: See 'sign, window'.

Yard: A required 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 construction of visibility's, ornaments, and furniture may be permitted in any yard, subject to height limitations, and requirements limiting obstruction of visibility.

- A. **Yard, Front** - A yard extending between side lot lines across the front of a lot and from the lot line to the front of the principal building.
- B. **Yard, Rear** - A yard extending between side lot lines across the rear of a lot and from the rear lot to the rear of the principal building.
- C. **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 yard.

Zoning Inspector: The Zoning Inspector of the township, or his authorized representative.

Zoning Map: The zoning map or maps of the township, together with all amendments subsequently adopted.

Zoning Permit/Certificate: A document issued by the zoning inspector authorizing the use of lots, uses of land and structures, and the characteristics of the uses.