

## **ARTICLE 2 DEFINITIONS**

### **INTERPRETATION OF TERMS OR WORDS:**

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

1. The word “person” includes a firm, association, organization, partnership, trust, company, or 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, 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.”

### **ACCESSORY USE OR STRUCTURE<sup>1</sup>:**

**Accessory Structure:** A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure. See also Home Occupation Sec. 1000.73.

**Accessory Use:** A use that:

1. Is clearly incidental to and customarily found in connection with a principal building or use;
2. Is subordinate to and serves a principal building or principal use;
3. Is subordinate in area, extent, or purpose to the principal building or principal use served;
4. Contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and
5. Is located on the same zone lot as the principal building or use served. See also Home Occupation Sec. 1000.72 and 1000.73

**ADULT ARCADE<sup>2</sup>:** Adult arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”

**ADULT BOOK STORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE<sup>3</sup>:** A commercial establishment which, as one of its purposes, offers for sale or rental or any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas;” or
2. Instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities.”

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas”

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<sup>1</sup> Accessory Use or Structure Amended 3/10/97

<sup>2</sup> Adult Arcade Added 6/16/05

<sup>3</sup> Adult Book Store....Amended 6/16/05

and still be categorized as adult book store, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult book store, adult novelty store, or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.” For the purposes of this Resolution, any retail establishment which devotes at least 20% of the total lineal feet available for the display of items or materials for sale or rental which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” shall be categorized as an adult book store, adult novelty store, or adult video store.

**ADULT CABARET**<sup>4</sup>: A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

1. Persons who appear in a state of nudity or semi-nudity;
2. Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities,” or
3. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by depiction or description of “specified sexual activities” or “specified anatomical areas.”

**ADULT ENTERTAINMENT BUSINESS**<sup>5</sup>: Classified as follows:

1. Adult arcades;
2. Adult book stores, adult novelty stores, or adult video stores;
3. Adult cabarets;
4. Adult drive-in motion picture theater;
5. Adult model studio;
6. Adult motel;
7. Adult motion picture theaters;
8. Escort agency;
9. Nude model studio;
10. Sexual encounter center; or
11. Any combination of classifications set forth in paragraphs (1) through (10) above.

**ADULT ESTABLISHMENT**: Includes any of the following:

1. The opening or commencement of any adult entertainment business as a new business;
2. The conversions of an existing business, whether or not an adult entertainment business, to any adult entertainment business;
3. The additions of any adult entertainment business to any other existing adult entertainment business; or
4. The relocation of any adult entertainment business.

**ADULT MATERIAL**: Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service capable of arousing interest through sight, sound, or touch, and:

1. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or

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<sup>4</sup>Adult Cabaret Added 6/16/05

<sup>5</sup>Adult Entertainment Business Amended 6/16/05

2. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human functions of elimination.

**ADULT MOTEL<sup>6</sup>:** A hotel, motel or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right-of-way which advertises the availability of this sex-oriented type of photographic reproductions; or
2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

**ADULT MOTION PICTURE THEATER<sup>7</sup>:** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slices, or similar photographic reproductions, or by various electronic media such as the Internet, are regularly shown which are characterized by the depictions or description of “specified sexual activities” or “specified anatomical areas.”<sup>1</sup>

**ADULT MOTION PICTURE DRIVE-IN THEATER:** An open air drive-in theater which is regularly used or utilizes fifteen percent (15%) 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 section.

**ADULT-ONLY ENTERTAINMENT ESTABLISHMENT:** An establishment where the patron directly or indirectly is charged a fee, where the establishment features entertainment or services, which constitute adult material as defined in this section, or which feature exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material.

**ADULT THEATER<sup>8</sup>:** A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of “specified anatomical areas” or “specified sexual activities.”

**AGRICULTURE<sup>9</sup>:** As used in section 519.02 to 519.25 of the Revised Code, "agriculture" includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

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<sup>6</sup> Adult Motel Added 6/16/05

<sup>7</sup> Adult Motion Picture Theater Amended 6/16/05

<sup>8</sup> Adult Theater Added 6/16/05

<sup>9</sup> Agriculture Amended 8/7/14

**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.

**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.

**ANIMAL SHELTER<sup>10</sup>:** A government or private organization that provides a temporary home for stray or surrendered pet animals.

**ANTENNA:** A system of electrical conductors that emit or receive radio waves.

**ASSEMBLY HALL:** A public or quasi-public meeting place associated with a community center, church/temple or school.

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

**AUCTION<sup>11</sup>:** A sale where objects of art, furniture, and other goods are offered for sale to persons who bid on the objects in competition with each other. An auctioneer licensed by the State of Ohio shall conduct the auction.

**AUTOMOTIVE, MANUFACTURED HOME, RECREATIONAL VEHICLES, 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, 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.

**BANNER:** Any sign of lightweight fabric or similar material that is mounted to a pole or building at one or more edges (excluding flags).

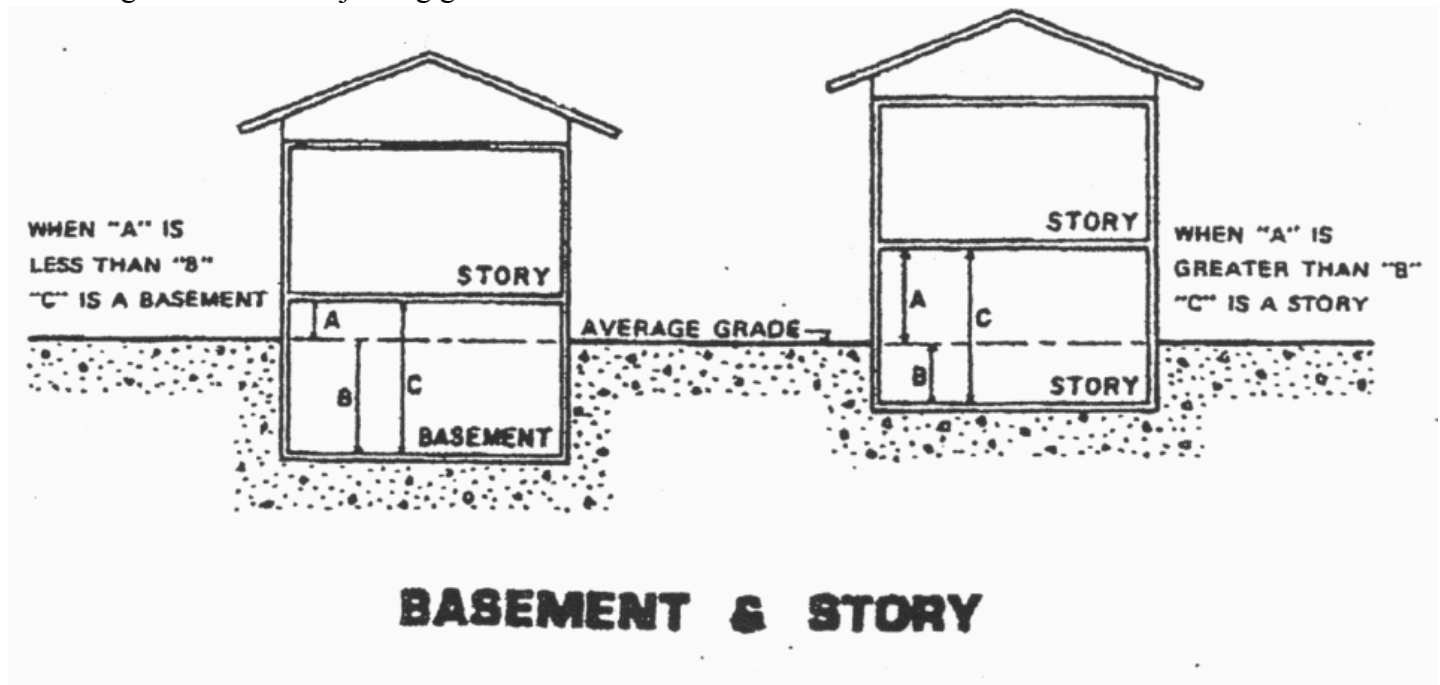
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<sup>10</sup> Animal Shelter Added 10/19/11

<sup>11</sup> Auction Added 8/1/02

**BARN:** A structure used for agricultural purposes that is exempt from local zoning as described in Ohio Revised Code §519.21.

**BASEMENT:** A story all or partly underground but having at least one-half ( $\frac{1}{2}$ ) of its height below the average level of the adjoining ground.

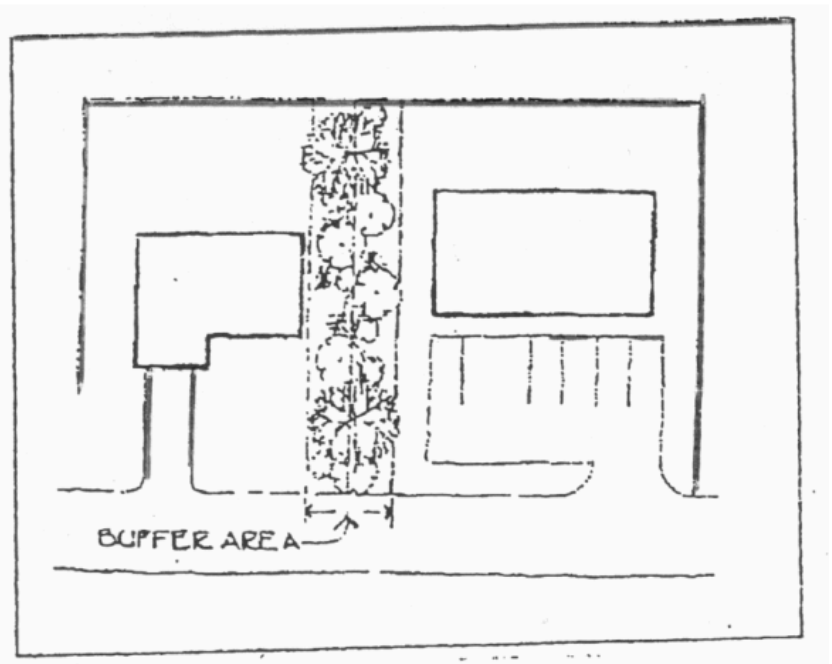


**BED AND BREAKFAST<sup>12</sup>:** A tourist lodging services within room of the property owner's principal residence.

**BED AND BREAKFAST, UN-HOSTED<sup>13</sup>:** A tourist lodging services where the owner lives off premises but provides rooms in a separate dwelling for those services.

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

**BUFFER / SCREENING AREA<sup>14</sup>:** A barrier of natural vegetation usually consisting of evergreen trees, shrubs, or tall grasses.



<sup>12</sup> Bed and Breakfast Amended 4/20/06

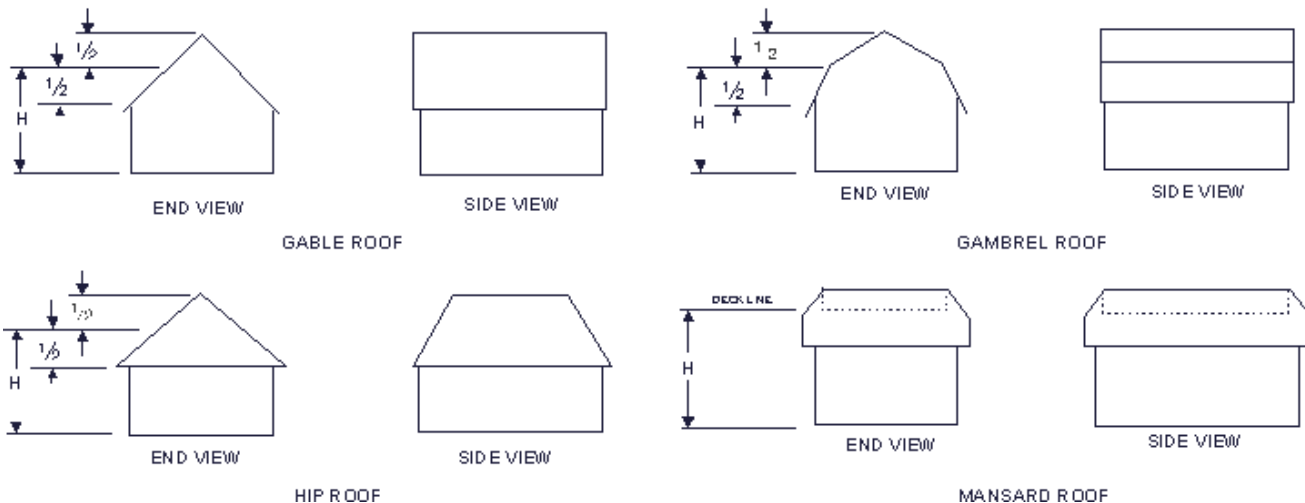
<sup>13</sup> Bed and Breakfast, Unhosted Added 4/20/06

<sup>14</sup> BUFFER AREA Amended 9/15/22

**BUILDING<sup>15</sup>:** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

**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.

H = Height of Building



**BUILDING LINE:** See SETBACK LINE.

**BUILDING, PRINCIPAL<sup>1</sup>:** See PRINCIPAL BUILDING.

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

**BUSINESS USE CERTIFICATE<sup>16</sup>:** Before any occupancy or change of occupancy in RC, NC, IOP, AC district application shall be made to the Zoning Inspector for a Business Use Certificate on the application from then in use by the Zoning Inspector.

**CAMPGROUND:** See RECREATION CAMP.

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

**CAPTIVE DISPOSAL FACILITY:** A facility owned and operated by a specific party, accepting only waste(s) generated by that party. Waste(s) is restricted to a specific waste or set of waste authorized by the Ohio EPA as contained in the Permit-To-Install (PTI).

<sup>15</sup> Building & Building, Principal Amended 3/10/97

<sup>16</sup> Business Use Certificate Added 5/1/13

**CARPORT<sup>17</sup>:** A roofed and wall-less shed usually projecting from the side of a building or free-standing structure used generally as a shelter for vehicles.

**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 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.

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

**CHILD CARE<sup>18</sup>:** Administering to the needs of infants, toddlers, preschool-age children, and school-age children outside of school hours by individuals other than the child's parents, guardians or custodians for part of a twenty-four-hour day in a place other than the child's home.

**CHILD DAY CARE CENTER<sup>18</sup>:** A place that is not the permanent residence of the licensee or administrator in which child care or public funded child care is provided for seven or more children at one time.

**CHILD DAY-CARE FAMILY HOME<sup>18</sup>:** A place that is the permanent residence of the child care provider or administrator in which child care of publicly funded child care is provided for not more than twelve (12) children at one time, depending on the type of home defined below. In counting children for the purposes of determining compliance with limitations on the number of children, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the day-care home shall be counted.

1. **Type-A Family Day Care Home** – (not more than 12 children) A family day-care home in which child care or publicly funded child care is provided for either:
  - a. Seven (7) to twelve (12) children at one time, or
  - b. Four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age.
2. **Type-B Family Day Care Home** - A child day-care family home in which child care is provided for:
  - a. One (1) to six (6) children at one time, and
  - b. No more than three (3) children under two (2) years of age are cared for at one time.

**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 Township highway.

**CLINIC:** A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.

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<sup>17</sup> CARPORT Added 9/15/22

<sup>18</sup> Deleted CHILD DAY CARE, Child Day Care Center, Type A Family Day Care Home and Type B Family Day Care Home; Added CHILD CARE, CHILD DAY CARE CENTER, CHILD DAY-CARE FAMILY HOME 9/15/22

**CLUB:** 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.

**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.

**COMMUNITY CENTER (NEIGHBORHOOD):** A structure located 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 LAND USE DEVELOPMENT PLAN<sup>19</sup>:** A plan, or any portion thereof, adopted by the Zoning Commission and the legislative authority of the Township of Austinburg, showing the general location and extent of present and proposed physical facilities, including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives and policies of the community.

**CONDITIONAL USE:** 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 Administrator 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 5000 square feet.

**CORNER LOT:** See LOT TYPES.

**CUL-DE-SAC:** See THOROUGHFARE.

**DANGEROUS PETS<sup>20</sup>:** Dangerous pets are defined as:

1. Predatory – Any animal, reptile, fish, bird, or insect which either bites, claws, injects venom, strangles, or constricts prey in manners which could cause serious injury or death to humans.
2. Nuisance – Predatory or non-native animals, birds, or reptiles which emit noises or odors of an offensive nature beyond the property of the owner.
3. Nature – Any non-native animal, bird, reptile, fish or insect which, if released or escaped, could create a threat to local ecology or proliferate to nuisance proportions.

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<sup>19</sup> Comprehensive Land Use Development Plan Added 3/10/97

<sup>20</sup> Dangerous Pets Added 9/4/97



4. Any animal, reptile, bird, fish, or insect which is trained, confined, restrained, and cared for in a way which demonstrates and which poses a threat of physical harm to humans or which creates a nuisance to the neighborhood.

**DEAD-END STREET:** See THOROUGHFARE.

**DEAD STORAGE**<sup>21</sup>: A collective term given to the property or merchandise, deposited or removed from a Self-Service Storage Facility. Examples are: excess household items, seasonal goods, and inventories of small commercial businesses.

**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.

**DISABLED VEHICLE, RECREATIONAL VEHICLE, TRAILER, MOBILE HOME:** Any type of motor vehicle, recreational vehicle, or mobile home that meets any one of the following criteria:

3. Does not have a current license;
4. Is apparently mechanically inoperable;
5. Is extensively damaged (i.e. missing wheels, motor, tires or transmission);
6. Is in a dilapidated or broken down state.

**DISTRICT:** A part, zone, or geographic area within the township within which certain zoning or development regulations apply.

**DRILLING UNIT**<sup>22</sup>: The minimum acreage on which one oil well may be drilled, but does not apply to a well for injecting gas into or removal from a gas storage reservoir.

**DRIVEWAY, PRIVATE**<sup>23</sup>: An access to a single lot or lots owned by one entity.

**DWELLING:** Any building or structure (except a recreational vehicle or mobile home as defined by the Ohio Revised Code §4501.01) which is wholly or partly used or intended to be used for living or sleeping by one (1) 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 (1) 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.

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<sup>21</sup> Dead Storage Added 5/5/99

<sup>22</sup> Drilling Unit Amended 3/10/93

<sup>23</sup> Driveway, Private Added 8/15/19

**DWELLING, MULTI-FAMILY:** A dwelling consisting of three (3) 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 but not a manufactured home as defined by Ohio Revised Code §4501.01.

**EASEMENT:** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property.

**ELDERLY HOUSEHOLD:** Not more than three (3) persons, related or unrelated, who occupy a single dwelling unit, of whom one (1) 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 for the aged.

**ELDERLY PERSON:** Any person who is 62 years of age, or older, or one under 62 years of age who is handicapped such that the person's physical impairments are of a long-term duration and impede the person's ability to live independently without a suitable housing environment.

**ELECTROMAGNETIC SPECTRUM:** The range of all electromagnetic energy.

**Ionizing Electromagnetic Radiation (IER)** – The upper portion of the electromagnetic spectrum; includes cosmic, atomic, and X-rays; alters molecular structure of living tissue through which it passes.

**Non-Ionizing Electromagnetic Radiation (NIER)** – The lower portion of the electromagnetic spectrum; includes household electrical current, radio, television, and microwave communication, radar, and visible light; insufficient to ionize living tissue; causes thermal effects; may cause non-thermal effects.

**ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance, by public utilities or other government agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate 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 owning and exhibiting or contracting or permitting any mechanical or electrically operated amusement device to be installed, used and exhibited in that person's own place of business, irrespective of the ownership of such device.

**FAMILY**<sup>24</sup> -- (A) an individual, or two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit; or (B) a group of not more than five persons who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit.

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<sup>24</sup> FAMILY Amended 9/15/22

**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 fattening or temporarily holding cattle 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**<sup>25</sup>: 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 persons passing upon township roads covered by Ohio Revised Code §4737.05 to 4737.99 inclusive. See also Section 912 FENCE AND WALL RESTRICTIONS IN FRONT YARDS.

**FENCE, LIVING STRUCTURE**<sup>26</sup>: A living fence is defined as a hedge, bush, plant, ornamental tree, and/or grass which by their nature grown to heights exceeding three feet and are planted, arranged or have grown to such an extent that they create a line of sight barrier to motorist using driveways, as determined by the Zoning Administrator.

**FIREARM RANGES AND/OR TARGET SHOOTING BUILDINGS:** A facility for the enjoyment of handgun, rifle or shotgun shooting.

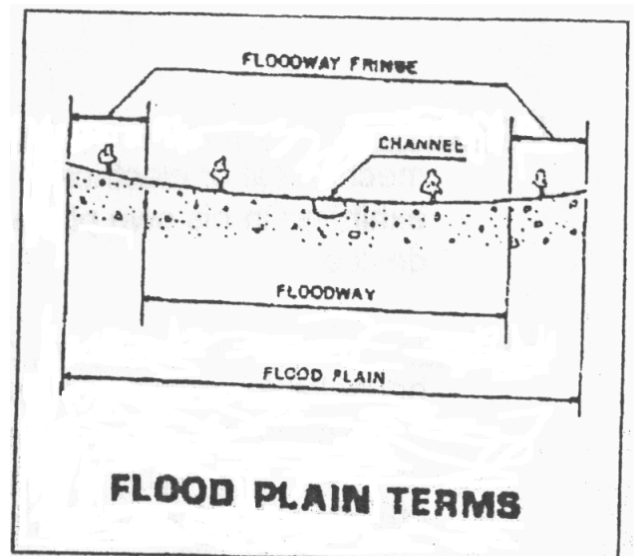
**FLAG:** Flags of the United States, the State, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flag shall not exceed 60 square feet in area and shall not be flown from a pole the top of which is more than 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.

**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 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.

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



<sup>25</sup> Fence, Barrier Amended 3/10/97

<sup>26</sup> Fence, Living Structure Added 8/15/19

**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.

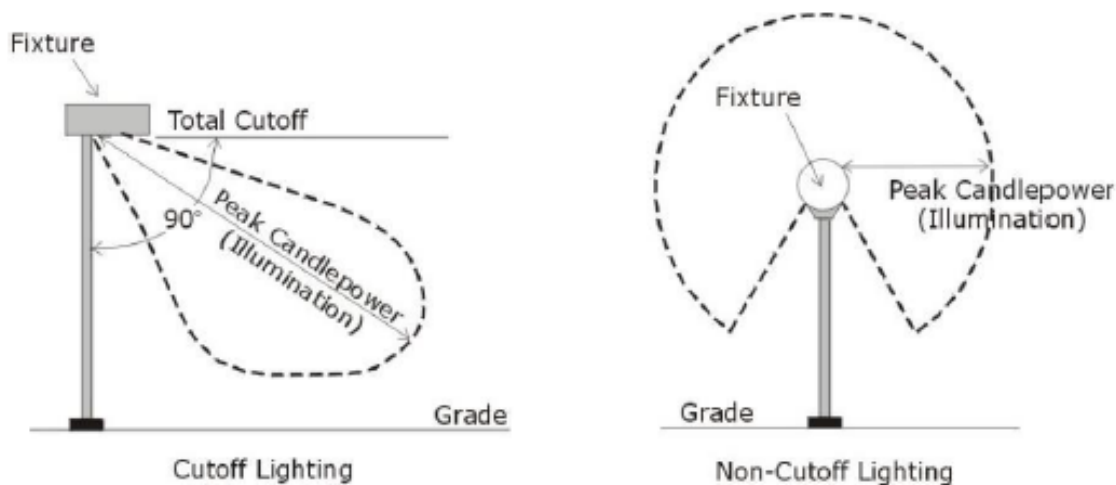
**FLOOR AREA OF A NON-RESIDENTIAL BUILDING (TO BE USED IN CALCULATING PARKING REQUIREMENTS):** The floor area of the specified use excluding stairs, wash-rooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

**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.

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

**FREQUENCY:** The number of cycles completed each second by a sound wave; measured in hertz (Hz). 1 Hz = 1 cycle per second; 1 kilohertz (kHz) = 1000 Hz; and 1 megahertz (MHz) = 1000 kHz or 1,000,000 Hz.

**FULL CUT-OFF LIGHTING<sup>27</sup>:** -- an artificial outdoor light fixture constructed or shielded in such a manner that no light is directly emitted above a horizontal line parallel to the ground (see figure below), either directly from the lamp or indirectly from the fixture.



**GARAGE, 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 (1) space is rented for parking to a person not a resident on the premises;
2. No more than one (1) commercial vehicle per dwelling unit is parked or stored;
3. The commercial vehicle permitted does not exceed two (2) tons capacity.

<sup>27</sup> FULL CUT-OFF LIGHTING Added 9/15/22

**GARAGE SALE:** See YARD SALE.

**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 service of spark plugs, batteries and distributor parts;
2. Tire servicing and repair, but not recapping or regrooving;
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like;
4. Radiator cleaning and flushing;
5. Washing, polishing, and sale of washing and polishing materials;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps, and lines;
8. Minor servicing and repair of carburetors;
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 convenience goods for service station customers, as accessory and incidental to principle operations;
12. Provisions of road maps and other informational material to customers, provision of restroom facilities;
13. Warranty maintenance and safety inspections;
14. Major mechanical repairs.

**GAS**<sup>28</sup>: All natural gas and all other fluid hydrocarbons not defined as oil, including condensate.

**GO CART TRACK:** A blacktopped area laid out for the riding of go-carts usually rented by the hour.

**GOLF COURSE:** An area designated 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 Three and miniature golf (such as putt-putt) are considered golf courses.

**GROUP RESIDENTIAL FACILITY**<sup>29</sup>: A community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services. There are two (2) classes of group residential facilities:

**(A) Adult Family Home:** A residence or facility that complies with the regulations of either ORC5119.341(A) for residential facilities accommodating up to five (5) persons with mental health issues, or ORC5123.19(M) residential facilities accommodating up to eight (8) persons with developmental disabilities, or is an unlicensed residential facility accommodating up to five (5) persons whose living arrangements constitute a family as defined in this Zoning Resolution. A house supervisor or other paid staff shall not be counted as a resident of an adult family home.

**(B) Adult Group Home:** A licensed residential facility that complies with the regulations of either ORC5119.341(B) for residential facilities for 6 to 16 persons with mental health issues, or ORC5123.19(N) residential facilities for 9 to 16 persons with developmental disabilities. A house supervisor or other paid staff shall not be counted as a resident of an adult family home.

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<sup>28</sup> Gas Added 3/10/97

<sup>29</sup> GROUP RESIDENTIAL FACILITY Amended 9/15/22

**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**<sup>30</sup>: 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 has no significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, babysitting, tax consulting and the like shall involve not more than three (3) receivers of such 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. Sections 1000.70-.74 shall apply.

**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.

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

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

**JUNK BUILDINGS, JUNK SHOPS, JUNK YARDS:** Any land, property, structure, building, or combination of the same, on which junk is stored or processed.

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

**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.

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<sup>30</sup> Home Occupation Amended 3/10/97

**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 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 or record, or of portions of lots of record.

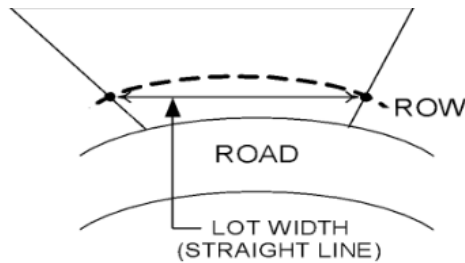
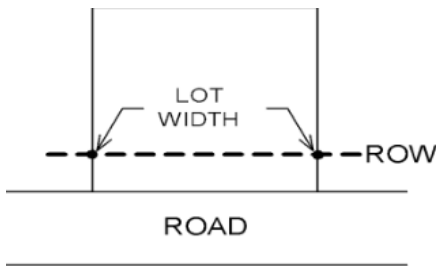
**LOT COVERAGE:** The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

**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.

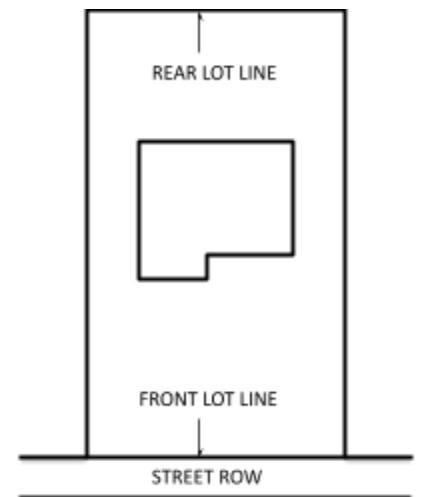
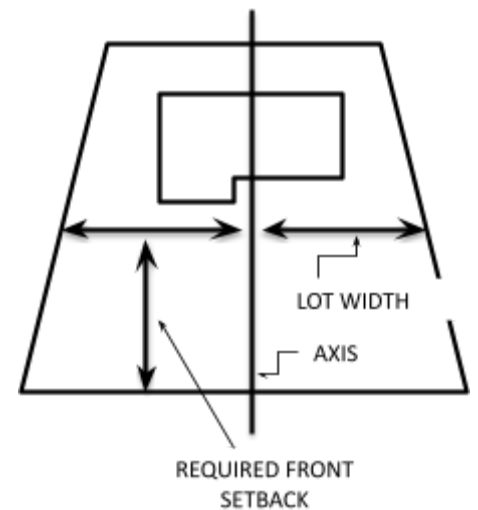
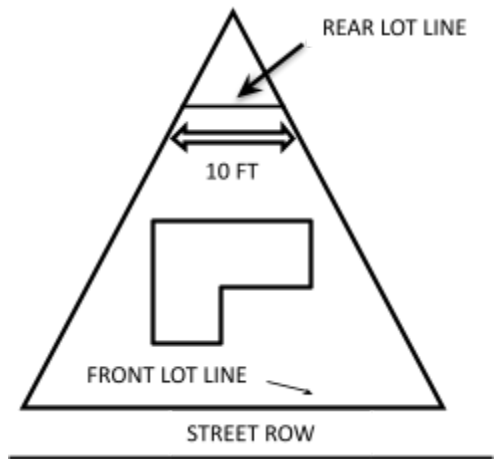
**LOT, MINIMUM AREA OF:** The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

**LOT MEASUREMENTS<sup>31</sup>:** 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 minimum lot width shall be measured at the road RIGHT-OF-WAY line.<sup>1</sup>
3. Cul-de-sacs & curvilinear roads – the minimum frontage will be



measured at the road RIGHT-OF-WAY line. See sketch below on how to measure.

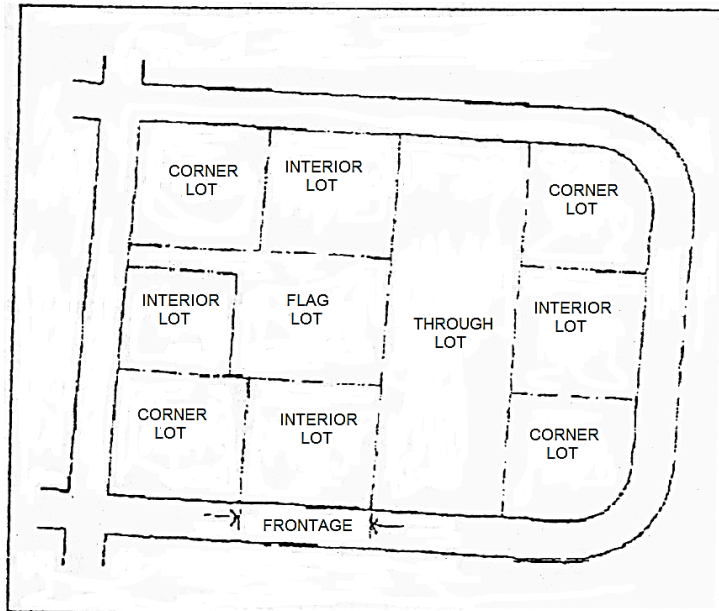


**LOT OF RECORD:** A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

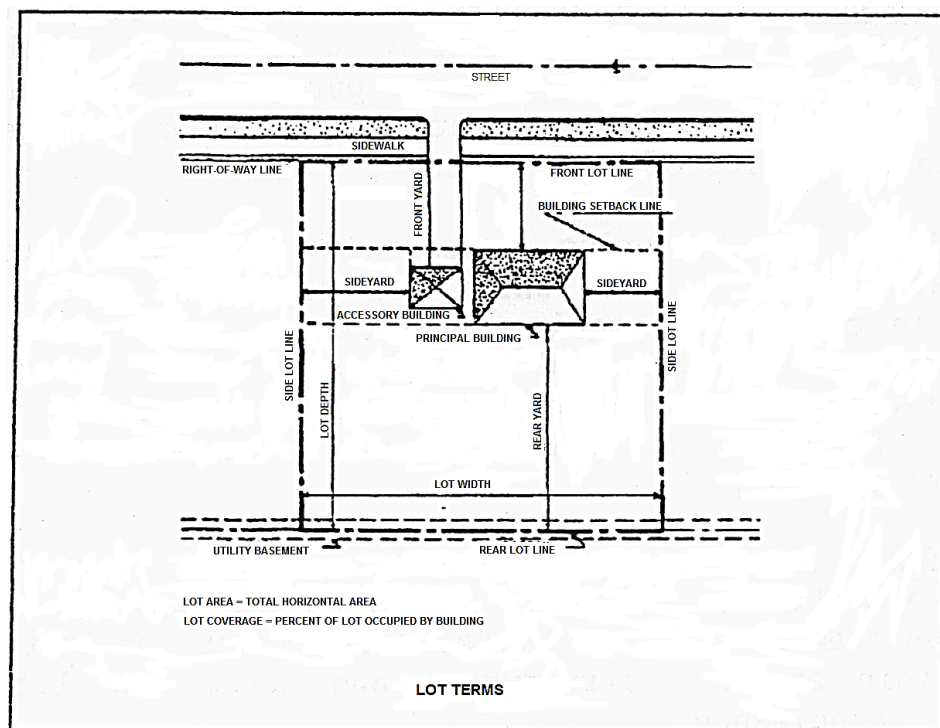
<sup>31</sup> Lot Measurements Amended 4/12/07

**LOT TYPES<sup>32</sup>:** Terminology used in this Resolution with reference to corner lots, interior lots, through lots, and flag lots is as follows:

1. **Corner Lot** – A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street 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 135 degrees.
2. **Interior Lot** – A lot with only one (1) frontage on a street.
3. **Through Lots** – A lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage lots (see Ashtabula County Subdivision Regulations).
4. **Reverse Frontage Lot** – A lot on which frontage is at right angles to the general pattern in the area. A reverse frontage lot may also be a corner lot.
5. **Flag Lot** -- A lot that is generally situated behind a lot or lots fronting on a street or roadway, where the parcel of land does not have the required road frontage on a public street as per these regulations and where access to the public street is through a narrow access strip of land that is commonly referred to as a panhandle, flagpole, or stem because of its narrow shape.
6. **Flag Lot Access Strip** - The portion of a flag lot that provides direct access to the public street, often referred to as the panhandle, flagpole or stem because of its narrow shape. Also referred to as “access strip.”



## **LOT TERMS:**



<sup>32</sup> LOT TYPES Amended 9/15/22



**MAJOR THOROUGHFARE PLAN:** The portion of the comprehensive plan adopted by the County 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.

**MANUFACTURED HOME:** Any non-self-propelled vehicle transportable in one or more sections, which in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 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 Resolution whether or not such structure is subject to taxation under Ohio Revised Code §4503.06 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 a structure are based on the structure's exterior dimensions 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. 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 (3) or more manufactured 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.

**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.

**MATERIAL RECOVERY FACILITY (WASTE REDUCTION):** A centralized facility that receives, separates, processes, and markets recyclable materials. A Material Recovery Facility can be operated in conjunction with both drop-off and curbside programs, and can be designed to process separated materials or co-mingled recyclables.

**MECHANICAL 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 machines, any table game or device commonly known as an electronic game, 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.

**MEDICAL MARIJUANA:**<sup>28</sup> Marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

**MICROWAVE:** Electromagnetic radiation with frequencies higher than 1000 MHz; highly directional when used for radio frequency transmissions; transmitted from point to point at relatively low power levels compared to other forms of transmission.

**MOBILE HOME:** Any non-self-propelled 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 4500 pounds and an overall length of 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.

**NONCONFORMITIES:** Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Resolution 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 MODEL STUDIO**<sup>33</sup>: Any place where a person who appears semi-nude or who displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Nude Model Studio shall not include:

1. Proprietary school licensed by the State of Ohio, or a college, junior college or university supported entirely or in part by public taxation;

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<sup>33</sup> *Nude Model Studio Added 6/16/05*

<sup>28</sup> *Medical Marijuana Added 9/21/17*

2. A private college or university that offers educational programs in which credits are transferable to a college, junior college, or university supported, entirely or partly by taxation; or
3. An establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and where no more than one (1) semi-nude model is on the premises at any one time.

**NUDE, NUDITY, OR A STATE OF NUDITY**<sup>34</sup>: The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering any part of the nipple or the showing of the covered male genitals in a discernibly turgid state.

**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.

**OCCUPANCY PERMIT**<sup>35</sup>:

**OIL**<sup>36</sup>: Crude petroleum and all other hydrocarbons regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in gaseous phase in the reservoir.

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

**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, GAS AND OIL**<sup>36</sup>: The person who has the right to drill on a tract or drilling unit, to drill into and produce from a pool and to appropriate the oil or gas that is produced there, either for self or for others.

**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 for 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, wire, or string, always in series designed to move in the wind.

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<sup>34</sup> *Nude, Nudity, or a State of Nudity Amended 6/16/05*

<sup>35</sup> *OCCUPANCY PERMIT Deleted 5/1/13*

<sup>36</sup> *Oil & Owner, Gas and Oil Added 3/10/97*

**PERFORMANCE BOND OR SURETY BOND:** An agreement by a subdivider or developer with the County 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.

**PERSON**<sup>37</sup>: An individual, proprietorship, partnership, corporation, association, or other legal entity.

**PERSONAL SERVICES:** Any enterprise conducted for gain which primarily offers services to the general public, such as shoe repair, watch repair, barbershops, beauty parlors, and similar activities.

**PICNIC GROUNDS:** An area either public or private designated as a site for picnic table, pavilions, restrooms and necessary accessories. Picnic grounds areas sometimes associated with Playgrounds and/or Swimming Pool areas.

**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 of the standard subdivision, such as building design principles and landscaping plans.

**POOL, GAS AND OIL**<sup>38</sup>: An underground reservoir containing a common accumulation of oil or gas, or both, but does not include a gas storage reservoir. Each zone of geological structure that is completely separated from any other zone in the same structure may contain a separate pool.

**PRINCIPAL BUILDING**<sup>38</sup>: A building in which the primary use of the lot on which the building is located is conducted.

**PRINCIPAL USE**<sup>38</sup>: The main use of land or structures, as distinguished from a secondary or accessory use.

**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 professions.

**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 a picnic ground or swimming pool area.

**PUBLIC SERVICE FACILITY:** The erection, construction, alteration, operation, or maintenance of buildings, power plants, 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 another 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.

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<sup>37</sup> Person Added 6/16/05

<sup>38</sup> Pool, Gas and Oil; Principal Building; & Principal Use Added 3/10/97

**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.

**RADIO:** A generic term referring to communication of impulses, sounds, and pictures through space by means of an electromagnetic wave; specifically, refers to transmission of sound within short-wave, FM, AM, and land-mobile radio frequencies.

**RECREATION CAMP:** An area of land on which two (2) 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:** 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.

**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 8 feet and a length not exceeding 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 35 feet, exclusive of bumper and tongue or coupling, and includes a tent type fold out camping trailer as defined in Ohio Revised Code §4517.01(S).
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** – a 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 a dwelling.
4. **Van Camper** -- Converted school and commercial passenger buses are sometimes used as recreational vehicles but do not carry the seal of the recreational vehicle’s organization. In some instances, a simple tent is also considered a recreational vehicle.

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

**RESTAURANT**<sup>39</sup>: A business establishment whose principal business is the selling of unpackaged food and beverages to the customer in a ready-to-consume state, in individual servings, or in non-disposal containers, and where the customer consumes these foods while seated at tables or a counter located within the building.

**RESTAURANT, DRIVE-THROUGH**<sup>1</sup>: Any establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where 1) foods, frozen desserts or beverages are usually served in paper, plastic or other disposable containers, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the item is consumed; and 2) the establishment includes a drive-up or drive-through service facility that delivers prepared food, frozen desserts or beverages to customers in motor vehicles.

**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, landscape areas, viaducts, and bridges.

**ROAD/STREET, PRIVATE**<sup>40</sup>: An access to multiple lots owned by unrelated parties and not maintained by a government entity. See Section 1000.210

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

**SANITARY LANDFILL**: Land waste disposal site that is located to minimize water pollution from runoff and leaching. Waste is spread in thin layers, compacted, and covered with a fresh layer of soil each day to minimize pest, aesthetic, disease, air pollution, and water pollution problems.

**SATELLITE SIGNAL RECEIVER**<sup>41</sup>: Dish-shaped parabolic antenna intended to receive satellite transmissions for television or broadband access.

**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 indicated, or each 24 lineal inches of benches, pews, or space for loose chairs.

**SELF-SERVICE STORAGE FACILITY**<sup>42</sup>: A facility consisting of a building or a group of buildings housing separate, individual, and private storage spaces for varying sizes. These spaces will be rented on an individual basis for varying periods of time.

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<sup>39</sup> Restaurant & Restaurant, Drive-Through Added 3/10/97

<sup>40</sup> Road/Street, Private Added 8/15/19

<sup>41</sup> Satellite Dish Deleted 8/15/19; Satellite Signal Receiver Added 8/15/19

<sup>42</sup> Self-Service Storage Facility Added 4/12/99

**SEMI-NUDITY OR IN SEMI-NUDE CONDITION**<sup>43</sup>: The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or part.

**SETBACK LINE**<sup>44</sup>: A line established by the zoning Resolution, generally parallel with and measured from the lot line for side and rear yards and from the right-of-way line from front yards, defining the limits of a yard.

**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.

**SEXUAL ACTIVITY**: Sexual conduct or sexual contact, or both.

**SEXUAL CONTACT**: Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a 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.

**SHED**<sup>45</sup>: A subordinate structure or building used primarily for storage purposes, of a height no greater than 7 feet and the total square footage of which does not exceed 120 square feet.

**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 letters, words, designs, colors, symbols, fixtures, images or illuminations.

**SIGN TYPES:**

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.

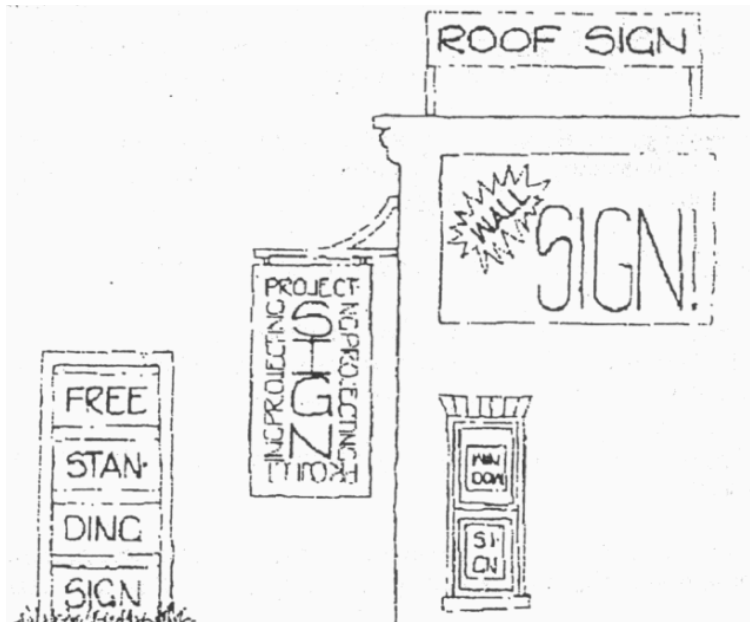
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<sup>43</sup> Semi-Nudity... Added 6/16/05

<sup>44</sup> Setback Line Amended 3/10/97

<sup>45</sup> Shed Added 8/1/02

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 located. All billboards are to be construed as off-premise signs.
3. **Sign, Canopy** – Any sign that is part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
4. **Sign, Illuminated** – Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
5. **Sign, Incidental** – A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “No Parking,” “Entrance,” “Loading Only,” “Telephone” and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.
6. **Sign, Projecting** – Any sign which projects from the exterior of a building.
7. **Sign, Residential** – 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.
8. **Sign, Roof** – Any sign placed on the roof of any building where the supporting structure is *not* screened so the sign appears to be a continuation of the face of the building.
9. **Sign, Temporary** – Any sign that is used only temporarily and is not permanently mounted.
10. **Sign, Wall** – 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 (1) sign surface.
11. **Sign, Window** – Any sign, pictures, symbol, or combination thereof, designed 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.



**SITE-BUILT HOMES:** Dwelling unit constructed on the lot in accordance to the Building Officials and Code Administrators’ National Building Code and inspected/approved by the Ashtabula County Department of Building Regulations.

**SMALL WIND ENERGY SYSTEM<sup>46</sup>:** A single towered wind energy system that:

1. Is used to generate electricity;
2. Has a rated name plate capacity of less than 5 Megawatts; See ORC 519.213
3. Has a total height of 152ft. or less.

**SOLAR PANEL/SYSTEMS FOR RESIDENTIAL USE:**

<sup>46</sup> *SMALL WIND ENERGY SYSTEM Added 5/1/13*



Devices designed to capture and convert solar energy into electrical power or heat for residential use. Solar panels may be mounted on rooftops or the ground and must comply with Township setback, height, and visibility requirements to ensure safe and unobtrusive installation. This definition includes all types of solar energy systems such as Passive Solar Energy, Building-integrated Photovoltaics (BIPV), Solar Thermal Energy (STE), Concentrated Solar Power (CSP), Photovoltaic (PV) solar energy, and any new technology that uses solar energy type systems. See Section 1000.210 SOLAR PANEL/SYSTEMS<sup>47</sup>.

**SOLID WASTE:** Unwanted residual solid or semisolid material as results from residential, industrial, commercial, agricultural, and community mining, or demolition operations, or other waste material of the type that would normally be included in demolition debris, nontoxic fly ash, spent nontoxic foundry sand, and slag and other substances that are not harmful or contrary to public health, and non-combustible material, street dirt, and debris. Solid waste does not include any material that is an infectious waste or hazardous waste.

**SOLID WASTE COMPOST FACILITY:** A compost facility for the controlled degradation of municipal solid waste. Included in this process is the removal of non-compostable inorganic materials.

**SPECIFIED ANATOMICAL AREAS**<sup>48</sup>:

1. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
2. Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

**SPECIFIED SEXUAL ACTIVITIES**<sup>2</sup>: Includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic regions, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or
3. Excretory functions as part of or in connection with any of the activities set forth in subsection (1) and (2) of this section.

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

**STORAGE CONTAINER**<sup>49</sup>: A container, including what is sometimes referred to as storage “pods” or “portable on demand storage units” any box van that has been disconnected from a chassis; and similar intermodal type shipping/cargo containers, that are (a) designed and commonly used for storing, shipping or transporting products and materials, and (b) are typically transported by a separate motorized vehicle or upon a trailer.

**STORAGE TRAILER**<sup>50</sup>: Includes any dry freight van, semi-trailer, tractor trailer, refrigerated van, or similar type trailer, whether connected to a chassis or trailer or not, used for storage and/or warehousing purposes or any purpose or intent other than that for which the container or trailer was originally designed, that being for the shipping and transporting of products and materials.

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

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<sup>47</sup> SOLAR PANEL / SYSTEMS Added 7/16/25

<sup>48</sup> Specified Anatomical Areas & Specified Sexual Activities Added 6/16/05

<sup>49</sup> STORAGE CONTAINER Added 8/7/14

<sup>50</sup> STORAGE TRAILER Added 8/7/14

**STRUCTURE<sup>51</sup>:** Anything constructed or erected, the use of which requires location on, in or under the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, walls, and billboards.

**SUBDIVISION:** The division of a lot, tract, or parcel into two (2) or more lots, tracts, or parcels or other divisions of land for sale, development, or lease (see Ohio Revised Code §711.001).

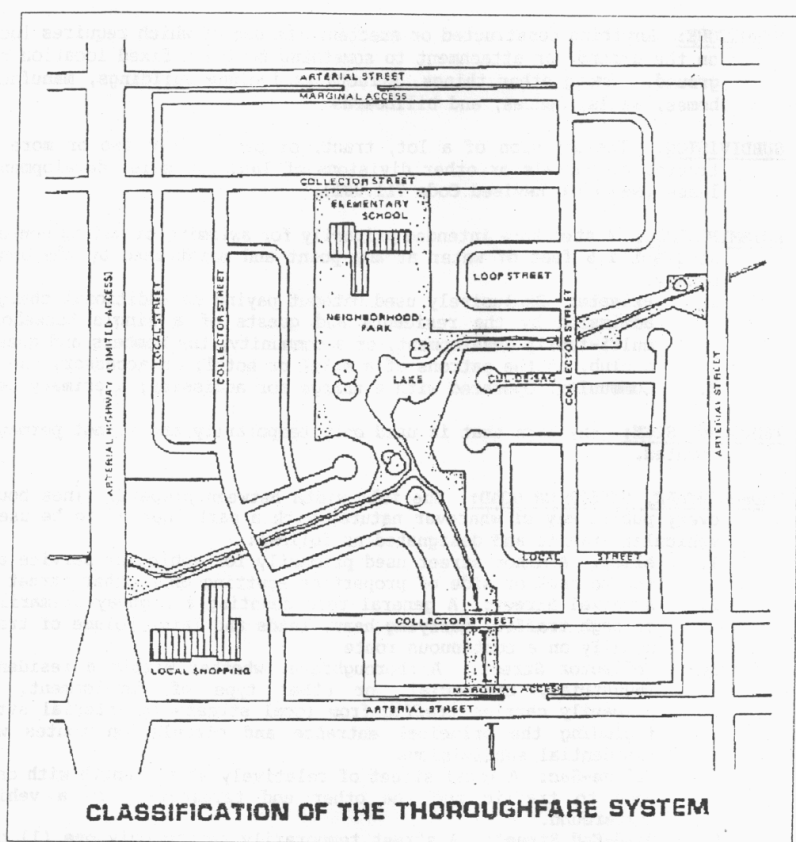
**SWIMMING POOL:** A structure intended primarily for swimming or wading containing at least 1.5 feet of water at any point and maintained by the owner or manager.

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.

**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 the 180 degree system of turns are not more than 1000 feet from said arterial or collector street, nor normally more than 600 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.



<sup>51</sup> Structure Amended 8/15/19

**TIME SHARING:** A land use concept which involves the transfer of ownership by deed of an 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.

**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 semi-trailer 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 25 miles per hour. See also RECREATIONAL VEHICLE.

**TRANSFER STATION:** A facility where the solid waste from several relatively small vehicles is placed into one relatively large vehicle before being hauled to a disposal site.

**TRANSMISSION TOWER:** The structure on which transmitting and/or receiving antennas are located. An AM radio tower is its own transmitting antenna.

**TRANSMITTER:** Equipment that generates radio signals for transmission via antenna.

**TRANSPORTATION, DIRECTOR OF:** The Director of the Ohio Department of Transportation.

**USE**<sup>52</sup>: The specific purpose for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained.

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

**VETERINARY ANIMAL HOSPITAL OR CLINIC:** 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, 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.

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

**WASTE RECYCLING CENTER:** A center which accepts solid waste that is otherwise destined for disposal although not necessarily on that location. The materials are collected, reprocessed or remanufactured, and ultimately reused.

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<sup>52</sup> Use Amended 3/10/97 and 5/1/13

**WATER SLIDE:** A recreational land use which utilizes a number of down hill slides along with water to propel the slider down the course.

**WIND ENERGY SYSTEM**<sup>53</sup>: Equipment that converts then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, battery, guy wire or other components used in a system.

**WIND TOWER**<sup>54</sup>: The monopole, freestanding or guyed structure that supports a wind generator.

**WIND TURBINE**<sup>55</sup>: The parts of a wind energy system including the blades and associated mechanical and electrical conversion components mounted on top of them.

**WINDOW SIGN:** Any sign, pictures, symbol, or combination thereof, designed 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.

**YARD**<sup>56</sup>: 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 portion of land between the street and the front of the principle building and extends from lot line to lot line. See also LOT TERMS.
2. **Yard, Rear** – A portion of land from the rear of the principle building and extends the full lot width to the rear lot line. See also LOT TERMS.
3. **Yard, Side** – A portion of land that lies between side lot line and the principle building that is not part of the front yard or back yard. See also LOT TERMS.

**YARD SALE:** Also known as Porch, Lawn, Basement, Barn, Garage, House, Flea Market, etc. (sales). The sale of varied used 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.

**YARD WASTE COMPOST FACILITY:** The controlled biological decomposition of leaves, grass clippings, prunings, and other natural organic solid waste under aerobic conditions.

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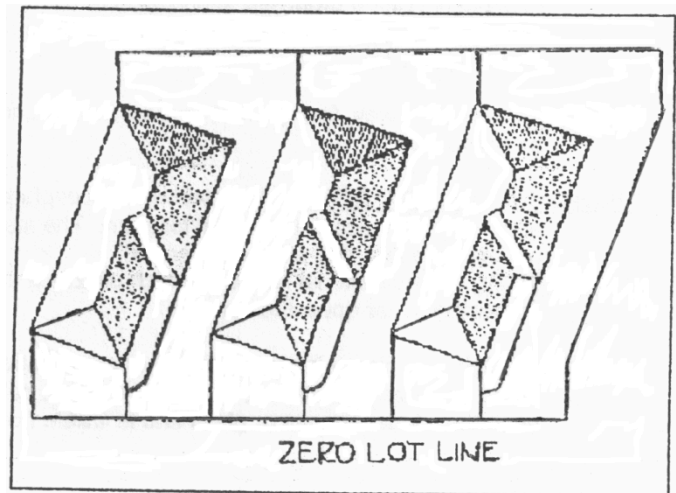
<sup>53</sup> Wind Energy System Added 5/1/13

<sup>54</sup> Wind Tower Added 5/1/13

<sup>55</sup> Wind Turbine Added 5/1/13

<sup>56</sup> Yard Amended 8/7/14

**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 provided 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 that required in the zoning district.



**ZONE LOT:** A parcel of land in 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 ADMINISTRATOR<sup>57</sup>:** The person designated by the Board of Township Trustees to administer and enforce zoning regulations and related resolutions. Zoning Inspector is the same as the Zoning Administrator.

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

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<sup>57</sup> ZONING ADMINISTRATOR Amended 5/1/13