

DEFINITIONS

The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this Section:

- (1) *Access drive* shall mean a way or means of approach, other than a street or road, to provide vehicular entrance to a property. See "Driveway."
- (2) *Accessory building* shall mean a building detached from a principal building and customarily used with, and clearly incidental and subordinate to, the principal building or use, and ordinarily located on the same lot with such principal building.
- (3) *Accessory use* shall mean a use of land or of a building or portion thereof customarily used with, and clearly incidental and subordinate to, the principal use of the land or building and ordinarily located on the same lot with such principal use.
- (4) *ADT* shall mean the average daily traffic volumes on a street or road.
- (5) *Adequate public facilities ("APF")* shall mean the public facilities and services necessary to maintain the adopted level of service standards.
- (6) *Adult arcade* shall mean any place to which the public is permitted or invited where either or both
 - (a) motion picture machines, projectors, video or laser disc players, or other video or image-producing devices are available, run via coin token, or any other form of consideration to show images to five (5) or fewer persons per machine at any one time; or
 - (b) live entertainment is available in a format designed for viewing by five (5) or fewer persons at one time; and where the images shown and/or live entertainment presented are characterized by the depiction or description of specified sexual activities or specified anatomic areas.
- (7) *Adult bookshop, adult novelty store, or adult video store* means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - (a) books, magazines, periodicals or printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or

- (b) instrument, devices, or paraphernalia, other than prophylactics, that are designed for use in connection with specified sexual activities.

A commercial establishment shall be deemed to have as a principal business purpose the offering for sale or rental of materials depicting or describing specified sexual activities or specified anatomical areas, or material designed for use in connection with specified sexual activities if:

- (i) Such commercial establishment devotes more than fifteen (15) percent of its total floor area to such sales or rentals
- (ii) Such commercial establishment devotes more than fifteen (15) percent of its product display space to such sales or rentals or
- (iii) On an annual basis, more than fifteen (15) percent of the gross revenues generated by such commercial establishment are attributable to such sales or rentals.

- (8) *Adult cabaret* shall mean a nightclub, bar, restaurant, theatre, concert hall, auditorium or other commercial establishment that, for the purpose of arousing, stimulating, or gratifying the sexual desire of employees or customers, features:

- (a) persons who appear in a state of nudity or semi-nudity
- (b) live entertainment characterized by the depiction or description of specified anatomical areas, or
- (c) live entertainment of an erotic nature including erotic dancers, strippers, male or female impersonators, or similar entertainment.

- (9) *Adult motel* shall mean a motel, hotel, or similar commercial establishment that:

- (a) offers accommodations to the public for any form of consideration, and provides patrons with closed-circuit television transmissions, film, 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.
- (b) offers a sleeping room for rent for a period of time that is less than ten (10) hours, or

- (c) allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten (10) hours.
- (10) *Adult motion picture theater* shall mean a commercial establishment where for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (11) *Agriculture* shall mean 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 of garbage or to animals or the operation or maintenance of a commercial stockyard or feedlot.
 - (c) The land is composed of tracts, lots or parcels that total not less than thirty (30) acres
 - (d) The produce activity conducted on the land produced an average yearly gross income of at least twenty-five hundred (\$2,500) dollars during that three year period or the owner has evidence of an anticipated gross income of that amount from farming activities. Proof of such activity shall include Schedule F of the federal tax return.
 - (e) 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.
- (12) *Amendment* shall mean any addition, deletion, or revision of the text of this Resolution or any addition, deletion, or revision of the Official Zoning Map adopted by Pittsfield Township after public hearings.
- (13) *Applicant* shall mean a developer, landowner, or other person with a legal property interest, including heirs, successors, and assigns, who has filed an application for subdivision or development.
- (14) *Application for subdivision or development* shall mean the application form and all accompanying submittal documents and exhibits required of an applicant by an approving authority for review of site plans, conditional uses, planned

developments, and other similar development or land use purposes.

- (15) *Artisan studio* shall mean the workshop of an artist, sculptor, or craftsperson.
- (16) *A-Scale sound level (dBA)* shall mean the measurement of sound approximating the auditory sensitivity of the human ear and used to measure the relative noisiness or annoyance of common sounds.
- (17) *Assisted living* shall mean residences for the elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation.
- (18) *Automated teller machine (ATM)* shall mean a mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether outside or in an access-controlled facility.
- (19) *Automotive dealer* shall mean the use of any building, land area, or other premise for the display and sale of new or used automobiles generally, but may include light trucks or van, trailers, or recreational vehicles, and including any vehicle preparation or repair work conducted as an accessory use.
- (20) *Automobile service station* shall mean any building, land area, or other premises, or portion thereof, used for the retail dispensing or sale of vehicular fuels; servicing and minor repair of automobiles; and as a permitted accessory uses the sale, application, or installation of lubricants, tires, batteries, and similar vehicle accessories. *Automobile service stations* shall not include premises where heavy automobile maintenance activities such as engine overhaul, automobile painting, and body fender work are conducted.
- (21) *Bank or financial institution* shall mean establishments engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions.
- (22) *Bar or tavern* shall mean an establishment providing or dispensing by the drink for on-site consumption fermented malt beverages, and/or malt, special malt, vinous or spirituous liquors, and in which the sale of food products such as sandwiches and light snacks is secondary (also known as a tavern).
- (23) *Basement* shall mean a space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half feet (as distinguished from a *cellar* which has less than one-half of its floor-to-ceiling height above the average level of the adjoining ground or has a floor-to-ceiling height of less than six and one-half feet).

- (24) *Bed and breakfast inn* shall mean an establishment operated in a dwelling unit, or portion thereof, that provides short-term lodging, with or without the service of a morning meal only, for compensation and where the operator lives on the premises, or in adjacent premises.
- (25) *Bedroom* shall mean a private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom.
- (26) *Berm*, in the context of landscaping or bufferyard requirements, shall mean a mound of earth typically used to shield, screen, and buffer undesirable views and to separate potentially incompatible land uses.
- (27) *Bikeway* shall mean either of the following:
 - (a) *Bicycle lane* a portion of the roadway designated for bicycles by striping, signage and/or pavement markings for preferential or exclusive use of bicycles. Bike lanes must be located on both sides of the road to accommodate bicyclists traveling in the same direction as the adjacent vehicular lane.
 - (b) *Bicycle path* a facility physically separated from the roadway and intended for bicycle use. A bicycle path is designed for the use of two lane, two-way bicycle traffic. Paths may be located within open space through a development, along an abandoned rail line or adjacent to an existing road.
- (28) *Building* shall mean any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which is governed by the following characteristics:
 - Is permanently affixed to the land; and
 - Has one (1) or more floors and a roof; and
 - Is bounded by either open space or the lot lines of a lot.
- (29) *Building, principal* shall mean the building or structure on a lot used to accommodate the primary permitted use, such use possibly occurring in more than one building or structure.
- (30) *Building envelope* shall mean an area within a conservation development that is designated as a location within which a dwelling unit is to be placed in compliance with the building setback and spacing requirements established by the township zoning regulations. A building envelope may or may not be located within a subplot and may or may not have frontage on a public street.

- (31) *Buffer shall mean* a designated area between uses or adjacent to the perimeter of natural features designed and intended to provide protection and which shall be permanently maintained by an association as described in Section 110 “B”.

LAND USE BUFFER: Land area used to separate or visibly shield and/or screen one use from another.

RIPARIAN BUFFER: A naturally vegetated area located adjacent to streams and rivers that is intended to stabilize banks and limit erosion.

WETLANDS BUFFER: An area of undisturbed natural vegetation located adjacent to the perimeter of the wetlands.

- (32) *Bufferyard shall mean* open spaces, landscaped areas, fences, walls, berms, or any combination thereof, used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

- (33) *Bus shelter shall mean* a small, roofed structure, usually having three walls, located near a street and designed primarily for the protection and convenience of bus passengers.

- (34) *Business park, office or industrial shall mean* a tract of land that is planned, developed, and operated as an integrated facility for a number of individual industrial or office uses, with consideration given to overall on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

- (35) *Business services shall mean* establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; photocopying and printer services; and personal supply services.

- (36) *Capacity shall mean*, where used in reference to any street, the maximum traffic volume for which such street can provide an adequate level of service.

- (37) *Car wash shall mean* any building, structure, or premises or portions thereof used for washing automobiles, and includes automatic car washes.

- (38) *Cemetery shall mean* land used or intended to be used for the burial of the dead and dedicated for cemetery purposes.

- (39) *Church* shall mean a building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.
- (40) *Clear sight triangle*--see "Sight distance" below.
- (41) *Clearing* shall mean any intentional or negligent act to cut down, remove all or a substantial part of, or damage a tree or other vegetation that will cause the tree or other vegetation to decline and/or die. Such acts include, but are not limited to, damage inflicted upon the root system of the vegetation by the application of toxic substances, by the operation of equipment and vehicles, by storage of materials, by the change of natural grade due to unapproved excavation or filling, or by the unapproved alteration of natural physical conditions.
- (42) *Clinic* — see "Medical clinic."
- (43) *Club* shall mean an organization of persons for special purposes or for the promulgation of sports, arts, literature, politics, or other common goals, interests or activities, characterized by membership qualifications, dues, or regular meetings, excluding clubs operated for profit and places of worship.
- (44) *Clustering* shall mean a site design technique that concentrates buildings or lots on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.
- (45) *Commercial development* shall mean any land development activity except development activity intended solely for residential or industrial use.
- (46) *Commercial recreational or sports training facility* — see "Recreational facility, commercial."
- (47) *Common open space* shall mean land within or related to a development, not individually owned or dedicated for public use but generally owned and maintained by a homeowners association, that is designed and intended for the common use or enjoyment of the residents of the development and their guests, and may include such complementary structures and improvements as are necessary and appropriate.
- (48) *Common Drive* shall mean a private way which provides vehicular access to at least two but not more than five (5) dwelling units.
- (49) *Compatible or compatibility* shall mean the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting *compatibility* include height, scale, mass, and bulk of structures. Other characteristics include pedestrian or vehicular

traffic, circulation, access and parking impacts. Other important characteristics that affect *compatibility* are landscaping, lighting, noise, odor and architecture. *Compatibility* does not mean "the same as." Rather, *compatibility* refers to the sensitivity of development proposals in maintaining the character of existing development

- (50) *Composting* shall mean the biological decomposition of organic material such as vegetable scraps, leaves, grass clippings, wood shavings, and non-human manures to produce material for fertilizing and conditioning soil.
- (51) *Comprehensive plan* shall mean the Comprehensive Plan of Pittsfield Township, as amended from time to time, or the most recently adopted comprehensive plan of Pittsfield Township.
- (52) *Conservation Development* shall mean a contiguous area of land to be planned and developed as a single entity, in which housing units are accommodated under more flexible standards, such as building arrangements and setbacks, than those that would normally apply under residential district regulations, allowing for the flexible grouping of houses in order to conserve open space and existing natural resources.
- (53) *Conservation Easement* shall mean a legal interest in land which restricts development and other uses of the property in perpetuity for the public purpose of preserving the rural, open, natural or agricultural qualities of the property as authorized by ORC§ 5301.67 through 5301.70.
- (54) *Convenience store* shall mean a retail establishment offering for sale food products and beverages for off-site consumption, household items, newspapers and magazines, and other general merchandise. The retail dispensing or sale of vehicular fuels as an accessory use to a convenience store may be permitted.
- (55) *Convention and conference center* shall mean a facility used for business or professional conferences and seminars, often with accommodations for sleeping, eating, and recreation.
- (56) *Corner lot* shall mean a lot that abuts two (2) or more streets that intersect at one or more corners of the lot.
- (57) *Covering*, in relation to Sexually Oriented Businesses shall mean any clothing or wearing apparel, including pasties, but does not include any substance that can be washed off the skin, such as paint or make-up, or any substance designed to simulate the appearance of the anatomical area beneath it.
- (58) *Culvert* shall mean a drain, ditch, or conduit, not incorporated in a closed system, that carries drainage water under a driveway, roadway, railroad, pedestrian walk,

or public way. *Curb* shall mean a stone, concrete, or other improved boundary usually demarcating the edge of a roadway, parking lot, or other paved area.

- (59) *Curb cut* shall mean the opening along the curb line at which point vehicles may enter or leave the roadway.
- (60) *Cut* shall mean the excavating of earth from the ground surface during the process of land development.
- (61) *Cutoff* shall mean the point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cut off) at a specific angle above the ground.
- (62) *Cutoff angle* shall mean the angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.
- (63) *Day care center* shall mean a building or structure where care, protection, and supervision are provided for individuals on a regular basis away from their primary residence for less than 24 hours a day, with or without compensation and with or without stated educational purposes. The term includes, but is not limited to, facilities commonly known as day-care centers, day nurseries, nursery schools, preschools, play groups, day camps, summer camps, and centers for mentally retarded children, but specifically excludes any group home as defined in this Chapter.
- (64) *Density* shall mean the measure of the number of dwelling units permitted per gross acre of land area contained within the development.
- (65) *Developer* shall mean the legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable property interests in such land.
- (67) *Development* shall mean the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, but shall not include the dividing of land into two or more parcels.
 - (a) *Development* shall include:
 - (i) Any construction, placement, reconstruction, alteration of the size, or material change in the external appearance of a structure on land;

- (ii) Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
 - (iii) Any change in use of land or a structure;
 - (iv) Any alteration of a shore or bank of a river, stream, lake, pond, reservoir, or wetland;
 - (v) The clearing of land as an adjunct of construction;
 - (vi) The commencement of drilling (except to obtain soil samples), mining, stockpiling of fill materials, filling or excavation on a parcel of land;
 - (vii) The demolition of a structure;
 - (viii) The deposit of refuse, solid or liquid waste, or fill on a parcel of land; and
 - (ix) The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property.
- (b) *Development* shall *not* include:
- (i) Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
 - (ii) Work by any utility and other entity or person(s) engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing, on established rights-of-way, any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like;
 - (iii) A change in the ownership or form of ownership of any parcel or structure; and
 - (iv) The creation or termination of rights of access, easements, covenants concerning development of land, or other rights in land.
- (c) When appropriate in context, *development* shall also mean the act of developing or the result of development.
- (68) *Developmentally disabled* shall mean a person five years of age or older with a severe, chronic disability that:
- (a) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
 - (b) Is manifested before the person attains age twenty-two;
 - (c) Results in substantial functional limitations in three or more of the following areas of major life activity:
 - (i) self-care;
 - (ii) receptive and expressive language;

- (iii) learning;
 - (iv) mobility;
 - (v) self-direction;
 - (vi) capacity for independent living; and
 - (vii) economic self-sufficiency; and
- (d) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services and supports which are of lifelong or extended duration and are individually planned and coordinated; except that such term, when applied to infants and young children, shall mean individuals from birth to age five years, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services or supports are not provided.
- (69) *Diameter at breast height (DBH)* shall mean tree trunk diameter measured in inches at a height of 4.5 feet from the ground or, in the case of a tree that is divided into multiple trunks below 4.5 feet, as measured at the most narrow point beneath the point of division.
- (70) *District* shall mean a zone or zoning district.
- (71) *Drainage* shall mean surface water runoff or the removal of surface water or groundwater from land by drains, grading, or other means, which includes runoff controls to minimize erosion and sedimentation during and after construction or development.
- (72) *Drip line* shall mean a vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.
- (73) *Drive aisles* shall mean the lanes in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term *drive aisle* does not include lanes used only or primarily for drive-in customer service.
- (74) *Drive-through use* shall mean an establishment which by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.
- (75) *Driveway* shall mean a private roadway providing access to a street or highway from a building or structure.
- (76) *Driveway, shared* shall mean a single driveway serving two or more adjoining lots or uses.

- (77) *Duplex*— see “Dwelling, duplex.”
- (78) *Dwelling, accessory* shall mean a second dwelling unit either within or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provision within the accessory dwelling for cooking, eating, sanitation, and sleeping.
- (79) *Dwelling, duplex* shall mean a dwelling designed and built to contain two (2) dwelling units, whether side-by-side or one above the other, but each an independent dwelling relative to utilities, facilities, and access.
- (80) *Dwelling, mixed use* shall mean a dwelling that is located on the same lot or in the same building as a non-residential use.
- (81) *Dwelling, multi-family* shall mean a building containing five (5) or more dwelling units, typically including units located one over the other, but not including hotels, motels, fraternity houses and sorority houses and similar group accommodations.
- (82) *Dwelling, single-family* shall mean a dwelling containing no more than one (1) dwelling unit.
- (83) *Dwelling, single-family attached* shall mean a single-family dwelling attached to at least three (3) such units of one or more stories in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.
- (84) *Dwelling, single-family detached* shall mean a single-family dwelling which is not attached to any other dwelling or building by any means, including manufactured housing situated on a permanent foundation.
- (85) *Dwelling unit* shall mean one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, duplex, or multi-family dwelling or mixed-use building.
- (86) *Easement* shall mean a grant of one or more property rights (e.g., access) by the owner to, or for the use by, the public, a corporation, or another person or entity.
- (87) *Elderly* shall mean a person sixty-two (62) years of age or older.

- (88) *Employees* shall mean the total number of persons reasonably anticipated to be employed in a building or on land during normal periods of use.
- (89) *Employees: Sexually Orientated Business* shall mean a person who performs any service or work on the premises of any adult use/sexually oriented business including, but not limited to providing entertainment, performing work of a management or supervisory nature, or performing functions on a full-time, part-time or contract basis whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage, or other compensation by the operator of said businesses. Employee does not include a person on the premises exclusively for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.
- (90) *Entertainment facilities and amusement facilities* shall mean a building or part of a building devoted to providing entertainment for a fee, including movie theaters and theatrical space for dramatic, musical, or live performances, indoor pinball/video arcades, bowling alleys, and including such activities as billiards and pool, other table games, and similar-scale amusements.
- (91) *Entrance drive*—See “Access drive” and “Driveway.”
- (92) *Essential public utility and public services* shall mean the erection, construction, alteration, or maintenance by public utilities having the power of eminent domain, or by municipal departments, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or township departments or for the public health or general welfare, but not including transfer stations, power transmission tower lines, and other similar uses not primarily serving the Township.
- (93) *Excavation* shall mean the removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances, other than vegetation, from water or land, on or beneath the surface thereof, whether exposed or submerged.

- (94) *Family* shall mean an individual living alone, or a group of individuals not necessarily related by blood, marriage, adoption, or guardianship, living together in a dwelling unit as a single household, under a common housekeeping management plan based on an intentionally structured relationship that provides organization and stability. (see “Household.”)
- (95) *Family day care home* shall mean a facility for child care in the permanent residence of the provider for the purpose of providing day care and training for a child under the age of sixteen (16) years who is not related to the provider and in which no more than three (3) children are under two years of age, including the children of the provider. A family day care home shall provide care, protection, and supervision to no more than twelve (12) children at one time, including the children of the provider.
- (96) *Farm animals* shall mean animals commonly raised or kept in an agricultural, rather than an urban, environment including, but not limited to, chickens, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys and mules.
- (97) *Federal Emergency Management Agency (FEMA)* shall mean the agency with the overall responsibility for administering the National Flood Insurance Program.
- (98) *Fence* shall mean an artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.
- (99) *Fill* shall mean sand, gravel, earth, or other materials of any composition whatsoever excavated from elsewhere and deposited to build up the ground surface in the process of grading.
- (100) *Fire lane* shall mean an unobstructed paved or improved surface area clearly defined by pavement markings and signs, and designed to provide access for fire-fighting equipment.
- (101) *Floodplain* shall mean any portion of land within the Township that may be subject to flooding in the 100 year floodplain area as delineated in the U.S. Department of Housing and Urban Development Flood Hazard Boundary Map, Lorain County, Ohio, dated _____, as revised.
- (102) *Floodway* shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- (103) *Floor area, gross* shall mean the gross floor area of a building as measured along the outside walls of the building and including each floor level, but *not* including

open balconies; garages or other enclosed automobile parking areas; basements used only for heating, mechanical, and similar equipment; and one-half (1/2) of all storage and display areas for hard goods.

- (104) *Floor area ratio (FAR)* shall mean the amount of gross floor area of all buildings and structures on a building lot divided by the total lot area.
- (105) *Footcandle* shall mean a unit of measurement referring to illumination incident to a single point. One footcandle is equal to one lumen uniformly distributed over an area of one square foot.
- (106) *Frontage* shall mean the distance across the front of a lot between side lot lines, normally the width of the lot abutting the street to which the lot has access.
- (107) *Funeral home* shall mean a building used for the preparation of the deceased for burial or cremation, for the display of the deceased, and/or for ceremonies or services related thereto, including cremation and the storage of caskets, funeral urns, funeral vehicles, and other funeral supplies.
- (108) *Garage* shall mean an accessory building for the private use of the owner or occupant of a principal building situated on the same lot as the principal building and intended for the storage of motor vehicles and equipment with no facilities for mechanical service or repair of a commercial or public nature.
- (109) *Government facilities, administrative offices, and services* shall mean lands and buildings owned or operated by a local, state, or federal entity to provide legislative, judicial, administrative, or regulatory services for the public, but not including the underground and overhead distribution and collection systems providing water, gas, electric, telephone, cable TV service, or sanitary or storm sewage drainage.
- (110) *Grade* shall mean the vertical alignment of a surface of land, as it exists or as rendered by cut and/or fill activities.
- (111) *Grade, finished* shall mean the final elevation of the ground level after topsoil has been applied to graded slopes, as measured six (6) feet from the exterior walls of the structure.

- (112) *Grade, natural* shall mean the elevation of the undisturbed natural surface of the ground prior to any excavation or fill.
- (113) *Grading* shall mean rearrangement of the earth's surface by stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new contours or grades.
- (114) *Group home* shall mean a residence operated as a single dwelling, licensed by or operated by a governmental agency, for the purpose of providing special care or rehabilitation due to homelessness, physical condition or illness, mental condition or illness, elderly age, or social, behavioral or disciplinary problems, provided that authorized supervisory personnel are present on the premises.
- (115) *Group home, transitional* shall mean a group home serving persons who are in the process of transitioning or returning from an institutional remedial setting to independent living.
- (116) *Hazardous waste or materials* shall mean those chemicals or substances which are physical or health hazards as defined and classified in the Fire and Building Codes. Hazardous materials categories include explosives and blasting agents, compressed gases, flammable and combustible liquids, flammable solids, organic peroxides, oxidizers, pyrophoric materials, unstable (reactive) materials, water-reactive solids and liquids, cryogenic fluids, highly toxic and toxic materials, radioactive materials, corrosives, carcinogens, irritants, sensitizers and other health hazards. Each category is defined separately in the Fire and Building Codes in accordance with the Code of Federal Regulations Title 29 and other nationally recognized standards.
- (117) *Height* shall mean the distance above a given level.
- (118) *Historic and/or architectural significance* shall mean a building or structure that has a special historic or aesthetic interest or value as part of the development, heritage, or cultural character of the city, region, state, or nation.
- (119) *Home occupation* shall mean an activity carried out for monetary gain by a resident conducted as a customary, incidental, and accessory use in the resident's dwelling unit.
- (120) *Homeowners association* shall mean an organization formed to manage the common open space and common facilities within a development that are not to be publicly maintained; membership in, and financial support of such organization, is mandatory for all owners of property in the development.
- (121) *Hospital* shall mean an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease,

injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

- (122) *Hotel* shall mean a facility containing five (5) or more guest rooms and offering transient lodging accommodations at a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.
- (123) *Household* shall mean a family living together in a single dwelling unit, with common access to and common use of all living and eating areas and of all areas and facilities for the preparation and serving of food within the dwelling unit. See “Family.”
- (124) *Impervious coverage* shall mean that portion of a lot that is covered by principal and accessory buildings or structures, and by surfaces that prevent the passage or absorption of stormwater such as paving and driveways.
- (125) *Industrial use* shall mean both of the following type uses:
- (a) *Industrial use, heavy*—a use engaged in the basic processing and/or manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.
 - (b) *Industrial use, light*—a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products. Further, *light industrial* shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories and the like. *Light industrial* shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal and related industries.
- (126) *Infrastructure* shall mean those man-made structures that serve the common needs of the population, such as: potable water systems; waste water disposal systems, solid waste disposal sites or retention areas; storm drainage systems; electric, gas and other utilities; bridges; roadways; multi-purpose paths and trails; pedestrian sidewalks, paths and trails; and transit stops.
- (127) *Institutional/civic/public use* shall mean an educational, religious, health, or public use, such as a church, library, museum, public or private school, hospital, institutional residences such as intermediate or long-term care facilities for the

elderly or developmentally disabled, or government-owned or operated building, structure, or land used for public purpose, and in which goods, merchandise, and services are not provided for sale on the premises.

- (128) *Institutional residential uses* shall mean residences for nine (9) or more unrelated persons who are elderly or developmentally disabled and who may or may not require facilities and services including restorative care and treatment, nursing services, aid with daily living skills, meal service, regular or as-needed medical supervision, social care, or other services that are supportive, restorative, or preventive in nature. *Institutional residential uses* include, but are not limited to, long-term care facilities, nursing homes, group homes for nine (9) or more clients, and intermediate care facilities. *Institutional residential uses* do not include assisted living facilities, group homes for eight (8) or fewer clients, day care centers, or family day care homes.
- (129) *Invasive Species* shall mean organisms that harm, or have the potential to harm, the environment, economy, or human health.
- (130) “*Junk vehicle*” As per ORC 4513.65 *Junk vehicle* means a vehicle that meets all of the following criteria:
 - (1) Three model years old, or older;
 - (2) Apparently inoperable;
 - (3) Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.
- (131) *Land use* shall mean the activity or activities for which a lot or property and the buildings or structures on it are devoted.
- (131) *Landfill* shall mean a disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternative layers of specified depth in accordance with an approved plan.
- (132) *Landscaping* shall mean any combination of living plants such as trees, shrubs, plants, vegetative ground cover and turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains and the like. *Landscaping* shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation, and the preservation, protection, and replacement of existing trees.
- (133) *Land Trust* shall mean a non-profit, tax-exempt entity whose primary purpose includes the preservation of open space, natural land, rural land, or agricultural land, and which is permitted to hold conservation easements under ORC§ 5301.68.

- (134) *Level of service (LOS)* shall mean a qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed, freedom to maneuver, traffic interruptions, comfort, convenience, and safety. LOS is usually expressed in terms of six levels, designated A through F, with A (free flow of traffic with minimum intersection delay) being the best, and F (forced flow, jammed intersections, long delays) being the worst.
- (135) *Limits of disturbance* shall mean the area(s) of a site, as established pursuant to Section _____ of this Resolution, that may be disturbed by earth movement (grading), or cleared of vegetation, including disturbance or clearance to provide space for construction of principal and accessory uses and structures, parking areas, roads, drainage and stormwater management facilities, and/or utilities.
- (136) *Liquor store* shall mean a retail establishment licensed by the State of Ohio Department of Liquor Control to sell alcoholic beverages in containers, including wine, beer, and hard liquor, for consumption off-premises (carry-out).
- (137) *Loading area* shall mean an off-street area of a lot where goods are received and/or from which they are shipped, and where adequate space is available to permit maneuvering of vehicles entirely on the lot.
- (138) *Lot* shall mean a piece or parcel of land established by plat, subdivision, or otherwise permitted by law to be used, occupied, or intended to be occupied by one or more buildings, structures, or uses, together with such open spaces and access to or frontage on a public street, as required by this Resolution.
- (139) *Lot area or size* shall mean the amount of horizontal (plan view) land area within lot lines expressed in acres or square feet, based on deed description or registered surveyor's survey, excluding any street rights-of-way. One acre equals 43,560 square feet.
- (140) *Lot depth* shall mean the horizontal distance between the mid-point of the front and of the rear lot lines.
- (141) *Lot line* shall mean any of the lines describing the perimeter of a lot.
- (142) *Lot line, front* shall mean the lot line describing the edge of the lot abutting the street to which the lot has access and is oriented for purposes of development. On a corner lot only one (1) street line shall be considered as a front line, and the shorter street frontage shall be considered the front line.
- (143) *Lot line, rear* shall mean the line opposite the front lot line.
- (144) *Lot line, side* shall mean any lot lines other than front lot line or rear lot line.

- (145) *Lot width* shall mean the horizontal (plan view) distance between the side lot lines as measured along the building front setback line.
- (146) *Maximum extent feasible* shall mean that no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining “maximum extent feasible.”
- (147) *Medical clinic* shall mean an establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers, and where patients are not usually lodged overnight.
- (148) *Mixed use* shall mean the development of a lot, tract or parcel of land, building or structure with two (2) or more different uses including, but not limited to, residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.
- (149) *Mobile home* shall mean a transportable, single-family dwelling unit built on a permanent chassis with attached undercarriage consisting of springs, axles, wheels and hubs, and which is suitable for year-round occupancy and contains the same water supply, waste disposal and electrical conveniences as immobile housing. A mobile home is designed to be transported on streets to the place where it is to be occupied as a dwelling unit and may or may not be attached to a permanent foundation.
- (150) *Mobile home park* shall mean a parcel of land which has been planned, improved, or is currently used for the placement of mobile homes and contains more than one mobile home lot.
- (151) *Model home* shall mean a dwelling representative of other dwellings offered for sale or lease or to be built in an area of residential development within the Township. *Model home* also includes a temporary and permitted use of a residential facility as a real estate sales office.
- (152) *Motel* shall mean an establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.
- (153) *Natural Feature* shall mean an existing component of the landscape maintained as a part of the natural environment and having ecological value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, the natural diversity of plant and animal species, human recreation, reduction of climatic stress, and energy costs.

- (154) *Neighborhood park* shall mean a park that serves the recreational and open space needs of residents of surrounding neighborhoods.
- (155) *Nonconforming building* shall mean a building that was lawful and nonconforming under prior law on the day before the effective date of this Resolution or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present setback, height, or other site development requirements of this Resolution.
- (156) *Non-conforming lot* shall mean a lot whose area, dimensions, or location were lawful under prior law on the day before the effective date of this Resolution or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present requirements of this Resolution.
- (157) *Non-conforming sign* shall mean any sign lawfully existing under prior law on the day before the effective date of this Resolution or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present requirements of this Resolution.
- (158) *Nonconforming structure* shall mean a structure that was lawful under prior law on the day before the effective date of this Resolution or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present setback, height, or other site development requirements of this Resolution.
- (159) *Nonconforming use* shall mean a use that was lawful and nonconforming under prior law on the day before the effective date of this Resolution or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present requirements of this Resolution.
- (160) *Nonconformities* shall mean a nonconforming use, sign, structure, or building.
- (161) *Nude model studio* shall mean any place where a person who appears nude or 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” does not include:

- (a) A proprietary school licensed by the State of Ohio, or a college, junior college, or university supported entirely or in part by public taxation;
- (b) 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

- (c) 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 nude or semi-nude person is available for viewing; where in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than one nude or semi-nude model is on the premises at any one time.

- (162) *Nudity, State of Nudity, or Nude Use* shall mean exposing to view the genitals, pubic area, vulva, perineum, anus, and cleft or cleavage or pubic hair with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume or covering that gives the appearance of or simulates any of these anatomical areas.

- (163) *Nursery, commercial* shall mean an establishment primarily engaged in the sale and/or cultivation for sale of horticultural specialties such as flowers, shrubs, and trees, intended for ornamental or landscaping purposes.

- (164) *Off-street parking area* shall mean all off-street areas and spaces designed, used, required or intended to be used for the parking, storage, maintenance, service, repair, display, or operation of, motor vehicles, including driveways, entrance drives, or access drives in and to such areas, but not including public streets and rights-of-way.

- (165) *Off-street parking space* shall mean a demarcated area within a parking lot abutting an access lane and of such dimensions, as specified by this ordinance, to accommodate one (1) vehicle.

- (166) *Office, business or professional* shall mean an establishment providing executive, management, administrative, or professional services, including medical or dental services, but not involving the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, doctor, dentist, out-patient medical laboratories, architecture, design, engineering, accounting, and similar offices.

- (167) *Open space* shall mean any parcel or area of land or an area of water designed and intended for recreation, resource protection, amenity, and/or buffers. Open space shall not include areas set aside for public facilities, driveways, parking lots, other surfaces intended or designed for vehicular travel, and any other areas as set forth in Section _____ of this Resolution

- (168) *ORC §* shall mean Ohio Revised code section number.
- (169) *Ordinary high-water mark* shall mean the line on the bank to which the high water ordinarily rises annually in seasons, as indicated by changes in the characteristics of soil, vegetation, or other appropriate means taking into consideration the characteristics of the surrounding areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted. In braided channels, the ordinary high water mark shall be measured so as to include the entire stream feature.
- (170) *Outdoor activity* shall mean any enterprise, operation, or activity that occurs in an unroofed area as part of a permitted use on a lot and any outdoor display of materials, machinery, vehicles, or things that may or may not be for sale or rent.
- (171) *Outdoor storage* shall mean the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise, or vehicles in the same place for more than seventy-two (72) hours.
- (172) *Overall access management plan* shall mean a plan that depicts the post-development flow of vehicular access to a site and where such flow interfaces with existing or proposed pedestrian, bicycle, and adjacent public street traffic.
- (173) *Overlay zone* shall mean a zoning district that encompasses one or more underlying zones and that imposes additional or alternative requirements to that required by the underlying zone.
- (174) *Parking access* shall mean the area of a parking lot that allows motor vehicle ingress and egress from the street or way.
- (175) *Parking aisle* shall mean the traveled way by which cars enter and depart parking stalls or spaces.
- (176) *Parking area* shall mean any public or private area, under or outside a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.
- (177) *Parking lot* shall mean an off-street, ground-level open area for the temporary storage of motor vehicles.
- (178) *Parking, shared* shall mean joint use of a parking lot or area for more than one use.
- (179) *Parking stall or space* shall mean the space or area in which vehicles park in a private or public parking lot.

- (180) *Parking structure* shall mean a building or structure consisting of more than one level and used to temporarily park or store motor vehicles.
- (181) *Party-in-interest* shall mean a person or organization that has standing to appeal the final decision of the decision maker. Such standing to appeal shall be limited to the following:
- (a) The applicant;
 - (b) Any party holding a proprietary or possessory interest in the real or personal property which was the subject of the decision of the decision maker whose action is to be appealed;
 - (c) Any person to whom or organization to which the Township mailed notice of the hearing of the decision maker;
 - (d) Any person who or organization that sent written comments to the decision maker prior to the action which is to be appealed;
 - (e) Any person who appeared before the decision maker at the hearing on the action which is to be appealed.
- (182) *Pedestrian path* shall mean a facility physically separated from the roadway and intended for pedestrian use. A walking path is designed for the use of two lane, two-way pedestrian traffic. Paths may be located within open space through a development, along an abandoned rail line or adjacent to an existing road. See “*Trail*” below.
- (183) *Performance standard* shall mean a criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases, and other objectionable or dangerous elements generated by and inherent in or incidental to a land use.
- (184) *Personal services* shall mean establishments primarily engaged in providing services generally involving the care of the person or such person's apparel, such as laundry and dry-cleaning retail outlets, portrait/photographic studios, beauty and barber shops, employment service, mailing and copy shops. *Personal services* shall also mean establishments engaged in the provision of informational, instructional, personal improvement, and similar services, such as portrait shops, photography studios, art and music schools, licensed massage therapists, driving schools, health and fitness studios, and handicraft or hobby instruction.
- (185) *Pet, household or domestic* shall mean any variety of domesticated creature, such as birds, cats, dogs, and hamsters, normally kept within a dwelling or residential yard area, but not including farm animals, exotic or wild animals, reptiles, insects, or snakes.

- (186) *Places of religious worship* shall mean a building containing a hall, auditorium or other suitable room or rooms used for the purpose of conducting religious or other services or meetings of the occupants of such structure. *Places of worship* shall include churches, synagogues and the like, but shall not include buildings used for commercial endeavors, including, but not limited to, commercial motion picture houses or stage productions.
- (187) *Planned development* shall mean a development of a property as a single entity for commercial, industrial, or mixed residential/commercial/retail purposes, when the zoning regulations that would normally apply are superseded by controls that allow a more sensitive and more economical arrangement of buildings and streets on the site, and when development is spaced over a period of years in a predetermined program.
- (188) *Ponds* shall mean a water impoundment made by constructing a dam or embankment or by excavating a pit or dugout, i.e., man made ponds, lakes, reservoirs, retention basins or other bodies of water.
- (189) *Preliminary plan* shall mean the preliminary drawings indicating the proposed layout of a development to be submitted to the Zoning Commission or BZA for its approval.
- (190) *Preschool*—See “Day care center.”
- (191) *Principal use* shall mean the primary or predominant use of any lot or parcel.
- (192) *Public facilities* shall mean transportation systems or facilities, water systems or facilities, waste water systems or facilities, storm drainage systems or facilities, fire, police and emergency systems or facilities, electric utilities, gas utilities, cable facilities, and other public utilities.
- (193) *Public hearing* shall mean a formal meeting held pursuant to public notice, intended to inform and obtain public comment, prior to taking action in accordance with this ordinance.
- (194) *Public use* shall mean any use intended to be conducted in a facility or upon land which is owned by and operated for public use by school districts or by city, county, state or federal governments.
- (195) *Public safety and emergency services* shall mean a public use that provides police or fire services or services for personal injury or life threatening events including but not limited to ambulance, paramedic, or fire and rescue services.
- (196) *Public utility* shall mean a common carrier supplying electricity, telephones, natural gas, water, sewage disposal, railroads or similar public services, but shall not include mass transit or railroad depots or terminals or any similar traffic

generating activity, or any person or entity that provides wireless telecommunication services to the public. See “Essential public utility and public services.”

- (197) *Recording, radio, or television studio* shall mean a place for radio (oral), television (visual), or musical recording production. *Radio or television studio* shall mean only that part of a radio or television station from which the signal originates and shall not include the transmitter or antennas parts of the station.
- (198) *Recreation, active* shall mean leisure-time activities, usually of a formal nature and often performed with others, requiring equipment, non-motorized or otherwise, and taking place at prescribed places, sites, or fields. Included activities are swimming, tennis and other court games, baseball and other field sports, track, and playground activities.
- (199) *Recreation, passive* shall mean leisure-time activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, chess, checkers, and similar table games, and not typically requiring prescribed places, sites, courts, or fields.
- (200) *Recreational facility* shall mean a place designed and equipped for the conduct of sports and passive and active recreational activities.
- (201) *Recreational facility, commercial* shall mean a privately owned, for-profit recreational facility open to the public at large for a fee.
- (202) *Recreational facility, indoor* – a permanently enclosed recreational facility.
- (203) *Recreation facility, outdoor* shall mean a recreational facility devoted to active sports or recreation such as go-cart tracks, miniature golf, golf driving ranges, skating rinks, archery ranges, and the like, but shall not include concert halls, stadiums, race tracks of any kind.
- (204) *Recreational facility, private-membership* shall mean a recreational facility for the exclusive use of more than three (3) families who are residents of a development or the members of the organization owning the lot, but not open to the general public.
- (205) *Recreational vehicle* shall mean a vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreation, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

- (206) *Repair services* shall mean an establishment primarily engaged in the provision of repair services to individuals, households, or other businesses, but excluding automotive or other vehicle repair and farm machinery and tractor repair. Typical uses include appliance repair shops, furniture repair and reupholstery shops, watch or jewelry repair shops, and musical instrument repair shops.
- (207) *Research laboratory* shall mean an industrial establishment or other facility engaged in scientific research, investigation, product engineering development, product development and testing, market development, or experimentation, but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.
- (208) *Resource recovery operations* shall mean an industrial establishment engaged in the process of obtaining materials or energy, particularly from solid waste.
- (209) *Restaurant* shall mean an establishment where the principal business is the sale of food and beverages in a ready-to-consume state where (1) fermented malt beverages, malt, special malt and vinous and spirituous liquors may be produced on the premises as an accessory use; (2) where there is no service to a customer in an automobile, and (3) where the design or principal method of operation consists of one or more of the following:
- (a) A *sit-down restaurant* where customers, normally provided with an individual menu, are generally served food and beverages in non-disposable containers by a restaurant employee at the same table or counter at which the food and beverages are consumed; or
 - (b) A *cafeteria* or cafeteria-type operation where food and beverages generally are served in non-disposable containers and consumed within the restaurant.
- (210) *Restaurant, drive-through* shall mean an establishment in which the principal business is the sale of foods or beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.
- (211) *Required parking* shall mean the minimum number of parking spaces required to be provided in connection with the particular use of a lot as specified by this Code.
- (212) *Retail* shall mean establishments that sell or rent commonly used goods and merchandise for personal or household use, but excludes those uses classified more specifically in this Section (e.g., adult businesses or restaurants). Typical

uses include grocery stores, department stores, furniture stores, clothing stores, and establishments providing the following products or services: household electronic equipment, sporting goods, bicycles, office supplies, home furnishings, household appliances, wallpaper, carpeting and floor coverings, art supplies, kitchen utensils, jewelry, drugs, cosmetics, books, notions, antiques, or automotive parts and accessories.

- (213) *Revegetation* shall mean restoration and mitigation measures for disturbed areas in accordance with the requirements of Section _____ of this Resolution.
- (214) *Right-of-way* shall mean a strip of land dedicated to and/or improved for vehicular and/or pedestrian travel by the public.
- (215) *Roadway or road* — see “Street” below.
- (216) *Schedule of fees* shall mean the list of charges adopted by resolution of the Township, and not a part of this Resolution, to cover the costs of administering the review, decision, and/or appeal processes required by a development proposal, such costs to be borne by the developer, paid in advance, and subject to periodic revision by the Township Trustees.
- (217) *School, elementary, secondary, or post-secondary* shall mean any building or part thereof used for instructional purposes and licensed by the state to provide elementary, secondary, or post-secondary education.
- (218) *Screening*, as required or recommended by this Resolution, shall mean the use of landscaping or berms, fences, walls, or the like to mask structures or property uses from the view of users of public streets or occupants of adjacent properties.
- (219) *Seminudity, State of Seminudity, or Seminude* shall mean exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing provided that the areola is not exposed in whole or in part.
- (220) *Setback* shall mean the minimum or maximum distance a building or structure shall be required to be situated from an adjacent lot line, except as modified according to Resolution. Certain building projections and uses of the lot may extend into the setback area only as expressly allowed in this Resolution.
- (221) *Setback line* shall mean an imaginary line within a lot describing the limits within which building construction can occur, or any part of such line, as established by the required front, side, and rear yard depths for each zone district.

- (222) *Showrooms and salesrooms for wholesale distribution* shall mean an establishment whose principal business is wholesale trade or distribution of manufactured products, supplies, and equipment, and which may include accessory offices.
- (223) *Sidewalk* shall mean a paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.
- (224) *Sight distance or "clear sight triangle"* shall mean the minimum distance the driver of a vehicle can see unencumbered by intervening buildings, structures, land forms, or vegetation, to safely negotiate an intersection of streets, usually measured between three and a half (3½) feet and eight (8) feet above the road surface.
- (225) *Sign*: Any writing, pictorial representation, decoration (including any material used to differentiate sign copy from its background), form, emblem or trademark, flag or banner, or any other figure of similar character that: 1 .Is a structure or any part thereof (including roof or wall of building); (2). Is written, printed, projected, painted, constructed or otherwise placed or displayed upon or designed into a building, board, plate, canopy , awning , vehicle or natural or manmade object or device whatsoever; or (3). By reason of its form, wording, symbol, design or illumination, attracts or is designed to attract attention to the subject thereof or is used as a means of identification, advertisement or announcement.
- (226) *Site* shall mean any lot, plot, or parcel of land or combination of contiguous lots or parcels of land.
- (227) *Site development* shall mean the improvement of a site in accordance with an approved site plan and zoning certificate (where applicable), including construction of buildings and structures and the rearrangement of the land surface.
- (228) *Site plan* shall mean the proposed layout of a lot showing all elements of the site development as well as utility and drainage lines, and existing buildings, structures, trees, and vegetation to remain.
- (229) "Specified anatomical areas" means:
 - (a) The human male genitals in a discernible turgid state, even if completely and opaquely covered: or
 - (b) Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the areola.
- (230) "Specified sexual activities" means any of the following:
 - (a) The fondling or any other erotic touching of the human genitals, pubic region, buttocks, anus, or female breasts.
 - (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral

- copulation, masturbation, or sodomy: or
- (c) Excretory function as a part of or in connection with any of the activities set forth in (a) or (b) above.
- (230) *Stormwater management plan* shall mean a plan to govern the collection, retention, and release of stormwater in a manner to minimize damage to downstream property.
- (231) *Stormwater detention basin* shall mean a facility for the temporary storage of stormwater runoff, constructed to receive and temporarily hold stormwater for release at a controlled rate. Such devices may include graded depressions in the ground, parking lots with concave surfaces, roof tops, or buried tanks or pipes.
- (232) *Stormwater retention basin* shall mean a facility, such as a pond, pool, or basin, used for the permanent storage of stormwater runoff, constructed to receive and hold stormwater for release at a controlled rate.
- (233) *Story* means that portion of a building, between the surface of a floor and the ceiling immediately above it.
- (234) *Stream corridor* shall mean the corridor defined by the stream’s ordinary high water mark.
- (235) *Street* shall mean an improved vehicular passage within a right-of-way that affords the primary means of access to abutting lots. The term “street” includes avenue, drive, circle, road, roadway, parkway, boulevard, or any other similar term.
- (236) *Street, collector* shall mean a street that collects traffic from local streets and connects with minor or major arterials, and which is defined specifically as such on the Township’s Comprehensive Plan, adopted _____, as amended from time to time.
- (237) *Street, cul-de-sac* shall mean a street with a single common ingress and egress and with a turnaround at the end.
- (238) *Street, local* shall mean a street designed to provide vehicular access to abutting property and to discourage through traffic, and which is defined specifically as such on the Township’s Comprehensive Plan, adopted _____, as amended from time to time.
- (239) *Street, arterial* shall mean a street with either (1) access control, channelized intersections, restricted parking, and that collects and distributes traffic to and from other; or (2) signals at important intersections and stop signs on the side streets and that collects and distributes traffic to and from collector streets; and (3)

which is defined specifically as such on the Township's Comprehensive Plan, adopted April 15th, 2002, as amended from time to time.

- (240) *Street Private* shall mean a local private way which provides vehicular access to 2 or more residential structures that is not and will not be dedicated to public use, but which is owned and maintained by the Association.
- (241) *Street, public* shall mean a right-of-way intended to be used for travel by the public, improved for such purpose, and accepted by the Pittsfield Township for perpetual maintenance.
- (242) *Street line* shall mean the edge of a street right-of-way where it abuts private property.
- (243) *Streetscape* shall mean a design term referring to all the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, street paving, street furniture, landscaping, including trees and other plantings, awnings and marquees, signs, and lighting.
- (244) *Structural framework* shall mean the supporting members of the exterior walls and roof of a building such as bearing walls, columns, beams, and girders.
- (245) *Structure* shall mean any man-made construction in, on, or over the ground or water. The term structure includes building and, among other things, stadiums, platforms, commercial radio towers, sheds, storage bins with foundations, and display signs.
- (246) *Subdivider or developer* shall mean any person, partnership, joint venture, limited liability company, association, or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale and lease of a development.
- (247) *Subdivision* shall mean:
 - (a) The platting of a lot or the division of a lot, tract, or parcel of land into two (2) or more lots, plots, or sites for the purpose, whether immediate or future, of transfer of ownership; or
 - (b) The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets; the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders; or division or allocation of land as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

- (248) *Subdivision, minor* shall mean the subdivision of a parcel of land, after the original tract has been completely subdivided, into three (3) or fewer lots and that does not involve the opening, widening, or extension of any street or road or easements for access.
- (249) *Swimming pool* shall mean a structure whether in-ground, or above ground, for the containment of water in excess of eighteen (18) inches in depth or greater than one hundred (100) square feet in surface area for private, public, semi-public, or commercial use.
- (250) *Temporary housing* shall mean a dwelling that may be permitted pursuant to this Resolution to be placed on a lot that already contains one dwelling, based on a family hardship encountered by the residents of the existing dwelling that can be cured during the extent of the hardship by the presence of the second dwelling.
- (251) *Townhouse Dwelling* shall mean a single family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, is of two stories, no unit is located over another unit and each unit is separated from any other unit by one or more vertical common fire-resistant walls.
- (252) *Traffic impact study* shall mean a report analyzing anticipated roadway conditions with and without an applicant's development, and may also include a parking study and overall access management plan for the development site.
- (253) *Trailer* shall mean any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade, or occupation, or use as a selling or advertising device, or use for the storage or conveyance for tools, equipment or machinery and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.
- (254) *Trail* shall mean a rough path(s) made through land.
- (255) *Transportation facility* shall mean mass transit stations including bus or rail terminals/stations, transfer points, and depots without vehicle repair or storage.
- (256) *Tree* shall mean any self-supporting woody plant, usually having a single woody trunk, and a potential DBH of two inches or more.
- (257) *Tree, significant* shall mean any tree with a DBH of 9 inches or more.
- (258) *Use* shall mean the purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.
- (259) *Use, principal* — See “Principal use.”

- (260) *Variance* shall mean a grant by the Zoning Board of Appeals permitting an owner to use a lot not wholly in accordance with the provisions of this Resolution because the Board finds that strict conformance would be an unusual hardship not created by the owner, but depriving him of reasonable use of the lot. Such a grant specifies a minimum deviation or deviations from the regulations intended to cure the hardship but not create detrimental conditions affecting abutting property owners or the public at large.
- (261) *Vegetation* shall mean trees, shrubs, or vines.
- (262) *Vehicle* shall mean but not limited to motor vehicle, car, truck, motorcycle, boat, recreation vehicle, lawn mower, tractor, semi truck, semi trailer, trailer and bus.
- (263) *Vehicle repair/services* shall mean any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of automobile, or trailers, is conducted or rendered.
- (264) *Vehicles-Commercial* Shall be added at a later date.
- (265) *Vehicle and equipment rentals* shall mean the use of any building, land area, or other premises for the rental of cars, light trucks, and/or light equipment, and shall not include vehicle repair/services.
- (266) *Vehicle sales* shall mean the use of any building, land area, or other premises for the display and sale or lease of any new or used car or light truck, and including outside storage of inventory, any warranty repair work, and other repair service conducted as an accessory use.
- (267) *Veterinary facility/small animal clinic* shall mean any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, and prevention of animal diseases wherein the animals are limited to dogs, cats and other comparable household and domestic pets and wherein short-term, overnight, indoor boarding of said animals is allowed as an accessory use.
- (268) *Walkway* - See “*Pedestrian path.*”
- (269) *Warehouse* shall mean an establishment, conducted within a completely enclosed building, that is engaged in the storage of materials, equipment, or products that will be distributed to wholesalers or retailers.
- (270) *Warehousing, distribution, and enclosed storage* shall mean a use engaged in enclosed storage, wholesale, and/or distribution of manufactured products, supplies, and equipment, including accessory offices and showrooms, and including incidental retail sales, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized

offensive conditions.

- (271) *Wetlands* shall mean an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
- (272) *Workshop and custom small industry* shall mean a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstery, custom care or motorcycle restoring, and other similar uses.
- (273) *Yard* shall mean the front, side, or rear area of a lot between the lot line and the setback line, extending open and unobstructed from the ground upward except as otherwise provided in this Resolution, and the depth of which is specified by the regulations for the zone district in which the lot is located.
- (274) *Yard depth* shall mean the shortest distance between a lot line and the adjacent parallel setback line on a lot.
- (275) *Yard, front* shall mean the yard between the front lot line and the front building line and extending to the side lot lines, and measured perpendicular to the building at its closest point to the front lot line.
- (276) *Yard, rear* shall mean the yard extending the full width of the lot between the rear lot line and rear building line and measured perpendicular to the building at its closest point to the rear lot line.
- (277) *Yard, side* shall mean the yard between the side lot line and the building, extending from the front yard to the rear yard, and measured perpendicular from the side lot line to the closest point of the building.
- (278) *Zero lot line* shall mean the location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.
- (279) *Zoning certificate* shall mean a written statement issued by the Zoning Commission authorizing buildings, structures, or other uses consistent with the terms of this Resolution and for the purpose of carrying out and enforcing its provisions. Also referred to in this Resolution as "Certificate of Zoning Compliance."
- (280) *Zone or zoning district* shall mean a contiguous area of land on all parts of which the same uniform opportunities for development apply.
- (281) *Zoning district boundary* shall mean the perimeter line completely enclosing a zone district.

- (282) *Zoning Map* shall mean the official zoning map, showing all zone district and their boundaries, adopted by the Township by ordinance, and as amended.