

EXHIBIT B

ARTICLE IV ZONING DEFINITIONS

CHAPTER 400 Definitions

Definitions. For the purpose of this Zoning Code, the following terms shall have the meaning set forth in this section.

ABUTTING. Having a common border with, or being separated from, such a common by a right-of-way, alley, or easement. Lots touching at corners only shall not be deemed abutting.

ACCESSORY STRUCTURE. Any improvement to the property other than the main building(s), with the exception of landscaping, is an accessory structure. If a temporary building is placed on a property to provide extra space for expansion of a use, the temporary building shall also be an accessory structure.

ACCESSORY USE. A use incidental to and on the same lot or property as the principal use.

ADULT DAY CARE FACILITIES. A facility where adults that are not normally capable of taking care of themselves are taken care of on an hourly or daily basis by qualified persons, other than the primary care giver, without providing any overnight accommodations or routine medical service, other than emergency service or administering of medication. The facility is characterized by the fact that the adults do not leave or are not capable of leaving the facility without assistance from a care giver.

ADULT FAMILY HOME. Shall mean a residence or facility that provides accommodations to three to five unrelated adults and supervision and personal care services to at least three of those adults. Any person may operate an adult family home licensed as an adult care facility as a permitted use in any residential zoning district subject to the excessive concentration regulations set forth in the Conditional Use chapter of this Zoning Code. Such adult family homes may be required to comply with area, height, yard, and architectural compatibility requirements that are uniformly imposed upon all single-family residences within the residential zoning district.

ADULT GROUP HOME. A group of six or more individuals not related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under supervision of on-site management, which is compensated by payment to providing organization and stability to those individuals. The individuals are usually not infirm and may be capable of leaving the premises without assistance. "Adult group home" does not include nursing homes where the individuals are infirm. Adult group homes are subject to the excessive concentration regulations set forth in the Conditional Use chapter of this Zoning Code.

ADULT ORIENTED BUSINESS. See related definitions in Chapter 206.

AGRICULTURE. The use of land exclusively for agricultural purposes including: farming, agriculture, horticulture, floriculture, viticulture, dairying, pasturage, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing of the products of same; provided that the operation of such accessory uses shall be secondary to that of the normal agricultural activities. A use shall be classified as agricultural only if it is the principal or main use of the land.

ALCOHOL AND DRUG REHABILITATION FACILITY. A facility utilized for the care and treatment of children, ages 0-high school graduation, who have been diagnosed with significant chemical use and/or abuse conditions. Such children may receive full board and care, educational, medical, psychiatric, and therapy services at

the facility. The facility shall care for such children 24 hours per day, 365 days per year, and shall maintain appropriate State licensure to allow for such use. The facility may house and provide all supportive services, such as maintenance and grounds-keeping, clerical and office services, therapy services, food services, and other supports deemed necessary to the fulfillment of their care for children. No more than 24 children with chemical use and/or abuse conditions will be maintained in the facility at any time.

ALLEY. A public or private thoroughfare which affords only a secondary means of access to a lot or abutting property and being less than 21 feet in width.

ALTERATION. Any change, addition, or modification in construction or occupancy of an existing structure.

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

AMBULANCE SERVICE. A duly licensed transportation service, capable of providing medically necessary life support care in the event of a life-threatening situation.

ANIMALS (Exotic). Any cat, other than feliscatus; any canine, other than canisfamiliaris, non-human primates; poisonous reptiles; alligators, crocodiles or lizards over two feet long; snakes over six feet long; bears; kangaroos; eagles; poisonous stinging insects; or arachnids.

ANIMALS (Farm). All species of animals not classified as an exotic animal or an animal as a pet in these definitions.

ANIMALS (as Pets). Any species of feliscatus and canisfamiliaris and other animals commonly kept as domestic pets.

ANIMAL KENNEL. The boarding, breeding, raising, grooming or training of two or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

ANIMAL RENDERING PLANT. The processing of animal byproducts into more useful materials, or more narrowly to the rendering of whole animal fatty tissue into purified fats like lard or tallow.

ANTIQUES and COLLECTIBLE SALES. Any premises used for the sale or trading of articles that are considered to possess collectible value due to its rarity and desirability. "Antique shop" does not include "secondhand store."

APARTMENT. See Dwelling, Multiple-Family, as defined in this chapter.

APPAREL and SHOE SALES. A store selling any garments, outerwear, or footwear.

ARCHITECTURAL and ENGINEERING OFFICES. Establishments offering architectural and engineering design services.

ARTIST'S STUDIO, COMMERCIAL. A commercial artist's studio is an artist's or worker's workroom, or an artist and his or her employees who work within that studio. This can be for the purpose of architecture, painting, pottery (ceramics), sculpture, scrapbooking, photography, graphic design, cinematography or animation in a for-profit manner.

ASPHALT, CEMENT or AGGREGATE PLANT. A site where asphalt, cement, and other aggregated products are produced.

ASSEMBLY HALL. A structure where many people can congregate and maintaining all activities located within the structure.

ATM. "AUTOMATED TELLER MACHINE" A pedestrian-oriented machine used by bank and financial service patrons for conducting transactions including deposits, fund transfers, and withdrawals without contact with financial institution personnel. The machines may be located at or within a bank, or in other locations.

AUTO, BOAT, RECREATIONAL VEHICLE STORAGE. A facility that rents space for the storing automotive and recreational vehicles.

AUTO, TRUCK, BOAT and MOBILE EQUIPMENT MANUFACTURE. An establishment specializing in the manufacturing of automotive and vehicular equipment.

AUTOMOBILE RENTAL. Rental of automobiles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas.

AUTOMOTIVE REPAIR FACILITY. Establishment primarily engaged in automotive repair, including the sale and installation of lubricants, tires, batteries, mufflers, and similar accessories.

AUTOMOBILE PARTS and ACCESSORY STORE. A facility providing automotive parts and accessories to customers.

AUTOMOBILE SALES. An open space area, other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done, including work on farm implements, boats, motorcycles, bicycles, and lawnmowers.

AUTOMOBILE WASH FACILITY. An automobile service facility either manually operated or automatic for clearing interior and exterior of automobiles or other motor vehicles.

AUTOMOBILE WHOLESALE. An establishment supplying large quantities of vehicles and selling them to companies for retail sale.

AWNING. A permanent shelter supported entirely from the exterior wall of a building and composed of rigid or non-rigid materials.

BAKERY, PASTRY SHOP. An establishment providing customers with a selection of dessert items and sweets that commonly include flaky, fruit-filled treats alongside cookies and other treats.

BAKERY SALES (WHOLESALE). An establishment where baked goods (breads and cakes and pastries) are produced or sold to other vendors or businesses and not for sale to the general public.

BANKS AND FINANCIAL INSTITUTIONS. Commercial banks, savings and loan associations, credit unions, brokerage offices, and other similar financial institutions, but not including pawnshops, check cashing establishments or payday loan businesses.

BARBER or BEAUTY SHOP. An establishment which engages in the cutting and dressing of hair, shaving and trimming beards, and performing related grooming and cosmetic services.

BASEMENT. That portion of a building below or immediately above grade and not used for habitation. A basement shall not be considered as a story, if the floor level is not less than three feet, six inches below the average grade at the exterior walls of the building.

BAR OR COCKTAIL LOUNGE. Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded by law. It shall not mean a restaurant wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and minors are not prohibited from dining.

BEAUTY SCHOOL. An establishment where people are taught cosmetology and the art of applying beauty treatments, i.e. skincare, cosmetics, and hairstyling.

BED AND BREAKFAST INN. A dwelling wherein lodging and/or food is provided by a resident family primarily for transient guests, as distinguished from a boarding house, hotel, or motel.

BOARDING HOUSE. A building other than a hotel, motel, or a bed and breakfast where for compensation by the week or month, meals are provided for three or more unrelated boarders or roomers at any one time.

BOAT SALES. An open space area, other than a street, used for the display, sale, or rental of new or used boats or boat trailers in operable condition and where no repair work is done.

BOTTLED GAS COMPANY. A company supplying gaseous substances that have been compressed and stored in carbon steel, stainless steel, aluminum, or composite bottles known as gas cylinders.

BOTTLING PLANTS. An industrial facility where beverages and other liquids and goods are put into bottles with caps.

BUFFER AREA or SCREENING. A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. Buffering includes fences, walls, hedges, berms, landscaping material, or a combination of these.

BUILDING. Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property. When such a structure is divided into separate parts by one or more un-pierced walls extending from the ground up, each part is deemed a separate building with respect to the minimum side yard requirements as hereinafter provided.

BUILDING HEIGHT.HEIGHT. The vertical distance from the average established grade in front of the lot, or from the average natural grade of the building, if higher, to the average height of the top of the cornice of flat roofs, or to the deck line of a mansard roof, or to the mid-height of the highest gable or dormer in a pitched or hipped roof, or, if there are no gables or dormers, to the mid-height of a pitched or hipped roof. Where a lot faces on two or more streets or alleys of different average established grades in front of the lot, the higher of the grades shall control only for the depth of 120 feet perpendicularly back from the street line of the higher street or alley. On a corner lot, the height is the mean vertical distance from the average established grade or from the average natural grade at the building line, if higher, on the street of greatest width, or if two or more of the streets are of the same width, from the higher of the grades vertical distance from the average established grade in front of the lot, or from the average natural grade of the building, if higher, to the average height of the top of the cornice of flat roofs, or to the deck line of a mansard roof, or to the mid-height of the highest gable or dormer in a pitched or hipped roof, or, if there are no gables or dormers, to the mid-height of a pitched or hipped roof. Where a lot faces on two or more streets or alleys of different average established grades in front of the lot, the higher of the grades shall control only for the depth of 120 feet perpendicularly back from the street line of the higher street or alley. On a corner lot, the height is the mean vertical distance from the average established grade or from the average natural grade at the building line, if higher, on the street of greatest width, or if two or more of the streets are of the same width, from

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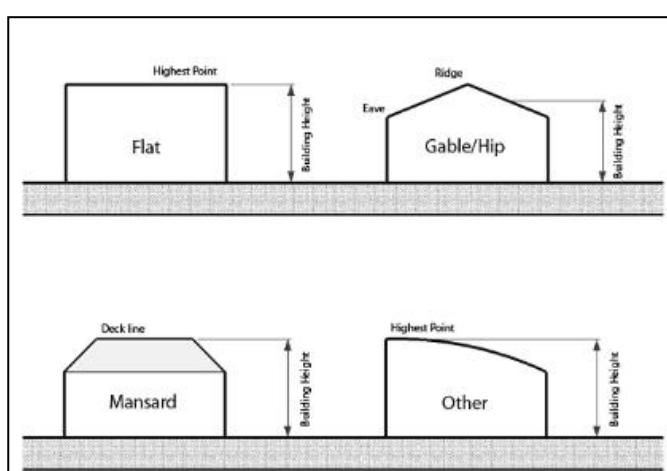
BUILDING LINE (SETBACK LINE). A line that establishes the area within which the principal building or structure must be erected or placed and which may be located by means of a plat of subdivision or site plan at a distance greater than, but in no case less than, the minimum setbacks or yard spaces required by this zoning code.

BUILDING MATERIAL MANUFACTURE. A business engaged in the manufacture of materials or finished products used in the residential and commercial building industries.

BUILDING MATERIALS SALES. A business selling construction materials and goods.

BULK STORAGE.
An establishment or process of housing or packages in larger the original packaging boxes.

BUS and HEAVY TERMINAL. A storing and/or servicing equipment.



land use that engages in the storing materials and quantities, generally using or shipping containers or

EQUIPMENT
building or structure for busses and heavy

CABINET MAKERS and CARPENTRY. MAKERS and CARPENTRY. A business engaged in the manufacture of cabinet products or utilizing skilled craftsperson to perform carpentry either on site or off-site.

CAMPER and RECREATIONAL VEHICLES SALES and LEASING. A business selling and leasing campers and recreational vehicles to the general public.

CAMPGROUND. Any area or tract of land used or designed to accommodate two (2) or more camping parties, including cabins, tents or other camping outfits.

CAMPUS STYLE RESIDENTIAL GROUP CARE FACILITY. A coordinated campus style residential use featuring one or more structures intended to provide specialized care of children, seniors, or other special needs groups by a licensed care provider.

CARPET and RUG STORES. The direct sale of woven or synthetic fiber textiles for the purpose of covering a floor.

CARPORT. A temporary or permanent structure providing a covered automobile parking space not completely surrounded by walls or doors. A carport shall be subject to all the regulations prescribed in this zoning code for a private garage.

CATERING SERVICE. A business establishment that prepares food for distribution or delivery to a remote site.

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

CHECK CASHING SERVICE. A short term loan company that will allow individuals to cash checks before the finances are available.

CHILD DAY CARE CENTER (LEARNING CENTER). An establishment that administers to the needs of infants, toddlers, pre-school children, and school children inside and outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage or adoption for any part of the 24-hour day. The term "Child Day Care Center" also includes nursery schools where children under the age of five are receiving schooling. Child day care center must obtain all required licensure requirements from the State of Ohio.

CHILD CARE, HOME OPERATED (TYPE "A"). Shall mean a permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. "Type A family day-care home" and "type A home" do not include any child day camp as provided by the Ohio Revised Code Chapter 5104.

CHILD CARE, HOME OPERATED (TYPE "B"). Shall mean a permanent residence of the provider in which child care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day-care home" and "type B home" do not include any child day camp as provided by the Ohio Revised Code Chapter 5104. In accordance with R.C. § 5104.054, the facility shall be considered a residential use of property and permitted in all residence districts.

CHILD WELFARE FACILITY. A facility utilized for the care and treatment of children, ages 0-high school graduation, who have been removed from their homes due to abuse and/or neglect. Such children may receive full board and care, educational, medical, and therapy services at the facility. The facility shall care for such children 24 hours per day, 365 days per year, and shall maintain appropriate State licensure to allow for such use. Pregnant and/or parenting youth may be served in such a facility as long as all applicable licenses, credentials, and approvals are in place. The facility may house and provide all supportive services, such as maintenance and grounds-keeping, clerical and office services, therapy services, food services, and other supports deemed necessary to the fulfillment of their care for children.

CLOSED LOOP GROUND SOURCE HEAT PUMP SYSTEM. A system that circulates a heat transfer fluid, typically food-grade antifreeze, through pipes or coils buried beneath the land surface or anchored to the bottom in a body of water.

CLUB (LODGES & FRATERNAL ORGANIZATIONS). A building or portion thereof or premises owned or operated for a fraternal, literary, political, or educational purpose primarily for the exclusive use of its members and their guests.

COLLEGE (UNIVERSITY). An Institution accredited at the college level by an agency or association recognized by the U.S. Secretary of Education and legally authorized to offer at least a one-year program of study creditable towards a degree.

COMPREHENSIVE PLAN. A plan, or any portion thereof, adopted by the City Council, showing the general location and extent or 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.

COMPUTER SERVICE and TRAINING. An establishment providing training in repairing and servicing computers.

CONTRACTOR'S OFFICE (WITH INDOOR STORAGE). An enclosed structure where a contractor can conduct standard business activities such as filing documents, hosting meetings, and store equipment.

CONSTRUCTION CONTRACTOR'S YARD. A business establishment engaged in the storage of construction materials, supplies, equipment, tools, stock piling and recycling of useable construction materials and other items as permitted including temporary storage containers, construction trailers and temporary office trailers.

CONVALESCENT HOME. See Senior Care Facility, as defined in this section.

CONVENIENCE STORE. A small scale retail store used for the sale of goods used on an everyday basis by consumers including, but not limited to, pre-packaged food products, household items, newspapers and magazines and having a gross floor area of less than 5,000 square feet. Such store may also include an area used for food service provided by a restaurant.

CULTURAL USE (MUSEUM USE). A library, museum, or similar public or quasi-public use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

DATA PROCESSING SERVICES. A business establishment that engages in the conversion of data into a form that can be processed by computer.

DELIVERY SERVICES. A service oriented establishment designed to take a certain type of good to a specified destination.

DENSITY. A unit of measure; the number of dwelling units per acre of land.

DENSITY, GROSS. The number of dwelling units per acre of the total land to be developed.

DENSITY, NET. The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

DRIVEWAY. A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

DRIVE-IN RESTAURANTS. Any restaurant, sandwich shop, dairy bar, soft drink stand, or any business establishment where prepared food or beverages are served to customers while the customers are seated in automobiles parked in the open air located on the parcel upon which the restaurant is situated or at tables placed in the open air located on the parcel upon which the restaurant is situated.

DRIVE-UP or DRIVE-THROUGH. An establishment that by design of physical facilities or by services or packaging procedures encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or be entertained while remaining in an automobile.

DUMPSTER. Shall mean a bulk storage container for waste materials that can be hauled directly to the point of disposal or emptied into a large compactor-type truck for disposal.

DWELLING. A building occupied as an abode by one or more persons. Any building or portion thereof designed or used as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer, modular or mobile home, or factory built dwelling (industrialized unit, industrialized dwelling) where the building or portion thereof is of closed construction necessitating disassembly, damage, or destruction of the industrial unit at the building site in order to allow the building inspector to adequately inspect its component parts, or a room in a hotel or motel.

DWELLING, SINGLE-FAMILY. A building used exclusively to provide one dwelling unit for occupancy by one family.

DWELLING, TWO-FAMILY. A building used exclusively to provide two dwelling units for occupancy by one family for each individual dwelling unit.

DWELLING, MULTIPLE-FAMILY. A building used exclusively to provide three or more dwelling units for occupancy by three or more families.

DWELLING UNIT. One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping. A "dwelling unit" does not include mobile or manufactured homes, but does include industrialized units.

EASEMENT. The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

EDUCATIONAL FACILITY. A facility utilized for the care and education of children, ages 5-high school graduation, who qualify for either traditional or special educational services. Such children may live at the facility, or may live in the community and come to the facility specifically for educational services. Children living at the facility will receive full board and care services, and will have access to medical and therapy services as needed. The facility may house and provide all supportive services, such as maintenance and grounds-keeping, clerical and office

services, therapy services, food services, and other supports deemed necessary to the fulfillment of their care for children.

EDUCATIONAL INSTITUTION (COMMUNITY EDUCATION K-12). Public or private elementary schools, junior high schools, middle schools or high schools and all associated and accessory uses thereto.

ELECTRONIC EQUIPMENT SALES. An establishment providing the sale of devices that operate by controlling the flow of electrons or other electrically charged particles to perform a task. Electronic devices may include radios, televisions, computers and computer accessories.

ELECTROPLATING SHOPS. An establishment specializing in the process by which a layer of a metal is deposited on metallic or non-metallic items for the purpose of creating a protective coating.

EMERGENCY MEDICAL CARE (URGENT CARE). Emergency medical care is the delivery of ambulatory care in a facility dedicated to the delivery of medical care outside of a hospital emergency department, usually on an unscheduled, walk-in basis. Emergency care centers are primarily used to treat patients who have an injury or illness that requires immediate care but is not serious enough to warrant a visit to an emergency room.

EQUIPMENT SALES, RENTAL, REPAIR. An establishment selling, renting, and repairing equipment. An example of such a facility may be a tool rental company renting items such as cherry pickers, ladders, lifts, and stump grinders.

EQUIPMENT SALES, RENTAL, REPAIR (HEAVY). Establishments primarily engaged in the sale, rental or repair of tools, trucks, tractors, construction equipment, agricultural implements, and similar industrial equipment, and the rental of mobile homes. Included in this use type is the incidental storage, maintenance, and servicing of such equipment.

ERECT. In the appropriate context, to affix, construct, hang, install, locate, paint, place or print.

EXPANSION. As applied to development or building activity, increasing the scope or size of an existing or proposed use, structure, parking, signage, etc.

FACADE. An entire outside wall of a structure, including wall faces, parapets, fascia, windows, and doors, of one complete elevation.

FAIR MARKET VALUE. The price at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts.

FARMER'S MARKET. A public market at which farmers and often other vendors sell produce and other non-processed food products directly to consumers.

FAMILY. One or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage; as distinguished from a group occupying a boarding house, lodging house, or hotel as herein defined, provided, however, that unless all members are related by blood, adoption, or marriage, no such family shall contain over three persons except for foster homes approved by the Ohio Department of Welfare.

FENCE. Any structure composed of wood, iron, steel, masonry, stone or other material and erected in such a manner and in such location as to enclose, secure, partially enclose or secure, provide privacy, decorate, define or

enhance all or any part of any premises. Temporary or seasonal garden fences less than 24 inches in height that are not permanently affixed to the ground shall not be considered fences under this definition.

FERTILIZER MANUFACTURING. An industrial facility engaged in the processing of natural and synthetic materials, including manure and nitrogen, phosphorus, and potassium compounds, intended to be spread on or worked into soil to increase its capacity to support plant growth.

FILM, TV, RADIO PRODUCTION STUDIO. A room, building, or group of buildings where movies, television shows, or radio programs are produced.

FINISHED GOODS ASSEMBLY. A business engaged in the assembly of various component parts into a final finished good suitable for sales to an end user. The assembly of finished goods shall not involve the use of any raw material production, storage or processing.

FIREWOOD (OUTDOOR SALE). An outdoor space where wood is collected, stored, and sold for the purpose of fueling fires.

FLEA MARKET. A market, usually held outdoors, where inexpensive or secondhand goods, antiques, and curios are sold.

FLOOR AREA. The sum of the gross horizontal areas of each floor of the principal building measured from the exterior faces of the exterior walls or from the centerline of common walls separating two buildings. The floor area of a building shall include all livable spaces including the basement floor area when more than one-half of the basement height is above the finished grade level.

FLORIST. One in the business of selling flowers and ornamental plants that are grown at a different location.

FOOD PRODUCT MANUFACTURER. A facility for assembling food products for sale to wholesalers or other vendors.

FREIGHT TERMINAL. A term used in describing a railroad freight or semi-truck freight handling facility. Also includes locations offering freight storage facilities.

FRONTAGE. All the property on one side of a street between two intersecting streets, crossing or terminating, measured along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead-end of a street.

FROZEN FOOD LOCKERS. A structure/facility for storing frozen food.

FUNERAL PARLOR. A building or part thereof used for human funeral services. Such building may contain space and facilities for: (a) embalming and the performance of other services used in preparation of the dead for burial; (b) the performance of autopsies and other related surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; and (d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

GARAGE. An accessory building for automobiles in which no occupation or business is carried on. Also See "Carport".

GARAGE, REPAIR. See Automotive Repair Facility, as defined in this section.

GASOLINE & FILLING STATION. A commercial business which conducts the retail sale of motor vehicle and related petroleum-based fuels including but not limited to gasoline, diesel, ethanol, and propane fuels. Automobile service and re-pair is not included. The design and usage of a gasoline & filling station is intended to accommodate and serve vehicles with a gross vehicle weight of 12,000 pounds or less and having a total vehicle length (including trailer) of 30 feet. The sale of other commercial retail goods such as limited food, beverage, and other convenience items is permitted on a limited scale.

GENERAL MERCHANDISE SALES. Providing for the general sale of unused goods directly to the consumer, this includes the sale of most tangible personal property.

GEOTHERMAL ENERGY SYSTEM. A system that uses the relatively constant temperature of the earth or a body of water to provide heating in the winter and cooling in the summer. System components include open or closed loops of pipe, coils or plates; a fluid that absorbs and transfers heat; and a heat pump unit that processes heat for use or disperses heat for cooling; and an air distribution system. Also referred to as a “ground source heat pump.”

GOVERNMENT (CIVIC USE). Public parks and playgrounds, public schools, municipal buildings including police, fire and water plant facilities and all other publicly owned structures.

GREEN ROOF SYSTEM. A green roof is a roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane.

GRADE. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or when the property line is more than five feet from the building, between the building, and a line five feet from the building.

GROCERY STORE. A grocery store is a self-service retail store offering a wide variety of food and household merchandise, organized into departments. May also be referred to as a supermarket.

GUNS and AMMUNITION SALES. The sale of firearms and the coordinating projectiles that can be dismissed from a firearm by the lighting of fuses, propelling charges, or primers.

HARDWARE STORE. A hardware store is a shop where articles for the house and garden such as tools, nails and garden supplies are sold.

HAZARDOUS MATERIAL MANUFACTURE. The manufacture of any item or agent (biological, chemical, physical) which has the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors.

HAZARDOUS SUBSTANCE. A substance listed under United States Public Law 96-510, entitled the Comprehensive Environmental Response Compensation and Liability Act.

HAZARDOUS WASTE. A waste or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics, may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or
- (2) Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

HEALTH CLUB. A public or private place to exercise although not necessarily under the supervision of a physical therapist, occupational therapist, exercise physiologist, or other similar health care provider.

HEATING and AIR CONDITIONING SERVICES. A company selling and servicing heating and air conditioning systems.

HEAVY PROCESSING RECYCLING. A facility for processing large quantities of recycled materials such as steel, aluminum, copper, and rubber.

HOME OCCUPATION. Any occupation conducted entirely within a dwelling unit exclusive of garages or accessory buildings carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not involve any extension or modification of the dwelling which will alter its outward appearance. The intent of the "Home Occupation" designation is to provide for a more intense business use compared to the less intensive Professional Home Office use. A Home Occupation is considered a conditional use and subject to specific operational standards as set forth in §304.06 (O). A "Home Occupation" use does not include a "Professional Home Office" use as defined in this Chapter.

HOSPICE. An establishment that provides palliative care and attends to the emotional and spiritual needs of terminally ill patients.

HOSPITAL. Any public or private institution which specializes in giving clinical, temporary and emergency services of a medical or surgical nature to injured persons and which maintains and operates twenty-four (24) hour inpatient services for the diagnosis and treatment of patients. Any hospital shall be so licensed by the State Department of Health.

HOTEL (MOTEL). A business which offers overnight accommodations to transient guests on a daily rate basis and often providing other services for the guests such as restaurants, meeting rooms, and recreational facilities. See also Motel, as defined in this Chapter.

INDUSTRIAL USE (HEAVY). Manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

INDUSTRIAL USE (LIGHT). Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. Use may include, but are not limited to, a machine shop, the manufacturing of apparel, electrical appliances, electronic equipment, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, paper products (but not the manufacture of paper from pulpwood), musical instruments, medical appliances, tools or hardware, plastic products (but not the processing of raw materials), pharmaceuticals or optical goods, bicycles, any other product of a similar nature.

JANITORIAL SERVICE. A business establishment engaged in providing services attending to the maintenance or cleaning of a building.

JUNK. Any personal property which is bought, bartered, acquired, possessed, collected, accumulated, dismantled, sorted or stored for reuse or resale such as, but not limited to: salvage metal, metal alloys, metal compounds and combinations, used or salvaged fabric, fibers, bags, paper, rags, glass or any latex or plastic product, used or salvaged motor vehicles which are primarily used for parts or scrap metal and similar or related articles or property.

JUNK DEALER. Any person who buys, exchanges, collects, receives, stores or sells any article defined as junk or salvage.

JUNK YARD. Any place where any person who is a junk dealer or salvage dealer buys, exchanges, collects, receives, stores, accumulates, sells or otherwise transfers junk or salvaged material.

JUVENILE GROUP HOME. A 24-hour group living environment for adolescents under the age of 18, unrelated to an owner or operation within the standard (3) degrees of consanguinity, which offers room, board and a variety of social, educational and psychiatric services and counseling to residents within the facility.

JUVENILE JUSTICE TREATMENT FACILITY. A facility utilized for the care and treatment of children, ages 10-18, who have co-occurring behavioral health and juvenile justice needs. Such children may have been convicted of low to moderate level felonies, but may not have been convicted of sexual offenses or violent felonies such that incarceration is needed to preserve community safety. Such children may receive full board and care, educational, medical, psychiatric, and therapy services at the facility. The facility shall care for such children 24 hours per day, 365 days per year, and shall maintain appropriate State licensure to allow for such use. The facility may house and provide all supportive services, such as maintenance and grounds-keeping, clerical and office services, therapy services, food services, and other supports deemed necessary to the fulfillment of their care for children. No more than 24 children with co-occurring behavioral health and juvenile justice needs will be maintained in the facility at any time.

LABORATORY, MEDICAL, DENTAL, OPTICAL. A place for gathering, sampling, handling, processing, observing, and testing human tissue, blood, and other similar items.

LABORATORY (MATERIALS TESTING). A facility for testing and evaluating the qualities of various materials.

LABORATORY, RESEARCH. A building for the accommodation of scientific research facilities such as electronic, engineering, chemical and similar laboratories.

LANDSCAPE OPERATION (WITH YARD STORAGE). A business offering landscape maintenance and installation. Such companies may store equipment, landscape materials, and plant goods on site.

LANDOWNER. The holder of fee title, a mortgagee, or contract purchaser of real property. .

LARGE RECYCLING COLLECTION and LIGHT PROCESSING. A site for collecting and processing recyclable materials.

LAUNDRY, INDUSTRIAL. The large scale organized collection, laundering and timely delivery of textiled service clothing typically serving the employees of commercial clients.

LAUNDRY or DRY CLEANING (PICK-UP). A dry cleaning service that will pick up and drop off clothing to a customer's residence or place of business.

LAUNDRY or DRY CLEANING (ON-SITE). A dry cleaning service where customers drop off and pick up laundry.

LAUNDROMAT. A self-service laundry where coin-operated washing and drying machines are available to individual customers.

LIBRARY. A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

LIQUOR STORE. A store regulated by the State of Ohio that sells alcoholic beverages for consumption elsewhere. Also known as a "state liquor store."

LOADING SPACE (OFF-STREET). Space for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled.

LOAN COMPANIES. A finance company that offers loans to individuals who have trouble getting a traditional bank loan.

LODGES and FRATERNAL ORGANIZATIONS. A place where an organized group of people having common beliefs or interests, and often formal membership requirements, meet on a regular basis.

LOT. A parcel of land occupied or intended to be occupied by one or more dwellings in a residential district or a permitted building or use in a commercial or industrial district, intended as a unit for transfer of ownership, together with accessory buildings and uses customarily incident thereto. A lot includes open spaces and minimum area provisions as are required by this Zoning Code for the district in which the lot is situated and having its principal frontage on a public street or public right-of-way.

LOT AREA. The total computed horizontal area contained within the lot lines or boundary lines of a lot including any portion of a lot that may exist within a public right-of-way.

LOT, CORNER. A lot having two adjacent sides abutting upon two streets.

LOT DEPTH. The mean horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE. A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

LOT, FRONTAGE. The horizontal distance between the side lot lines, measured at the front building setback line.

LOT, INTERIOR. A lot other than a corner lot with only one frontage on a street.

LOT (FLAG). A lot whose frontage on a public street is through a narrow strip of land which is generally wide enough to accommodate a driveway but too narrow to accommodate any structures. This narrow strip of land is referred to as the panhandle and the balance of the lot is referred to as the body. These lots are also referred to as "panhandle" lots.

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

LOT, PENNINSULA. A lot having frontage on three public (dedicated) roads, streets or alleys resulting in a lot

containing three front yard areas and one side yard area.

LOT WIDTH. The distance between side lot lines measured at the front yard building line; in case of irregular shaped lots, the lot shall be measured at a point midway between the front and rear lot lines.

LUMBER and WOOD PRODUCTS SALES. A site or facility for storing lumber and wood products.

MACHINE MANUFACTURE. A facility for manufacturing machines.

MACHINE SHOPS. An establishment where power-driven tools are used for making, finishing, or repairing machines or machine parts.

MANUFACTURE (MANUFACTURING). The processing or converting, or both, of raw, unfinished materials or products, or either of them, into articles or substances of different character or for use for a different purpose.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

MAXIMUM HEIGHT (STRUCTURE). Maximum height of a structure is measured from grade to uppermost extension of the structure. Receiving antennae, belfries, spires, and other ornamental details shall be included when calculating height of the structure. Specific height measurement standards may apply to certain types of structures within this Zoning Code. See all "Building Height".

MAXIMUM LOT COVERAGE. The total area of a lot that is covered by permanent buildings.

MEAT MARKET. A retail business establishment that prepares and sells meat and associated foodstuffs.

MEDICAL, DENTAL, VISION OFFICE (OUTPATIENT). Any type of medical or surgical care performed at a medical office or similar medical facility that does not involve an overnight stay. Common examples of outpatient medical facilities are an urgent primary care facility and a group medical practice.

MENTAL HEALTH COUNSELING. A facility where individuals may acquire professional assistance in addressing and discussing psychological/mental health issues.

MENTAL HEALTH TREATMENT FACILITY. A facility utilized for the care and treatment of children, ages 0-high school graduation, who have been diagnosed with significant mental health conditions. Such children may receive full board and care, educational, medical, psychiatric, and therapy services at the facility. The facility shall care for such children 24 hours per day, 365 days per year, and shall maintain appropriate State licensure to allow for such use. The facility may house and provide all supportive services, such as maintenance and grounds-keeping, clerical and office services, therapy services, food services, and other supports deemed necessary to the fulfillment of their care for children.

METAL FORGING, CASTING and SMELTING. The process of any one or a combination of the following: 1) Metal forging uses compressive force to shape metal by plastic deformation; 2) Metal casting involves pouring a liquid metal into a mold, which contains a hollow cavity of the desired shape, and then is allowed to solidify; 3) Metal smelting is a form of extractive metallurgy; its main use is to produce a metal from its ore.

MINI-STORAGE. A building designed to provide rental storage space in cubicles where each cubicle has a maximum floor area of 1,000 square feet. Each cubicle shall be enclosed by walls and ceiling and have a separate entrance for the loading and unloading of stored goods.

MINIMUM LOT AREA. The least amount of area of horizontal plane bounded by the vertical planes through front, side, and rear lot lines.

MINIMUM LOT WIDTH. The required minimum width of lot measured at the front setback line for a building.

MIXED USE EVENT VENUE. A facility located on the first floor of a multi-family residential building that proves space for social gatherings, including but not limited to wedding receptions, graduation parties and business or retirement functions, or other event types as approved by the Planning Commission.

MOBILE HOME. A transportable, factory-built home designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974.

MOBILE HOME SALES, RENTAL, REPAIR. An open space area, other than a street, used for the display, sale, rental or repair of new or used mobile homes or mobile home trailers in operable condition.

MODULAR HOME. Factory-built housing certified as meeting the Ohio Basic Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.

MOTEL. A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel. See also Hotel as defined in this Chapter.

MOTORCYCLE SALES. An open space area, other than a street, used for the display, sale, or rental of new or used motorcycles, scooters or motorcycle trailers in operable condition and where no repair work is done.

MOTOR HOME. See Travel Trailer as defined in this Chapter.

MULTI-SECTION MANUFACTURED HOME. A factory-built home constructed to the design and specification standards of a manufactured home as set forth in 24 CFR 3280, 3282 and 3283 and 42 USC 5401 et. seq.

NEIGHBORHOOD RECREATION FACILITIES. A small scale active or passive park or similar public recreation facility located in a residential zoning district accessible to the general public. The maximum size for a neighborhood recreation facility is one (1) acre and may be developed and maintained by either a public sector or private sector entity. These facilities are also referred to as "pocket parks".

NONCONFORMITY. A lot, use of land, building, use of buildings, or use of buildings and land in combination lawfully existing at the time of enactment of this Zoning Code or its amendments, which do not conform to the regulations of the district or zone in which it is situated, and is therefore, incompatible.

NONCONFORMING BUILDING. A building existing lawfully when this Zoning Code, or any amendment thereto, became effective, but which does not conform to the regulations governing buildings and structures of the district in which it is located.

NONCONFORMING LOT. A lot lawfully existing on the effective date of this Zoning Code or any amendment thereto, which on such effective date, does not conform to the lot area, width or frontage requirements of the district in which it is located.

NONCONFORMING SITE CONDITION. Any structure lawfully existing on the effective date of this Zoning Code or any amendment thereto, which, on such effective date, does not conform to the yard regulations, parking requirements, sign regulations, landscaping or screening requirements or other applicable standards provided in this Zoning Code.

NONCONFORMING USE. The use of any building, structure, or land which lawfully existed on the effective date of this Zoning Code or any amendment or supplement thereto which does not conform to the use regulations of the zoning district in which it is located.

NOT FOR PROFIT ORGANIZATION. An incorporated or unincorporated organization which exists for educational or charitable reasons and from which its shareholders, trustees or members do not benefit financially.

NURSERY SCHOOL. Means providing care for children during daytime hours, including parent cooperative nursery schools, play groups for preschool children, afterschool care for school children, provided such establishment is institutional in character and is licensed by the state or county and conducted in accordance with state requirements.

NURSERY (GARDEN CENTER). An establishment engaged in the cultivation and retail sale of vegetation and associated items to the public. This definition does not include large scale nursery production operations selling vegetation products at a wholesale level.

NURSERY (WITH YARD STORAGE). An establishment reserved for the propagation and often the sale of horticultural plant material.

OCCUPANCY. The period during which one owns, rents, uses, or occupies a certain premises or land.

OCCUPANT. A person who, on a regular basis, spends nights at a residence or other structure. A person is considered an occupant regardless of whether they spend the majority of their nights at a residence or other structure, if the times they do stay overnight are regular and recurrent. In addition, a person shall be considered an occupant if their clothes or other daily living supplies are maintained at the residence or other structure.

OFFICE, GENERAL. A place of business used exclusively for office purposes where no product or commodity for retail sale is located or sold, including but not limited to sales offices, real estate offices, financial offices and professional offices. May also include data processing and analysis facilities, insurance offices, office buildings, office spaces, office uses, travel service bureaus, utility company business offices, and license bureaus.

OFFICE, PROFESSIONAL. The office of a recognized profession maintained for the conduct of that profession. A profession is a vocation, calling, occupation, or employment requiring training in the liberal arts or sciences, or combination thereof, requiring advanced study in a specialized field; any occupation requiring licensing by the State and maintenance of professional standards applicable to the field.

OFFICE BUILDING. A Building or portion of a Building wherein services are performed involving predominantly administrative, professional or clerical operations not involving any equipment other than furniture and document processing and storage facilities.

OPEN LOOP GROUND SOURCE HEAT PUMP SYSTEM. A system that uses groundwater as a heat transfer fluid by drawing groundwater from a well to a heat pump and then discharging the water over land, directly in a water body or into an injection well.

OPEN SPACE. An area open to the sky which is or may be on the same lot with a building or structure. This area may include landscaped areas.

OPEN SPACE, ACTIVE. In the context of a planned unit development plan, active open space shall be designed with the goal to encourage active recreational use(s) for the residents of the planned unit development. Active open space may include, but may not be limited to the following uses: pedestrian walkways, mowed parkland, picnic areas, maintained ball fields, maintained open areas, horse trails, swimming pools, clubhouses, tennis courts and golf courses.

OPEN SPACE, COMMON. A parcel or parcels of land or any area of water, or a combination of land and water, within the site designed and intended for the use or enjoyment of occupants of the planned unit development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of occupants.

OUTDOOR DINING. Tables and/or chairs (including benches) and umbrellas associated with lawfully operating restaurants and similar uses, in or on the public right-of-way or resting on, or projecting into, the sidewalk area, which are not physically or structurally attached to a building, retaining wall or fence.

OUTDOOR STORAGE. The keeping, in other than a building, of any goods, materials, or merchandise on the same parcel for more than 24 consecutive hours.

PACKAGE DISTRIBUTION CENTER. A facility specializing in the collection and shipment of packages

PAINT, WALLPAPER, FLOOR and WINDOW SALES. An establishment designated for the sale of paint, wall paper, windows, and flooring (such as tile, linoleum, and hardwood) as well as the necessary supplies for installation.

PALLAT YARDS. A place for the storage and sale or leasing of plastic or wooden pallets and containers.

PAPER RECYCLING. The process of recovering waste paper and remaking it into new paper products.

PAPER and PULP MANUFACTURING. A business engaged in the manufacture of paper products or pulp prepared by chemically or mechanically separating fibres from wood, fibre crops or waste paper.

PARKING AREA (OFF-STREET). An unobstructed space or area other than a street or alley that is permanently reserved and maintained for the parking of one motor vehicle.

PARKING AREA (PUBLIC). An open area, other than a street, used for the temporary parking of more than four automobiles and available for public use, whether free, for compensation or as an accommodation for clients or customers.

PARKING FACILITY. A site for surface parking or a parking structure use which provides one or more parking spaces together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas, and similar features meeting the requirements established by this chapter. This use type shall not include parking facilities accessory to a permitted principal use.

PARKING LOT, COMMERCIAL. Any area of land used or intended for off-street parking and operated for remuneration.

PAWN SHOP. An establishment engaged in retail sales of secondhand merchandise and that offers personal loans secured by consumer goods, jewelry and other personal property held by the pawn shop.

PERFORMANCE BOND. An agreement by an applicant with the city for the amount of the estimated construction cost plus a contingency amount as provided for in the this Zoning Code guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the applicant's agreement.

PERSON. An individual, firm, corporation, or association.

PERSONAL SERVICES (OTHER). Establishments or places of business engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops; grooming of pets; seamstresses, tailors, or shoe repairs; florists; and laundromats and dry cleaning stations serving individuals and households.

PEST CONTROL SERVICE. A business establishment that provides regular service to homes, businesses and other structures or land sites to prevent infestation of pests like cockroaches, ants, etc.

PET GROOMING. An establishment where domestic pets, often cats and dogs, are bathed, brushed, and trimmed. This use does not include the overnight boarding of animals.

PETROLEUM REFINING (including related uses). An industrial process plant where crude oil is processed and refined into more useful petroleum products, such as gasoline, diesel fuel, asphalt base, heating oil, kerosene, and liquefied petroleum gas.

PHARMACY. A store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and nonprescription medicines but where nonmedical products may be sold as well. A pharmacy may include accessory drive-up customer service facilities located on the same parcel.

PHOTOGRAPHIC and RETAIL PRINTING. An establishment providing printing services to retail consumers.

PHOTOGRAPHY STUDIO. A place where photographer may take and produce photos.

PLANING and SAWMILLS. Machine or plant with power-driven machines for sawing logs into rough-squared sections or into planks and boards. A sawmill may be equipped with planing, molding, tenoning, and other machines for finishing processes.

PLANNED UNIT DEVELOPMENT (PUD). An area of land in which a variety of uses 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 this Zoning Code. 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.

PLANT SALES (OUTDOOR). An outdoor establishment designated for the sale of living, cultivated vegetation which may include the seedlings, bare root plants, aquatic plants, container plants, or balled and burlaped plants.

POOL SERVICE and SALES. Companies that provide pool opening, cleaning, and closing services. They may also sell and install pools and provide pool supplies.

PORATBLE-ON-DEMAND STORAGE STRUCTURE (POD). Any container, storage unit, shed-like container or other portable structure that can or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements.

PRINCIPAL STRUCTURE. A building or structure in which the primary use of the lot on which the building is located is conducted.

PRINCIPAL USE. The main use of land or structures as distinguished from a secondary or accessory use.

PRINTING PLANTS. A facility producing large quantities of reprographics.

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.

PROFESSIONAL HOME OFFICE. A homed based business utilizing the dwelling area for a small scale professional office use by an occupant of the dwelling. The intent of the "Professional Home Office" designation is to provide for a less intensive business use compared to the more intensive "Home Occupation" use. A "Professional Home Office" is a permitted use and subject to the standards set forth in §309.14. A "Professional Examples of a "Professional Home Office" use include, but are not limited to: attorney, accountant, sales representative, architect. Home Office" use does not constitute a "Home Occupation" use as defined in this Chapter.

PROFESSIONAL CONSULTANT. A person who possesses the knowledge and skills, by reason of education, training and experience, to comprehend the full nature and extent of the project in question regarding its social, economic, physical, environmental and design characteristics and implications in order to foster a unified plan for development. The consultant may be, but is not necessarily required to be, a registered architect, landscape architect, engineer, planner, or equivalent.

PROPERTY. Any tract, lot, parcel or several of such tracts, lots or parcels collected together.

PUBLIC. Unless otherwise specifically indicated, public shall mean anything owned, operated, provided and/or maintained by a local, state, or federal government.

PUBLIC ASSEMBLY. Facilities that accommodate public assembly for sports, amusements, or entertainment purposes. Typical uses include auditoriums, sports stadiums, convention facilities, and incidental sales and exhibition facilities.

PUBLIC PARK. A public space and supporting facilities designed and used for a variety of recreational activities, a greater part of which take place outside of any structure.

PUBLIC USE. Public parks, schools, and administrative and cultural buildings and structures, including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities, including water and sewer service facilities.

PUBLIC SERVICE and UTILITY FACILITIES. A site where a utility company or business providing a public service, such as cable companies and telephone companies, store and service equipment, have offices, and headquarter various crews of employees.

PUBLIC UTILITY FACILITY. A business or service, having an appropriate franchise from the state, which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need such as electricity, gas, water, transportation or communications.

PUBLIC MUSEUM. A building, place, or institution devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects having scientific, historical, or artistic value.

RAIN BARREL. A water tank which is used to collect and store rain water runoff.

RAISING OF ANIMALS. The raising of farm animals, exotic animals, or the raising of any animal for commercial purposes. This definition does not pertain to domestic household pets.

RECREATION (ACTIVE). Those recreational pursuits which require physical alteration to the area in which they are performed including, but not limited to, pedestrian ways, bikeways, tennis courts, swimming and boating areas, playgrounds, and play fields.

RECREATION (PASSIVE). Recreational activities that generally do not require a developed site such as hiking horseback riding, and picnicking.

RECREATION USE (PRIVATE). A private recreational facility for use solely by the residents and guests of a particular residential development, planned unit development, or residential neighborhood, including indoor and outdoor facilities. These facilities are usually proposed or planned in association with development and are usually located within or adjacent to such development.

RECREATION AREA (PUBLIC). A recreation area maintained by a public authority for public use.

RECREATION AREA (COMMERCIAL). Land or facilities operated as a business and which are open to the general public for a fee that shall include, but is not limited to: roller blade rental, billiard parlors, video amusement arcades, pay-to-play athletic fields, golf courses, ice skating rinks, swimming pools, bingo parlors, lotto facilities and other businesses where the majority of business is in games of chance.

RECYCLING COLLECTION CENTER (SMALL). A place where recyclables are collected or processed (such as separation and baling) in preparation for market.

RECYCLING and SALVAGE YARDS. Entity engaged in the business of acquiring or owning salvage automobiles and or recyclable items for resale in their entirety or as spare parts; or rebuilding, restoration, or crushing.

RELIGIOUS INSTITUTION. An institution that a congregation of people regularly attends to participate in or hold religious services, meetings and other activities, including buildings in which the religious service of any denomination are held.

RESIDENTIAL DWELLING. A building or part of a building, containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one or more individuals or families.

RESIDENTIAL ZONING DISTRICT OR USE. Any area zoned for residential use as defined in this Zoning Code or any area where persons may reside.

RESTAURANT. Establishments primarily engaged in the preparation and sale of food which accounts for fifty-one percent or more of the business sales and may include ancillary sale of alcoholic beverages (forty-nine percent or less of total sales).

RESTAURANT (SMALL SCALE). A restaurant containing less than 1,000 sq. ft. gross area located in a TO zoning district.

RETAIL SALES (BUSINESS). Any business which primarily sells goods, wares or merchandise directly to the ultimate customer for direct consumption and not for resale.

RETAIL SALES (SPECIALTY). Includes retail establishments selling merchandise that is characterized as unique in nature while being produced in limited quantities. A specialty retail establishment is limited to 1,000 sq. ft. of gross business space in the TO zoning district. Specialty retail establishments are permitted in other commercial zoning districts without the 1,000 sq. ft. maximum area requirement.

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

RIGHT-OF-WAY LINE. A dividing line between a lot, tract, or parcel of land and a contiguous public street, and demarcating the public right-of-way. Where the lot, tract, or parcel of land has been conveyed to the center of the road, the road line then becomes the inside line of land reserved for road purposes. "Right-of-way line" also means "street line."

ROADSIDE STAND. A temporary structure used for the sale of goods or produce made or grown on the same lot.

ROOF LINE. The uppermost line or point of the facade or parapet of a flat roof structure, or the lower edge of an eave, gable or rake of a sloped roof structure.

ROOF or STRUCTURE MOUNTED SOLAR ENERGY SYSTEM. An active solar technology system developed and created for harnessing and distributing solar energy that can be mounted on a roof or stationary structure using a variety of techniques including the use of photovoltaic panels and solar thermal collectors to harness the energy.

RUBBER, PLASTIC, RAW MATERIAL MANUFACTURING. A business specializing in the manufacturing of raw materials such as rubber and plastic.

SATELLITE DISH. A signal-receiving device whose purpose is to receive or send communications or signals from earth-orbiting satellites or other sources.

SEMI-CONDUCTOR MANUFACTURER. A business engaged in the manufacturer and production of semi-conductor materials for use in modern electronics, including but not limited to: radios, computers, telephones, and other similar devices.

SEMI TRUCK & TRAILER SALES OR RENTAL. An open space area, other than a street, used for the display, sale, or rental of new or used commercial grade semi-truck vehicles or semi-trailers in operable condition and where no repair work is done.

SENIOR CARE FACILITY. Any place or abode, building, institution, residence, or home used for the reception and care for a consideration of three or more persons who by reason of age or mental or physical infirmities are not capable of properly caring for themselves, or who are 65 years of age or over and for which a license, if necessary, has been issued by the Ohio Department of Public Welfare or other appropriate agency. Patron residents of a nursing home are normally characterized by a lack of ability to leave the home without assistance from a care giver.

SHOE REPAIR. A place where a skilled worker rebuilds and repairs boots and shoes. They often also mend luggage, handbags, and sports equipment.

SIGN. A sign is defined as any display that evokes a messages including but not limited to any name, number, symbol, identification, description, display, illustration, object, graphic, sign structure, or part thereof, whether permanent or temporary, which is affixed to, painted on, represented directly or indirectly upon, or projected onto a building, structure, lot, or other device, whether mobile or affixed to the ground, and which directs attention to any object, product, place, activity, person, institution, organization, or business. A sign may consist of wording, logos or images. This definition includes all signs visible from any public right-of-way or adjacent property, including interior signs oriented towards the exterior facade of any building or structure as well as back-lighted translucent panels or strip lighting affixed to any wall or roof where any such panels or lighting serves to identify and attract attention rather than illuminate space for human activity. See the complete sign code definition list found in Chapter 303.

SMALL WIND ENERGY CONVERSION SYSTEM. Means a system consisting of a wind turbine, tower, and associated control or conversion electronics for the purpose of providing electrical power to a lawful principal use. A system having a rated capacity of 100 kW or less for non-residential uses shall be considered a private use system for the purposes of the regulations. These systems are considered accessory uses in the BR-CD and GI zoning districts.

SOLAR ENERGY SYSTEM. A solar energy system is any solar collector or other solar energy device, or any structural design feature of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating. Based on this definition, solar energy systems include, but are not limited to:

- (1) Photovoltaics (solar electric)
- (2) Solar water heating for use in buildings
- (3) Solar water heating for space heating or cooling

SPECIALTY RETAIL. A retailer concentrating on selling a specific line of goods for a particular and usually selective clientele. Specialty retailers have a wide variety of a certain type of good. Examples may include bagels, stationery, movies, and video games.

STORY. That part of a building included between any floor and the floor or roof next above; provided that for any purpose of regulating the dimensions of yards and courts when the average story height of any building exceeds 12 feet, each 12 feet or fraction thereof of total building height shall be considered a separate story, except the first story, which may be 15 feet high. A mezzanine story shall be deemed a full story where it covers more than 50% of the area of the story next below. A basement shall not be counted as a story unless more than one-half of the basement height is above grade level at the front of the building.

STREET. All property dedicated or intended for public or private use for passage or travel of motor vehicles.

STRUCTURE. Anything built or constructed which requires a permanent location on any given lot, other than landscaping. Structures include but are not limited to buildings, pools, tennis courts, storage facilities, parking lots, roadside stands, monuments, statues, flagpoles, sheds and signs.

STRUCTURE HEIGHT. The distance between the highest point of any structure, and the lowest grade adjacent to the structure.

STRUCTURAL ALTERATION. Any change in the structural members of a building, such as walls, columns, beams, or girders.

STUDIO (DANCE, MUSIC, VOICE and MARTIAL ARTS). An establishment where an art is taught or studied, often an open room where one or more persons can work.

SUBDIVISION. The division of any parcel of land shown as a unit, part of a unit or a contiguous unit on the last preceding transfer of ownership thereof.

Major Subdivision shall mean the improvement of five or more new parcels from the original parcel of land for residential use or the improvement of one or more parcels of land for commercial or industrial structures or groups of structures involving the subdivision and allocation of land as streets or other open spaces for common use by the owners, occupants or leaseholders or as easements, or for the extension and maintenance of public sewer, water, storm drainage or other public utilities and facilities.

Minor Subdivision shall mean the division of one property into four or less residential parcels, sites or lots, any one of which is less than five acres in area, for the purpose, whether immediate or future, of transfer of ownership. A minor subdivision shall also mean the division or partition of land into no more than four parcels where no new streets or roads are involved; the division of land for agricultural purposes where the resulting parcels are more than five acres or larger in size; the division of property by testamentary or intestate provisions; or the division of property upon court order.

SWEEPSTAKES TERMINAL CAFÉ. Shall mean any individual premises upon which any computerized sweepstakes device is located for the use or entertainment of the public, whether or not such premises have other business purposes of any nature whatsoever.

SWIMMING POOL (PRIVATE RESIDENTIAL). The term Swimming Pool shall mean a body of water, created by artificial means designed or used for swimming or other immersion purposes, any portion of which is one-half foot (1 ½ ') deep or more. It includes a fish pond, wading pool, hot tub, or spa.

SWIMMING POOL (PORTABLE). Swimming pools that are only capable of holding eighteen inches (18") or one and one-half foot (1 ½ ') of water or less, at the deepest point, and are nine feet (9') or less in water surface diameter at the widest point, or less than sixty-five (65) square feet in surface area.

TATTOO PARLOR or BODY PIERCING ESTABLISHMENT. An establishment or facility engaged in the method of placing designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instruments designed to touch or puncture the skin. This definition also includes body piercing or other related body art activities.

TAXICAB SERVICE. A business establishment that provides a service consisting of motor vehicles carrying passengers for hire where the destination and route traveled may be controlled by a passenger and the fare is calculated on the basis of an initial fee, distance traveled, waiting time, or any combination thereof.

TECHNICAL SCHOOL. A post-secondary vocational school that trains students in a variety of skills, especially in the manual trades, health care, and computer technology.

TEMPORARY BUILDING OR STRUCTURE. A structure intended for a limited duration in which construction or erection of such building or structure requires no permanent foundation.

TEXTILE MILL PRODUCTS. Manufacturing yarn or textile fabrics, or finishing yarn or fabrics, or manufacturing both fabrics and textile products.

THEATRE (INDOOR MOTION PICTURE & LIVE). A structure reserved for housing dramatic presentations, stage entertainments, or motion-pictures for public or private audiences.

THEATRE (OUTDOOR DRIVE-IN). A facility or outdoor space designed to permit customers to remain in their vehicles while viewing a motion picture.

TIRE RETREADING, RECAPPING, REBUILDING. A business engaged in the retreading, recapping or rebuilding of tires, but not the manufacture of new tires from raw materials.

TOWING SERVICE. A service oriented business providing the removal of motorized vehicles from one location to another.

TRAVEL AGENCY. A business that attends to the details of transportation, itinerary, and accommodations for travelers. Also called a travel bureau.

TRAVEL TRAILER or TRAILER. A vehicle, whether or not it is pulled by another vehicle, used or intended for use as a conveyance upon the public streets or highways, so designed, constructed, reconstructed, or added to by means of portable accessories in such manner as will permit the occupancy thereof as a movable dwelling or sleeping place.

TREE LAWN. That portion of a public right-of-way lying between the back face of the curb and the leading edge of the sidewalk and/or the back edge of the right-of-way, if no sidewalk is installed.

TREE SERVICE. A business assisting customers with tree maintenance, i.e. tree trimming, as well as tree removal services.

TRUCK SERVICE STATION. A facility repairing and conducting routine maintenance on heavy duty trucks and tractor-trailers.

TRUCK YARDS. A salvage yard for trucks and tractor trailers.

USE. The specific purposes for which a building or land is designated, arranged, intended, or maintained. In the classification of uses, a use may be a use as commonly understood or the name of an occupation, business, activity, or operation carried on in a building or on premises or the name of a building, place, or thing which name indicates the use or intended use.

USED MERCHANDISE SALES. The direct sale of previously used goods to consumers often at a lower cost. Used merchandise may include items such as clothing, musical instruments, books, and furniture.

VEHICLE, COMMERCIAL. Any vehicle used to generate income, and which, by appearance, is anything other than usual and customary personal family transportation. These may include school buses, buses used for public transportation, limousines, stake body trucks, trucks or tractors having dual rear wheels and more than two (2) axles, semi-trailer tractors, semi-trailers and trailers having an overall length of more than twelve (12) feet. Vehicles and trailers used for the transport of livestock or goods associated with and located upon the premises of a property used for farming or grazing shall not be construed as to meet the definition of a commercial vehicle.

VEHICLE (MOTOR). Motor vehicle means and includes automobiles, motorcycles, trucks, tractors, trailers, semi-trailers, airplanes, buses and farm implements, whether semi-propelled or designed to be pulled, pushed or carried by another motor vehicle.

VEHICLE PARTS MANUFACTURE. A facility producing and assembling automotive parts.

VEHICLE (RECREATIONAL). Recreational vehicle shall be defined as any of the following: any privately owned boat, boat trailer, folding tent trailer, personal water craft, motorized home, pick-up camper, snowmobile, travel trailer, a three or four wheel all terrain vehicle or other similar equipment meeting the following criteria:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

VETERINARY OFFICE. A facility for the practice of veterinary medicine with provisions for the overnight boarding of animals when related to the animal's care. No other boarding of animals shall be permitted. Also known as an "Animal Hospital".

VARIANCE. A modification of the strict terms of the relevant regulations of this Zoning Code where such modification will not be contrary to the public interest. A variance is also a modification of regulations where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Zoning Code would result in unnecessary and undue hardship. Variances can only be granted by the Planning Commission.

VIDEO STORE. A rental shop that allows a consumer to temporarily obtain a reusable good or product, in this case, multimedia items such as videos, DVDs, and video games, for a specified period of time in exchange for payment.

WAREHOUSE. A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment containing no on-site retail sales, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions. This term also includes "Wholesale" and "Distribution" related establishments.

WASTE TRANSFER, STORAGE, DISPOSAL. A business engaged in the transfer, storage or disposal of solid waste products When a landfill is involved in this operation, the solid waste, such as paper, glass,

and metal, is buried between layers of dirt and other materials in such a way as to reduce contamination of the surrounding land.

WIRELESS TELECOMMUNICATIONS EQUIPMENT SHELTER. A structure in which electronic receiving and relay equipment for a wireless telecommunications facility is housed.

WIRELESS TELECOMMUNICATIONS FACILITY. A facility consisting of the equipment and structures involved in receiving or relaying telecommunications or radio signals from a mobile radio communication source and transmitting those signals to a central switching computer which connects the mobile unit with land-based telephone lines.

WIRELESS TELECOMMUNICATIONS TOWER. A structure intended to support equipment used to transmit, relay, and/or receive telecommunications signals, including but not limited to monopoles, guyed, and lattice construction steel structures.

YARD. Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings or such projections as are expressly permitted in these regulations. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the nearest point of the foundation wall of the main building.

YARD REQUIREMENT. The open space between a lot line and the building area within which no structure shall be located except as provided in the Zoning Code.

YARD SETBACKS. The required minimum horizontal distance between the building line and the related front, side, or rear property line.

YARD (FRONT). An open space on the same lot as the building, between the front line of the building and the front lot or street line, and extending across the full width of the lot.

YARD (REAR). An open, unoccupied space on the same lot as a building, between the rear line of the building and the rear line of the lot, and extending the full width of the lot.

YARD (SIDE). An open, unoccupied space on the same lot as a building, between the side line of the building and the side line of the lot, and extending from the front yard line to the rear yard line.

ZERO LOT LINE. The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line. Also, for the purposes of this Zoning Code, a zero lot line shall include buildings that are built with a shared wall resting on a lot line, and the shared wall shall be considered the zero lot line if the building is intended to be owned by two separate owners on both sides of the shared wall.

ZONING ADMINISTRATOR. The Zoning Administrator shall administer and enforce this Zoning Code. One or more Zoning Administrators may be designated by the Mayor. The Zoning Administrator is under the supervision of the Mayor. The Mayor may serve as the Zoning Administrator. He or she may be provided with the assistance of such other persons as the Mayor may direct.

ZONING MAP, CITY OF BEREAL The zoning map for the City of Berea showing at least the corporation limits and streets and other landmarks for reference, the property boundaries for all properties inside the city, and the zoning categories that have been adopted and are enforced for the properties contained within the city. Also referred to as the City Zoning Map.

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