

101 – DEFINITIONS

For the purpose of this Resolution, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word “Building” shall include the word “Structure”, the word “road” shall include the word “street” and the word “shall” is mandatory and not directory.

ACCESSORY USE: Accessory use or building is a subordinate use or building customarily incident to and located on the same lot occupied by the main use or building.

ACREAGE TRANSFER: A piece of land that is transferred between adjacent owners or a lot that is over five acres and is divided into another lot.

ADMINISTRATIVE, PROFESSIONAL, BUSINESS AND NON-PROFIT GENERAL OFFICES: The use of offices and related spaces for such professional services as are provided by lawyers, architects, engineers, insurance, real estate, interior design, graphic design, travel agents and similar professions.

ADULT DAY CARE FACILITY: An establishment that during any part of the normal business day provides supervised educational, recreational, and social activities to elderly and/or handicapped adults, but not including persons suffering from acute or chronic alcoholism or other drug dependency and persons who regularly require restraint.

AGRI-BUSINESS: An agriculturally related business that would normally be classified as retail or commercial. Such uses include and are in conformance with uses indicated in Ohio Revised Code (ORC) 519.01. Viticulture, vinting and selling of wine and farm markets are administered by the ORC and shall not be classified as Agri-Business.

AGRICULTURE: Any agricultural use, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.

AGRICULTURAL SALES AND SERVICE: A use primarily engaged in the sale or rental of farm tools and implements (excluding large implements such as but not limited to tractors and combines), feed, grain, tack, animal care products and farm supplies.

AGRICULTURAL SUPPORT SERVICES: A use or facility that primarily supports agriculture, farming or nursery operations. These uses would include but are not limited to cold storage facilities, grain elevators, or loading docks.

ALLEY: A way which affords only a secondary means of access to property abutting thereon.

ANIMAL BOARDING/KENNELS: Any lot or premises on which four or more domesticated animals of the same type or species more than four months of age are housed, groomed, bred, boarded, trained or sold and which may offer provisions for minor medical treatment for such animals.

ANTIQUÉ STORES: Any building used for the sale of any old and authentic objects of personal property which has a unique appeal and enhanced value mainly because of its age, and, in addition, may include the sale of any clothing article which was made, manufactured or fabricated twenty or more years earlier and because of the public demand has attained value in a recognized commercial market which is in excess of its original value. This does not include the sale of any used vehicles or thrift stores.

APARTMENT: A room or suite of rooms intended, designed, or used as a residence by a single family.

APARTMENT HOTEL: A building designed for or containing both apartments and individual guest rooms or suites of rooms and apartments and in which may be furnished services ordinarily furnished by hotels, such as drugstore, barber shop, cigar and newsstands, when such uses are located entirely within the building with no entrance from the street and having no signs on display visible from the outside of the building indicating the existence of such use.

APARTMENT HOUSE: See Dwelling, Multiple

ASSEMBLY, MANUFACTURING: The fitting together of parts to make a new product.

AUTOMATED TELLER MACHINE (ATM), EXTERIOR: An automated device that performs banking at a location remotely from a controlling financial institution and is not accessory to any other use.

AUTOMOTIVE RENTAL: The use of any building, land area or other premises for the rental of automobiles, vans, and/or single axle trucks or trailers. The minor care of vehicles may also be included as an accessory use.

AUTOMOTIVE REPAIR: A building or portion of a building in which major repairs are conducted. Major repairs include structural repair, rebuilding or reconditioning of motor vehicles, or parts thereof, including collision service; spray painting; body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of the engine cylinder, head or crank case pan; repairs to radiators requiring the removal thereof; or similar activities.

AUTOMOTIVE SERVICES (INCLUDING INSTANT OIL CHANGE): A building, or part of a building which is used for the routine maintenance and service, and the making of repairs to motor vehicles including instant oil changes, except that repairs described as major repairs in "Automotive Repair" shall not be permitted. Retail sale of lubricants and motor vehicle accessories may also be included as an accessory use.

BASEMENT: A story having part, but not more than one-half (1/2) of its height above grade and used for storage, garages for use of occupants of the building, janitor or watchman quarters, or other utilities common for the rest of the building. A basement used for the above purpose shall not be counted as a story.

BED AND BREAKFAST: A private owner-occupied dwelling in which rooms are rented to guests with one (1) meal; breakfast, served daily, and the entire service; food and lodging are to be included in one (1) stated price.

BOARDING HOUSE: A building other than a hotel where for compensation and by arrangements, meals, or lodging and meals are provided for three (3) or more persons but not exceeding twenty (20) persons.

BOARD OF APPEALS: The Township Zoning Board of Appeals.

BUILDING: Any structure, designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels or property of any kind.

BUILDING, HEIGHT OF: Accessory Structures - The vertical distance from the established/existing grade at the front of the building to the highest point of the ridge of the roof. Dwelling/Main Structures - The vertical distance from the finished grade at the front of the building to the highest point of the ridge of the roof.

BUSINESS SERVICES INCLUDING MAILING AND COPY CENTERS: Establishments or places of business engaged in the sale, rental, or repair of office equipment, supplies, and materials, or the provision of services used by individuals, offices, professionals, and service establishments. Typical uses include, but are not limited to, office equipment and supply firms, small business machine repair shops, convenience printing, copying and mailing centers, computer related services or temporary labor services.

CAR WASH: A building or enclosed area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower or other mechanical devices and/or which may employ hand labor.

CATERING AND FOOD PREPARATION: A service providing meals, refreshments or beverages for private or public events to be consumed off site or to be sold directly from vehicles off site.

CELLAR: That portion of a building between floor and ceiling which is wholly or partly below grade and having more than one-half (1/2) of its height below grade.

CHILD DAY CARE CENTER: Any place other than a family day care home in which child day care is provided. Child day care administers to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians or relatives by blood, marriage, or adoption for any part of the twenty-four (24) hour day in a place other than a child's own home. Child day care centers may be operated in conjunction with a business, school or religious facility, or as an independent land use.

CHURCH OR PLACE OF RELIGIOUS WORSHIP: An institution, that has been granted tax exempt status, which people regularly attend to participate in or hold religious services, worship, meetings and other activities. The term "church" shall not have a secular connotation and shall include buildings in which the religious services of any denomination are held.

CIVIC, SOCIAL, OR FRATERNAL ORGANIZATIONS: A group of people formally organized for a common interest, usually cultural, religious, or service, with regular meetings and formal written membership requirements.

CLINIC: An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of physicians practicing medicine together.

CLUB: Buildings and facilities, owned or operated by a corporation, association, person or persons, for a civic, social, educational, or recreational purpose, to which membership is required for participation and which are not primarily open to the public.

CLUB, NOT-FOR-PROFIT: Buildings and facilities that are owned or operated by a not-for-profit corporation or association that is registered with the State of Ohio, and is for a civic, social, educational, or recreational purpose for which membership is required for participation and which are not primarily open to the public.

COMMUNITY CENTER: A building for social, educational, and recreational activities of a neighborhood or community provided such building is not operated for commercial gain.

COMPUTER RELATED SERVICES: A business primarily developing computer software and repairing computer systems on site or off site. Excludes data centers.

CONDITIONAL USE: A specific use provided for in the zoning resolution which is not otherwise permitted in any zoning district but which may be permitted by the Zoning Board of Appeals under conditions set forth in the Zoning Resolution in accordance with Section 519.14 of the Ohio Revised Code.

CONDOMINIUM: Commercial/Industrial Condominium - Individually owned commercial or industrial use unit located in a multi-unit structure or on land in common and operated by an association of owners whereby the owner has a recordable deed enabling him to sell, mortgage, transfer, exchange or otherwise convey ownership thereof. Residential Condominium - Individually owned dwelling unit located in a multi-unit structure or on land in common and operated by an association of owners whereby the owner has a recordable deed enabling him to sell, mortgage, transfer, exchange or other wise convey ownership thereof.

CONSTRUCTION EQUIPMENT RENTAL: Establishments primarily engaged in the rental of tools, tractors, construction equipment, yard care equipment, and similar industrial equipment. Included in this use type is the outdoor storage and display, maintenance, and servicing of such equipment.

CONSTRUCTION EQUIPMENT SALES: Establishments primarily engaged in the sales of tools, tractors, construction equipment, yard care equipment, and similar industrial equipment. Included in this use type is the outdoor storage and display, maintenance, and servicing of such equipment.

CUL-DE-SAC- Permanent: A minor street that one end of which connects with another street and the other end of which terminates in a vehicular turnaround. The construction of the street must conform to the rules regulations, and standard specifications for road improvements in accordance with R.C. 711.10.

CUL-DE-SAC-Temporary: A minor street that one end of which connects with another street and the other end of which terminates in a vehicular turnaround. This type of street has the ability to be extended and the cul-de-sac removed when future development occurs. The construction of the street conforms to the rules, regulations, and standard specifications for road improvements in accordance with R.C. 711.101.

dB- (DECIBELS): A unit of measure (abbreviated dB) used to compare sound intensities and subsequently electrical or electronic power outputs.

DATA CENTER: A facility used to house computer systems and associated components, such as telecommunications and storage systems. It generally includes redundant or backup power supplies, redundant data communications connections, environmental controls (e.g., air conditioning, fire suppression) and security devices.

DECOMMISSIONING PLAN: A submitted written plan describing that all properties will be restored to their original state before the project was started after the project is no longer used or in useable condition.

DISTRICT: Any section of Madison Township for which the zoning regulations govern the use of building and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

DONATION BOX: An unattended container, receptacle, or similar devices used for soliciting and collecting donations of clothing, books, school supplies, or other personal property. Donation boxes are for non-profit organizations that are listed as 501 C 3 by the United States IRS.

DONATION BOX in CONJUNCTION with a FACILITY: An unattended container, receptacle, or similar devices used for soliciting and collecting donations of clothing, books, school supplies, or other personal property adjacent to a retail facility, training center, or similar facility. Donation boxes are for non-profit organizations that are listed as 501 C 3 by the United States IRS.

DRIVE-THRU FACILITY: Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly between an employee of the business and the customer while the customer is located within a motor vehicle during the business transaction. The term “drive-thru” shall also include “drive-up” and “drive-in”.

DRY CLEANING: A business which launders or dry cleans fabrics, textiles, wearable apparel or other articles that are dropped off on the premises directly by the customers or pick up by employees but the laundering or cleaning is done off site.

DWELLING: Any building or portion thereof, which is designed for or used for residential purposes.

DWELLING, SINGLE FAMILY: A building designed for or occupied exclusively by one (1) family.

DWELLING, TWO FAMILY: A building designed for or occupied exclusively by two (2) families.

DWELLING, MULTIPLE: A building designed for or occupied exclusively by three (3) or more families.

EFFICIENCY: An apartment with a bath, some type of kitchen facility and a common living/bedroom area.

FAA: Federal Aviation Administration is an agency of the United States Department of Transportation with authority to regulate and oversee all aspects including safety of civil aviation in the United States.

FABRICATION: The alteration of manufactured product by hand or mechanical means. The original use of the product will not change.

FAMILY: One or more persons occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises, as distinguished from a group occupying a boarding house, lodging house, or hotel as herein defined.

FENCE: A structure, solid or otherwise, which is a barrier and used as a boundary or means of protection, confinement, or concealment.

FENCE (DECORATIVE): A permanent or temporary structure, solid or otherwise, designed primarily for aesthetic appeal or concealment and not intended or designed to be used as boundary or as a means of protection or confinement.

FINANCIAL INSTITUTION: Those institutions engaged in receiving, exchanging, lending and safeguarding monies.

FRONTAGE: 1. All the contiguous 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 the street. Said frontage shall be maintained and not diminished from the right of way to the minimum building setback line.

2. Frontage pertaining to individual lots will be the amount of contiguous property between two permanent parcel boundary lines abutting a dedicated and accepted road. If the street is dead-ended, then all contiguous property between the permanent parcel boundary line and the dead-end of the street shall be defined as frontage. Said frontage shall be maintained and not diminished from the right of way to the minimum required building setback line.

FUNERAL SERVICES: A building or part thereof used for human or pet funeral services and which may include: space for embalming and other services used in the preparation of the dead for burial, the storage of caskets, funeral urns and other related supplies, the storage of funeral vehicles, and other related uses.

GARAGE, PRIVATE: An accessory building designed or used for the storage of not more than four (4) motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one (1) of the vehicles may be a commercial vehicle of not more than two (2) ton capacity.

GARAGE, PUBLIC: A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

GARAGE, STORAGE OR PARKING: A building or portion thereof designed or used exclusively for term storage by prearrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and within which motor fuels and oils may be sold but no motor-driven vehicles are equipped, repaired, hired or sold.

GARDEN OR NURSERY RETAIL SALES (NON-WHOLESALE): Land, building, structure, or combination thereof used for the storage, and display of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

GAS STATIONS: Any establishment that supplies motor fuel, oil, and propane at retail to the customer, and may include facilities for the sale of other retail products, minor accessories, and services for motor vehicles.

GENERAL BUILDING CONTRACTORS: An individual or company engaged in the construction or remodeling of buildings. Such establishments include areas for office use, fabricating shops and/or interior storage areas. This definition includes, but is not limited to, builders or general contractors specializing in HVAC, painting, plumbing, electrical, or roofing.

GOVERNMENTAL FACILITY: A building or structure owned, operated, or occupied by any level of government for the purpose of providing a governmental service to the public.

GRADE:

(A) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.

(B) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets.

(C) For buildings having no walls adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

GROUND MOUNTED SOLAR ENERGY SYSTEM: Means a solar energy system that mounts a solar panel or panels and facilities on or above the ground.

HIGHER EDUCATION, TRADE EDUCATION: College, technical college or university offering courses of instruction and certified pursuant to Ohio Revised Code Chapter 3332 or its successors.

HIGHWAY, MAJOR: A street or road of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.

HISTORICAL VENUE: A historical building or parcel of land that has historical significance, and is recognized by one or more of the following: the National Register of Historic Places, registered with Ohio History Connection (formerly the Ohio Historical Society), with an “Ohio Historical Marker,” registered with the Lake County History Center as a “Lake County Heritage Home,” or recognized by the Madison Historical Society as having historical significance in Madison Township, and being more than sixty-five (65) years old.

HOME IMPROVEMENT, RETAIL: A store that primarily sells a diverse range of hardware and related materials generally used in the maintenance, repair, or construction of buildings or other structures, including lawn and garden supplies and the rental of tools as accessory uses.

HOME OCCUPATION: An occupation conducted in a dwelling unit, provided that:

(A) It is any occupation or activity carried on by a member of the immediate family.

(B) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25%) percent of the floor area of the dwelling unit including all storage and reception areas shall be used in the conduct of the home occupation.

(C) There shall be no change of the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding three (3) square feet in area, non-illuminated.

(D) No traffic shall be generated by such home occupation with greater volume than would normally be expected in a residential neighborhood, any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this resolution, and shall not be located in a required front yard.

(E) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interferences in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.

HOSPITAL: An institution providing health care services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities and other similar facilities.

HOTEL/MOTEL: A building with a minimum of nine (9) rooms in which lodging is provided and offered to the public for compensation at a daily rate, and which may include facilities for meetings, banquet rooms, restaurants and recreational facilities as incidental uses.

INDOOR COMMERCIAL RECREATION: An establishment engaged in providing activities for the general public by means of games or sports for a fee including but, not limited to, bowling alleys, space for competition such as indoor basketball courts, and indoor soccer fields.

INSTITUTION: A building occupied by a non-profit corporation or a non-profit establishment for public use.

INTEGRATED SOLAR ENERGY SYSTEMS: Means a solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows.

INTRA-PROJECT POWER LINES: All power and transmission lines leading to and or away from any wind tower and or solar panel.

JUNK MOTOR VEHICLES: A motor vehicle that meets all of the following criteria:

1. Three (3) model years old, or older
2. Apparently inoperable;
3. Extensively damaged, including, but not limited to, any of the following: missing tires, engine, or transmission.

A collector's vehicle, whether licensed or unlicensed, is a junk motor vehicle if it meets the above three (3) criteria.

KENNEL, COMMERCIAL: Any use or premise whereby one or both of the following services are offered for a fee for domesticated animals: where boarding or minor medical treatment is offered or provided.

LANDSCAPE SERVICES: A business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds.

LAUNDROMAT: An establishment providing home type washing, drying, or rinsing machines for hire to be used by customers on the premises.

LIBRARY/MUSEUM: A room or building for exhibiting, or an institution in charge of a collection of books, digital media, and artistic, historical, or scientific objects.

LIVE ENTERTAINMENT: Scheduled performances during which the performer(s) and audience are physically present at the time of the performance. Performances may include: theatrical productions, concerts, karaoke, literature readings, dancing, comedy, magicians, or DJ's.

LIVERY, HORSE: The agricultural use of feeding, caring, and stabling of horses for a fee.

LIVERY, VEHICLE: The keeping of vehicles for hire. This shall include taxies, limousines, and ambulance services.

LOADING SPACE: A space near the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks, and having a minimum dimension of twelve (12) by thirty-five (35) feet and vertical clearance of at least fourteen (14) feet.

LODGING HOUSE: A building other than a hotel, boarding house or motel, where lodging for three (3) or more persons, not exceeding six (6) persons, is provided for compensation pursuant to previous arrangements.

LOT: A parcel of land occupied or intended for occupancy by a use permitted in the Resolution, including one (1) main building together with the accessory building, the open spaces, and parking spaces required by this Resolution and having its principal frontage upon a street or upon an officially approved place.

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection.

LOT, DOUBLE FRONTAGE: A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

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 Auditor of Lake County.

LOT SPLIT: A new lot that is five acres or smaller and it meets all the zoning requirements and is being divided out of another parcel.

LOT, MINIMUM AREA OF: The area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

LUMBER AND BUILDING MATERIAL DEALER: An establishment for the storage, distribution, and sale of finished or rough-cut lumber and lumber products, but not including the manufacture or fabrication of lumber, lumber products, or firewood.

MANUFACTURED HOME: Is a non-self-propelled vehicle transportable in one or more sections which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length or when erected on site is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure are based on the structures exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows.

MANUFACTURED HOME LOT: A parcel of land designated for the exclusive use of the occupants of a single manufactured home also termed manufactured home space.

MANUFACTURED HOME PARK: Means an area of land upon which three (3) or more occupied manufactured homes are harbored either free of charge or for revenue purposes, and shall include any buildings, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such manufactured home park.

MANUFACTURING, HEAVY: The initial processing or treatment of raw material or manufacturing of products that require additional processing, fabrication, or assembly. Such operations are primarily major and extensive in character; require large sites, open storage and service area, having potential to produce noise, dust, glare, odors or vibration.

MANUFACTURING, LIGHT: The manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of products. Such operations are relatively clean, quiet, and free of objectionable or hazardous elements, such as smoke, noise, odor, or dust. Operation and storage occur primarily within enclosed structures and generate minimal industrial traffic or nuisances.

MARIJUANA: All parts of a plant of the genus cannabis, whether growing or not, the seeds of a plant of that type, the resin extracted from a part of a plant of that type, and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin. Marijuana does not include hemp or a hemp product.

MEDICAL AND DENTAL OFFICE: An establishment where healthy, sick, ailing, infirm, or injured persons are seen by appointment for wellness checkups, examination and treatment on an outpatient basis by one or more physicians, dentists, or other medical personnel and where patients are not lodged overnight.

MEDICAL MARIJUANA: Marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

MEDICAL MARIJUANA CULTIVATOR: An entity that has been issued a certificate of operation by the Ohio Department of Commerce and the Ohio Board of Pharmacy to grow, harvest, package, and transport medical marijuana as permitted under Chapter 3796 of the Ohio Revised Code. A facility shall mean a building, structure, or premises used for the cultivation or storage of medical marijuana, that is physically separate and off-site from a medical marijuana retail dispensary or medical marijuana processing/manufacturing facility.

MEDICAL MARIJUANA ENTITY: A state licensed medical marijuana cultivator, processor, retail dispensary, or testing laboratory.

MEDICAL MARIJUANA PROCESSOR: A licensed medical marijuana entity that has been issued a certificate of operation by the Ohio Department of Commerce and the Ohio Board of Pharmacy to manufacture medical marijuana products per Chapter 3796 of the Ohio Revised Code. The processing of medical marijuana obtained from a medical marijuana cultivator into a form that may be dispensed, delivered, or sold to one or more licensed medical marijuana retail dispensaries. Processing includes, but is not limited to, drying, cleaning, curing, packaging, and extraction of active ingredients to create medical marijuana, medical marijuana products or concentrates.

MEDICAL MARIJUANA RETAIL DISPENSARY: An entity licensed pursuant to sections 3796.04 and 3796.10 of the Ohio Revised Code, and any rules promulgated thereunder, to sell medical marijuana to qualifying patients and caregivers. A facility where medical marijuana, medical marijuana products, or devices for the use of medical marijuana or medical marijuana products are offered, either individually or in any combination, for retail sale, including an establishment that delivers medical marijuana products as part of a retail sale.

MEETING/BANQUET FACILITY: A building or group of rooms which are rented by individuals or groups to accommodate private functions including but not limited to, banquet, weddings, anniversaries and other similar functions. Such use may or may not include: 1) kitchen facilities for the preparation of catering of food; 2) the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public, and 3) outdoor gardens or reception facilities.

MEMBERSHIP SPORTS/FITNESS CLUB: An indoor facility including uses such as game courts, exercise equipment, indoor and/or outdoor swimming pools, locker rooms, whirlpools, hot tubs and/or saunas, restaurant or snack bar, pro shop and training facilities.

MICROBREWERY (ACCESSORY USE): A subordinate use to a Winery and the Viticulture of the property. This use brews beer, ale, etc. from materials grown on-site and off-site and may have an on-site tasting room and retail space to sell the products. As an accessory use, it shall not exceed fifty percent (50%) of the total production of wine.

MICRODISTILLERY (ACCESSORY USE): A subordinate use to a Winery and the Viticulture of the property. This use distills from materials grown on-site and off-site and may have an on-site tasting room and retail space to sell the products. As an accessory use, it shall not exceed fifty percent (50%) of the total production of wine.

MODEL HOME: A structure designed and constructed as a dwelling unit, but used for display as a sample to denote type of dwelling which can be duplicated. Model Homes are of two (2) types, Class A or Class B (Section 132).

MOTOR COURT OR MOTEL: A building or group of buildings used for the temporary residence of motorists or travelers.

MOTOR VEHICLE DEALER, (NEW/PRE-OWNED): An establishment engaged in activities such as displaying, offering for sale and selling new motor vehicles at retail, and which may also include operating a service facility to perform repairs and maintenance on motor vehicles, offering for sale and selling motor vehicle parts at retail, offering for sale and selling used or pre-owned motor vehicles at retail, but only as incidental to the sale of new motor vehicles and conducting all other acts that are usual and customary to the operation of a new motor vehicle dealership. See also “New Motor Vehicle”.

NEW MOTOR VEHICLE: A motor vehicle, the legal title to which has never been transferred by a manufacturer, remanufacture, distributor or dealer to an ultimate purchaser.

NON-CONFORMING USE: A building, structure, sign or use of land existing at the time of enactment of this Resolution which does not conform to the regulations of the district or zone in which it is situated.

OTHER PROFESSIONAL OFFICE: Establishments providing direct services to consumers or clients, such as but not limited to title insurance, real estate, web design, or nonprofits.

OUTDOOR DINING: A designated area adjacent to a dining establishment to be used for the purpose of food and drink consumption, including table service.

OUTDOOR STORAGE: A storage area that shall be an Accessory Use to and located on the same property as a Self-Storage Facility, where outdoor spaces are leased or rented for the storing of personal property, such as boats, rv's, and campers. The Outdoor Storage area shall not be visible from the road and shall not create any adverse impacts on adjacent properties.

PARKING AREA: That area which is set aside for the parking of motor vehicles on any premises and must conform to the off-street parking regulation of the district in which it is located.

PARKING SPACE: A portion within a parking area which is designed for the parking and placement of one (1) motor vehicle.

PERSON: Means an individual, firm, partnership, corporation, company or association.

PERSONAL PROPERTY SALE: All general sales, open to the public, conducted from or on land that is residentially used for the purpose of disposing of personal property, including, but not limited to all sales entitled "garage", "yard", "estate", or "moving".

PERSONAL SERVICES: Any enterprise conducted for gain that primarily offers services to the general public such as shoe repair, watch repair, barbershop, salons, dry cleaners, photography studios or similar activities.

PLACE: An open unoccupied space or public or private thoroughfare, other than a street or alley, permanently reserved as the principal means of access to abutting property.

POLICE AND FIRE SERVICES: A governmentally owned and operated facility established to provide police, fire, or EMS services to the surrounding area.

PRINTING: Commercial printing operation involving a process that is considered printing, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic and screen process printing.

PUBLISHING: Activity of preparing and producing material for publication: the trade, profession or activity of preparing and producing material in printed or electronic form for distribution to the public.

RECREATIONAL VEHICLE: Means a vehicular portable structure designed and constructed to be used as a temporary dwelling for travel, recreational, and vacation uses properly licensed.

RENTAL SERVICES INCLUDING ELECTRONIC/FURNITURE AND PARTY SUPPLIES: An establishment offering electronics, appliances, furniture, party supplies and similar goods and equipment on a rental or rent-to-own basis.

RESEARCH AND DEVELOPMENT LAB: A structure or group of structures used primarily for applied and developmental research, where product testing is an integral part of the operation and goods or products may be produced on a prototype basis as necessary for testing, evaluation, and test marketing.

RESIDENTIAL FLOOR AREA: The area of a dwelling devoted to living purposes, including stairways, halls, and closets, but excluding porches and spaces used for a garage or carport.

RESTAURANT (COUNTER SERVICE): A retail service establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume servings, for consumption either within the restaurant building or for carry-out, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed.

RESTAURANT (TABLE SERVICE): A retail service establishment wherein the entire business activity, or substantially all of the business activity, consists of the sale of food and service to patrons seated at tables for consumption within the building.

RETAIL ESTABLISHMENT, SMALL: An establishment 10,000 square feet or smaller that is engaged in the selling of goods within an enclosed building to the consumer, which is open to the general public during regular business hours and which has display areas that are designed and laid out to attract the general public.

RETAIL ESTABLISHMENT, LARGE: An establishment over 10,000 square feet that is engaged in the selling of goods within an enclosed building to the consumer, which is open to the general public during regular business hours and which has display areas that are designed and laid out to attract the general public.

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, usually under the control of the state or local authority.

ROOFTOP SOLAR ENERGY SYSTEMS: Means a solar energy system that is mounted to a structure or building's roof on racks that follows the contour of the roof with a maximum height one (1) foot.

ROOMING HOUSE: See lodging house.

SATELLITE DISH ANTENNA: Also referred to as "Earth Stations" or "Ground Stations" shall mean a signal receiving device (antenna, dish antenna, or dish type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extraterrestrial sources.

SELF-STORAGE FACILITY: A controlled-access and fenced facility that provides secured self-storage units of varying sizes within one (1) or more completely enclosed buildings/structures, leased or rented for varying periods of time, in which a renter customarily stores and removes personal property on a self-service basis.

SERVICE BUILDING: Means a building housing manager's office, laundry facilities, maintenance equipment, toilet facilities for employees, and emergency sanitary accommodations.

SERVICE STATION: Any building, structure or land used for the dispensing, sale or offering for sale at retail of any fuels, oils, or accessories, including lubrication and repairs of motor vehicles. Body or fender repair or spray painting prohibited.

SET-BACK: A line established parallel with and measured from the right-of-way defining the limits of a front yard.

SHOOTING RANGE: The use of land for archery and/or the discharge of firearms for the purpose of target practice, skeet or trap shooting or law enforcement training.

SIGN: Any outdoor announcement, declaration, device, demonstration, or insignia used for direction, information, identification or to advertise or promote any business, product, activity, service or any interests.

(A) **ANIMATED SIGN:** A sign which has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, osculate or visibly alter in appearance in a manner that is not permitted by these regulations.

(B) **BALLOON SIGN:** A lighter-than-air gas filled balloon, tethered in a fixed location, that is used to attract attention to a business or that has a sign with a message on its surface or a sign attached in some manner to the balloon. Balloon Signs are not permitted for business advertising purposes.

(C) **BANNER SIGN:** A temporary, lightweight sign that contains a message which is attached or imprinted on a flexible surface that deforms under light pressure and that is typically constructed of non-durable materials, including, but not limited to cardboard, cloth and/or plastic.

(D) **BUSINESS SIGN:** A sign which identifies a building or directs attention to a business, product, activity or service, manufactured, sold or offered upon the premises as the primary use(s) where such sign is located.

(E) **INCIDENTAL SIGN:** A name plate or sign relative to the lot, or use thereof and designating accessory uses, direction, identification, information, or real estate for sale, rent or lease.

(F) **LANDMARKING AND SYMBOLIC STRUCTURES:** A sign which conveys information or attracts attention by its architectural or sculptural character and not by alphabetic or numeric characters.

(G) **POLITICAL SIGN:** A sign administered as a Temporary Yard Sign.

(H) **POLITICAL ACTION SIGN:** A sign administered as a Temporary Yard Sign.

(I) **PROJECTING SIGN:** A sign suspended from or supported by a building, structure, or column and projecting out there from, more than eighteen (18) inches.

(J) **SIGN FACING:** The surface of this sign upon, against, or through which the message of the sign is exhibited.

(K) **SIGN STRUCTURE:** The supports, uprights, bracing and frame work for the sign. In the case of a sign structure consisting of two (2) or more sides, where the angle formed between any of the sides (or the projection thereof) exceeds fifteen (15) degrees, each side shall be considered a separate sign structure.

(L) **SIGN SURFACE:** The entire area within a single, continuous perimeter enclosing all elements of the sign which form an integral part of the display.

(M) **TEMPORARY PORTABLE ADVERTISING SIGN:** A sign, including banners, that are mounted or suspended on wheels, runners, casters, parked trailers, parked licensed and operable vehicles, or other mobile or portable devices.

(N) **TEMPORARY YARD SIGN:** A sign constructed of cloth, canvas, vinyl, paper/cardboard, plywood, plastic or other lightweight material that is neither permanently installed in the ground nor permanently affixed to a building or to a structure that is permanently installed in the ground. The term “Temporary Yard Sign” includes, but is not limited to, A-frame signs, lawn signs, banners, and window signs. The term “Temporary Yard Sign” does not include flags, pennants, balloon signs, streamers, animated signs, and signs that have moving parts intended to attract attention or motorized signs that move.

(O) **VIEWING DISTANCE:** The continuous distance along the centerline of a public road along which the full face of a sign can be viewed.

SIMILAR USE: A use not specifically listed in Table 114.3, which shall require a Conditional Use Permit, approved by the Board of Zoning Appeals, and shall also require a Site Development Plan Review by the Zoning Commission.

SMALL SOLAR FACILITY: Means a solar energy system and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) megawatts

SMALL WIND ENERGY SYSTEMS: A single-towered wind energy system that;

- a. Is used to generate electricity.
- b. Has a rated name plate capacity of 50 kilowatts or less.
- c. Has a total height of 150 feet or less.

SOLAR ENERGY: Means radiant energy (Direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.

SOLAR ENERGY COMMERCIAL OPERATIONS: Solar energy systems whose main purpose is to generate energy for sale back into grid system, rather than being consumed on site.

SOLAR ENERGY SYSYEM: Means a system and associated facilities that collect solar energy, which may include, but not limited to, integrated solar energy system, rooftop solar energy system, or ground mounted solar energy system.

SOLAR PANEL: A solar photovoltaic panel, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) MANUAL of 1987: The manual used for the purpose of defining, describing and distinguishing the various uses within each section of the Zoning Resolution.

STORY: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling.

STORY, HALF: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story.

STREET: The entire width between the boundary lines of every way dedicated for and open to the use of the public as a thoroughfare for purposes of vehicular travel, which affords the principal means of access to abutting property. A minor street is defined as a street primarily for providing access to residential or other property.

STREET LINE: A dividing line between a lot, tract, or parcel of land and a contiguous street.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

STRUCTURAL ALTERATION: Any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, beams, or girders.

STUDIOS FOR INSTRUCTION: A building or a portion of a building that is used or intended to be used for nonacademic group instructional purposes including, but not limited to, art, crafts, dance, and other wellness activities.

SWIMMING POOL: An accessory structure used for recreational purposes, intended for the purpose of containing water, having a minimal depth of 3 feet, or a minimum surface area of 75 square feet or a minimum of 10 feet in diameter for circular pools.

THRIFT STORE: Retail sales of previously used merchandise, such as clothing, household furnishings or appliances, sports/recreational equipment.

TASTING ROOM: A room attached to a winery that allows patrons to consume wine, beer, and other alcoholic beverages produced on site.

TOURIST HOME: A building other than a hotel where lodging is provided and offered to the public for compensation for not more than twenty (20) individuals and open to transient guests.

TOWNSHIP ZONING INSPECTOR: The legally designated township enforcing officer (or his authorized representative).

TRAILER: Any vehicle, or part thereof, without motive power initially designed or used for carrying property or person, wholly on its own structure and for being drawn by a motor vehicle, excepting house trailers and travel trailers.

UNITED STATES POSTAL SERVICE: A facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

URGENT CARE/MEDICAL CLINIC: A facility for examining and treating human patients with medical problems on an outpatient basis, including ambulatory care or similar medical service.

USABLE FLOOR SPACE: The area dedicated to patrons, excluding hallways and bathrooms.

UTILITY AND COMMUNICATION SERVICE: A facility that provides for proper service of data, electricity, gas, steam, telephone, cable, water, sewer, telegraphy, or Internet.

UTILITY SHED: A detached portable or permanent structure designed and constructed for the storage of seasonal tools and implements normally found necessary in conjunction with the care and upkeep of properties surrounding a dwelling.

VETERINARY SERVICES, SMALL: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm or injured small animals, including but not limited to cats, dogs, and other pets, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for treatment, observation and/or recuperation.

VETERINARY SERVICES, LARGE: A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured large animals, including but not limited to horses, cattle, llamas/alpacas, and other livestock, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for treatment, observation and/or recuperation.

VITICULTURE: The agriculture practice of growing grape vines and grapes. This includes making and selling of wine (as per Ohio Revised Code 519.21(A)) and the production of other grape-related products including, but not limited to, jam, jelly, vinegar, oil and juice.

WAREHOUSE: A building or use engaged in the storage of goods, or the storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.

WAREHOUSING (Accessory): The storage of a raw material, in-process or finished product and/or necessary equipment or material as an accessory use, in relation to the primary activity of a manufacturing establishment.

WHOLESALE BUSINESS: An establishment primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WIND ENERGY SYSTEM: Equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base blade, foundation, generator, nacelle, rotor, tower transformer, vane, wire, inverter, batteries, guide wires or other components used in the system.

WIND TOWER: The monopole, freestanding, or guyed structure that supports a wind generator.

WIND TOWER TOTAL HEIGHT: The vertical distance from finished grade to the tip of the wind generator blade at its highest point.

WIND TURBINE: The parts of a wind energy system including the blades and associated mechanical and electrical conversion components mounted on the top of the tower.

WINERY: An Agri-business establishment in which the main use of the property is primarily for vinting and selling wine, and is located on land any part of which is used for Viticulture. The Viticulture operation must be a working vineyard producing juice, and having a minimum of one (1) acre of grapes. The grapes are to be grown on the winery property, or on land immediately adjacent to the winery to permit the accessory and incidental uses of a winery as referenced in Section 104.1.7, 105.1.7, 122.2.10 and 122.5.6 of the Madison Township Zoning Resolution.

WORK/LIVE UNIT: An existing building used jointly for commercial and residential purposes, where the residential use of the space is secondary or accessory to the primary use as a place of work.

YARD: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD, FRONT: A yard extending across the front of a lot between the side lot lines. For the purpose of calculating front yard area, the measurements shall be taken at the minimum horizontal distance between the street or place line and the main building, other than the projections of uncovered steps or handicap ramps. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

YARD, REAR: A yard extending across the rear of a lot. For the purpose of calculating rear yard area, the measurements shall be taken at the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof, other than the projections of uncovered steps or handicap ramps. On all lots, the rear yard shall be to the rear of the front yard.

YARD, SIDE: A yard between the main building or any projection thereof and the side line of the lot from the required front yard to the required rear yard. For the purpose of calculating side yard area, the measurements shall be taken from the minimum horizontal distance between a side lot line and the side of the main building or any projections thereof, other than uncovered steps or handicap ramps.

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