

## ARTICLE XI DEFINITIONS

### SECTION 1101 CONSTRUCTION OF LANGUAGE

For the purpose of this zoning resolution, certain terms or words shall be interpreted as follows: 1) words used in the singular shall include the plural, and the plural the singular; 2) words used in the present tense shall include the future tense; 3) the word "shall" is mandatory and not discretionary; 4) the word "may" is permissive; 5) the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for"; 6) the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; and 7) the word "dwelling" includes the word "residence."

### SECTION 1102 DEFINITIONS

All words used in this zoning resolution shall have their customary meanings as defined in Webster's New World Dictionary, except those specifically defined in this section.

#### 1102.01 Definitions Beginning with the Letter "A".

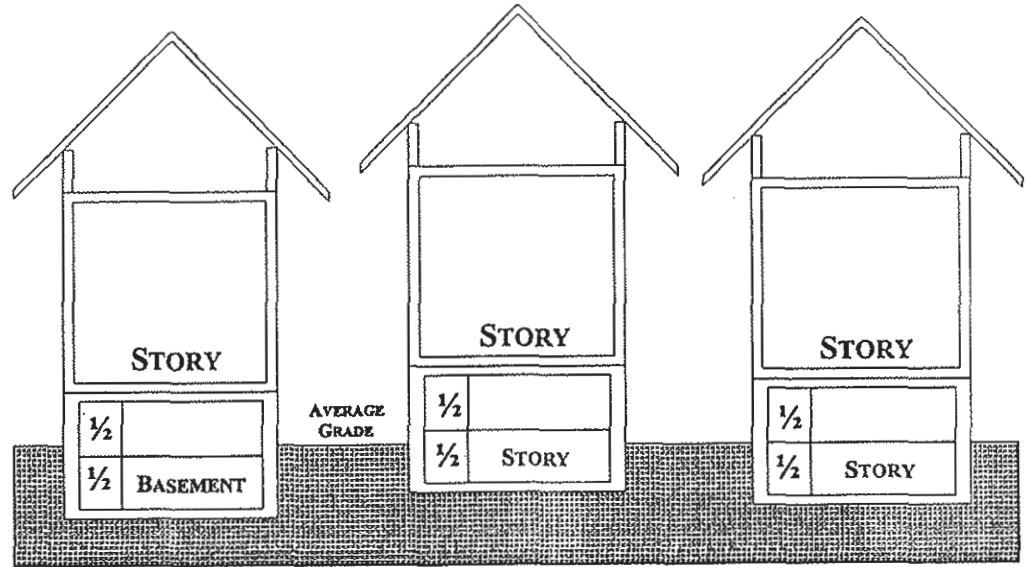
- A. Accessory Use or Structure: A use or structure incidental and subordinate to the principal use and/or structure on the lot and serving a purpose customarily incidental and subordinate to the use of the principal building.
- B. Adult Entertainment Facility: A facility having a significant portion of its function as adult entertainment which includes the following listed categories:
  - 1. Adult Book Store. An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" as herein defined or an establishment with a segment or section devoted to the sale or display of such material.
  - 2. Adult Mini-Motion Picture Theater. A facility with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas," for observation by patrons therein.
  - 3. Adult Motion Picture Theater. A facility with a capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas," for observation by patrons therein.
  - 4. Adult Entertainment Business. Any establishment involved in the sale of services or products characterized by the exposure or presentation of "Specified Anatomical Areas" or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.
  - 5. Massage Establishment. Any establishment having a fixed place of business where massages are administered for pay. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Ohio, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder.

- 6. Massage. A method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching or vibrating with the hand or any instruments for pay.
- 7. Specified Sexual Activities.
  - (a) Human genitals in a state of sexual stimulation or arousal;
  - (b) Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio;
  - (c) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.
- 8. Specified Anatomical Areas.
  - (a) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breasts below a point immediately above the top of the areola;
  - (b) Human male genitals in a discernibly turgid state even if completely and opaquely covered.
- C. Agribusiness: Manufacturing, warehousing, storage, and related industrial and commercial activities that provide services for or are dependent upon agricultural activities found within the Agricultural District, and are not necessarily suited to locations within an established community. Agribusinesses include, but are not limited to the following uses: fertilizer sales, storage, and blending, sales and servicing of farm implements and related equipment, preparations and sale of feeds for animals and fowl, seed sales, poultry hatchery services, corn shelling, hay baling, and threshing services, grain elevators and bulk storage of feed grains, horticultural services, veterinary services, agricultural produce milling and processing, feed lots, livestock auctions, and retail nurseries.
- D. Agriculture: As used in this Resolution, Agriculture shall be interpreted the same as defined and used in Chapter 519 of the Ohio Revised Code; provided however, that as used in this Resolution, agriculture shall not include: (1) the keeping, caring and harboring of household pets, not exceeding a total of six (6) such pets; or, (2) the cultivating of land for a household garden, the harvest from which is to be utilized solely for the personal consumption of the residents, or immediate family thereof, of the lot or land upon which the garden is located and not otherwise sold or commercially distributed, and provided that the total area of such garden shall not exceed ten percent (10%) of the lot or parcel upon which the garden is located.
- E. Airport: Any runway, landing strip, or other facility designed or used by any person for the landing and take-off of aircraft by the public for commercial purposes, and may also include services such as fuel sales, storage, repair services, and aircraft sales.
- F. Alterations: Any change in the supporting members (bearing wall, beams, columns, girders, etc.) of a building or structure; or movement of a building or structure from one location to another.
- G. Antenna: Any panel, whip, dish, or other apparatus designed for communications through the sending and/or receiving of electromagnetic waves, excluding any support structure other than brackets.
- H. Antenna Support Structure: Any building or other structure other than a tower which can be used for location of wireless telecommunications facilities.
- I. Applicant: Any person that applies for a permit or amendment pursuant to this zoning resolution.
- J. Application: The process by which an applicant submits a request and indicates a desire to be granted a permit or amendment under the provisions of this zoning resolution. An application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to Elizabeth Township concerning such a request.

- K. Automobile Repair Station: A building, lot, or both, in or upon which the business of general motor vehicle repair and service is conducted, to include engine rebuilding, rebuilding or reconditioning of motor vehicles, body repair, and painting and undercoating of automobiles, but excluding a junk yard as defined in this section.
- L. Automobile Sales or Rental: A building, lot, or both used for the display, sale, or rental of new or used motor vehicles in operable condition and where repair service is incidental.
- M. Automobile Service Station: A building, lot, or both, having pumps and underground storage tanks at which fuels, oils, or accessories for the use of motor vehicles are dispensed, sold, or offered for retail sale, and where mechanical repair service may be incidental to the dispensing of such items. The storage of junk or inoperable vehicles shall not be included in this definition.

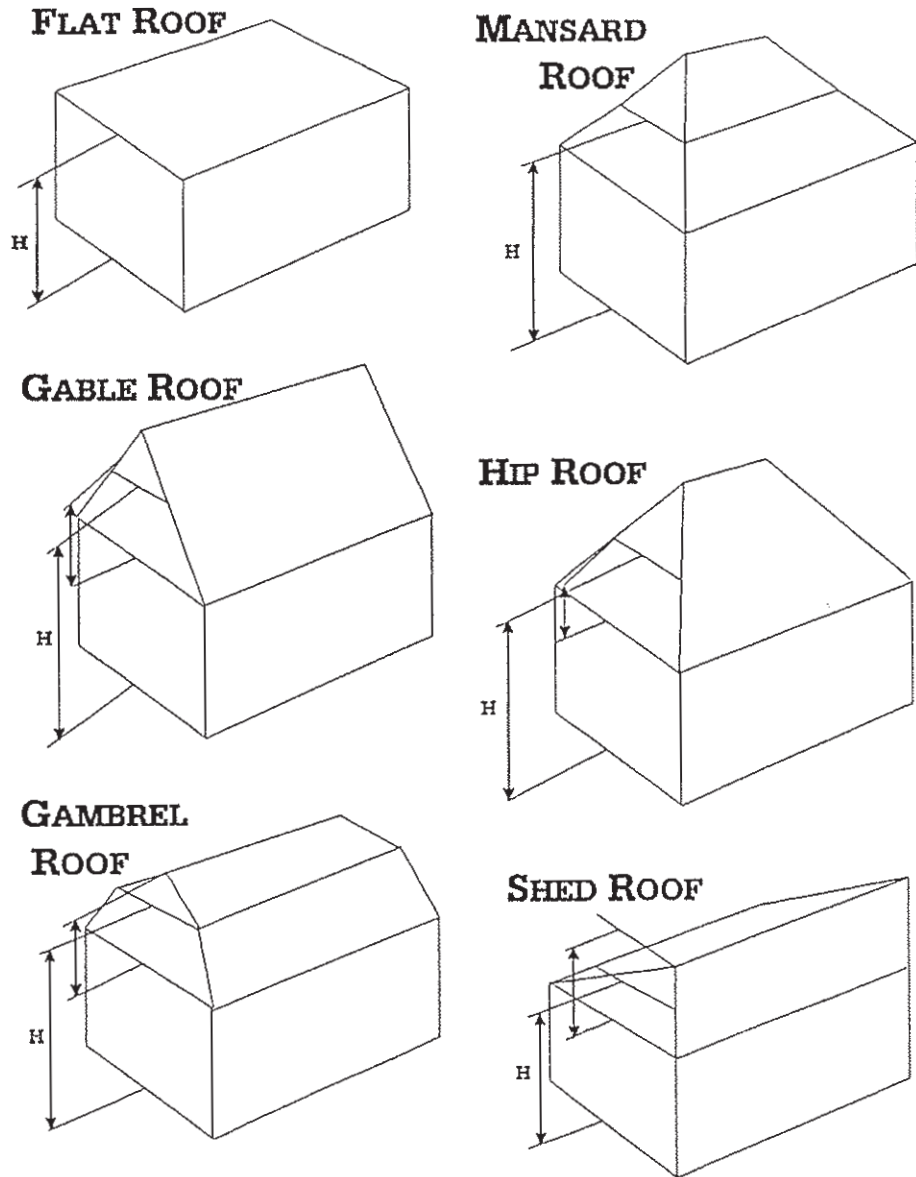
**1102.02 Definitions Beginning with the Letter “B”.**

- A. Barn: An accessory structure upon a lot customarily used for the housing of livestock and for the storage of crops and/or machinery used in bona-fide agricultural activities as previously defined in this section.
- B. Basement: Floor space in a building partially or wholly underground, but having more than one-half (.5) of its clear floor-to-ceiling height below the average grade of the adjoining ground. (See Illustration)



- C. Bedroom: A separate room within a dwelling unit for sleeping purposes containing a minimum of eighty (80) square feet of habitable floor area.
- D. Billboard: See Sign.
- E. Board of Zoning Appeals: The Board of Zoning Appeals of Elizabeth Township, Miami County, Ohio.
- F. Building: Any structure having a roof supported by poles, columns, or walls which is designed for the shelter, support, or enclosure of persons, animals, chattels, or property of any kind.
- G. Building Height: The vertical distance from the average elevation of the finished grade at the front of the building to (a) the highest point of a flat roof; (b) the deck line of a mansard roof;

(c) the average height between the eaves and ridge for gable, hip, and gambrel roofs; or (d) the average height between high and low points for a shed roof. (See Illustration next page.)



**1102.03 Definitions Beginning with the Letter "C".**

- A. Cemetery: Land used or intended to be used for the burial of 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.
- B. Child Care Nursery: Any premise where child day care is provided for five (5) or more children, other than those of the owner or administrator, with or without compensation. This definition excludes the care of children in places of worship during religious services and programs operated in school buildings by either public schools or non-public schools meeting the standard of public schools.

- C. Club: A premises owned or operated by a person or persons for a civic, social, cultural, religious, literary, political, recreational, or like activity, but not primarily for profit or to render a service which is customarily carried on as a business.
- D. Co-location: The use of a wireless telecommunication facility by more than one (1) wireless telecommunication provider.
- E. Collector's Vehicle: Any motor vehicle, agricultural tractor, or traction engine of special interest that meets all the following requirements:
  - 1. It has a fair market value in excess of four hundred dollars (\$400.00).
  - 2. It is or is not operable.
  - 3. It is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment.
  - 4. It is not owner's principal means of transportation.
  - 5. It displays current and valid collector's vehicle license tags, where applicable.
- F. Commercial Recreation Facility: Any commercial activity conducted indoors or outdoors which is related to the recreation field, such as bowling alleys, skating rinks, indoor tennis courts, indoor motion picture theaters, drive-in theaters, community swimming pools, miniature golf, driving ranges, golf courses, skiing facilities, country clubs, and similar activities.
- G. Common Open Space: One or more parcels of land, together with the improvements thereon, jointly owned by the landholders of the individual building sites within a development, and for the use and enjoyment of the owners and occupants of the development.
- H. Conditional Use: A use permitted within a district other than a permitted principal use, requiring a conditional use permit and approval of the Board of Zoning Appeals. These uses are permitted only after the applicant has followed the procedures outlined in Article 10, Section 1002 of this zoning resolution.
- I. Conditional Use Permit: A permit issued by the Board of Zoning Appeals to allow certain specific developments that would not otherwise be allowed in a particular zoning district. These permits are issued only after the applicant has followed the procedures as stated in Article 10, Section 1002 of this zoning resolution. Development under a Conditional Use Permit differs from a zoning district change in that it is much more specific. The applicant submits plans and conditions exactly or reapplies for a permit before deviating from that plan.
- J. Court: An open space which mayor may not have direct street access and which is bounded on two or more sides by a single building or a group of related buildings. A court is not a yard.
- K. Corner Lot: See Lot Types.

**1102.04 Definitions Beginning with the Letter "D".**

- A. Density: A unit of measurement designating the number of dwelling units per acre of land as follows:
  - 1. Gross Density: The number of dwelling units per acre of the total land to be developed.
  - 2. Net Density: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to individual residential lots or uses and excludes such areas as street right-of-way, common open space, and other similar nonresidential uses.
- B. District: A portion of the unincorporated area of Elizabeth Township within which certain regulations and requirements, or various combinations thereof, apply uniformly under the provisions of this zoning resolution.

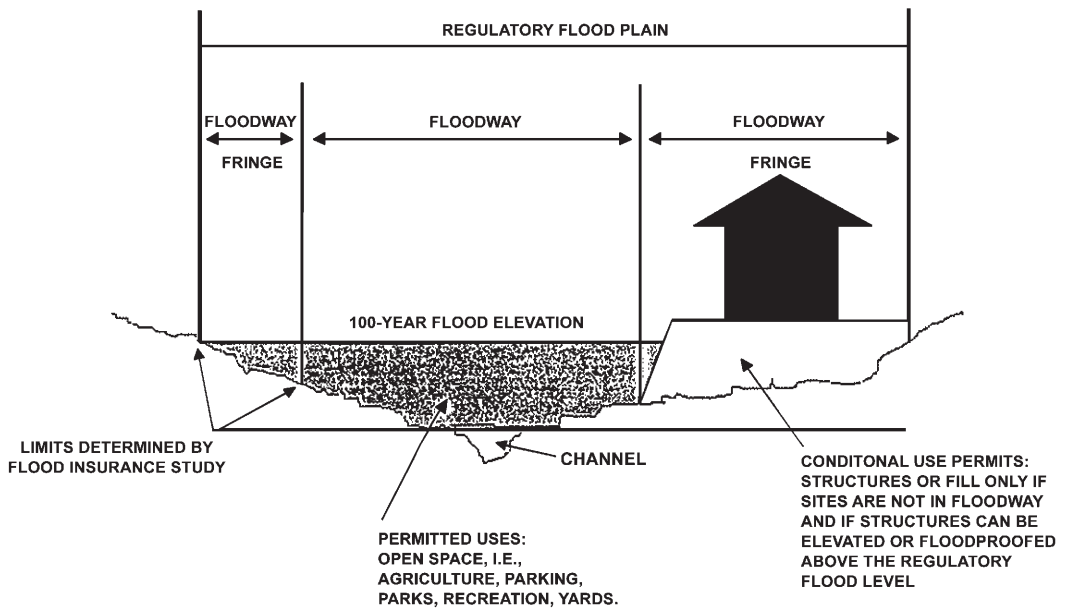
- C. Drive-Through: A business or other establishment so developed that its retail or service character is dependent on providing a driveway approach and/or waiting spaces for motor vehicles so as to serve patrons while in the motor vehicle.
- D. Dwelling: A building or structure used to provide complete housekeeping facilities for one (1) individual family with sleeping facilities, permanently installed cooking facilities, and lawfully required sanitary facilities.
- E. Dwelling Unit: One or more rooms designed for or used as a unit to provide complete housekeeping facilities for one (1) individual family with sleeping facilities, permanently installed cooking facilities, and lawfully required sanitary facilities. This definition shall include “modular homes” and “manufactured homes” as defined in this zoning resolution, but specifically excludes “mobile homes” and “recreational vehicles” as defined in this zoning resolution.
- F. Dwelling, Single-Family: A building consisting of one (1) single dwelling unit on an individual lot, separated from other dwelling units by open space.
- G. Dwelling, Two-Family: A building consisting of two (2) dwelling units, including condominiums, which may be either attached side-by side or one above the other. Each unit shall have a separate entrance.
- H. Dwelling, Multiple-Family: A building consisting of three (3) or more dwelling units, including condominiums, townhouses, quadruplexes, and garden apartments with varying arrangements of entrances and party walls.

**1102.05 Definitions Beginning with the Letter “E”.**

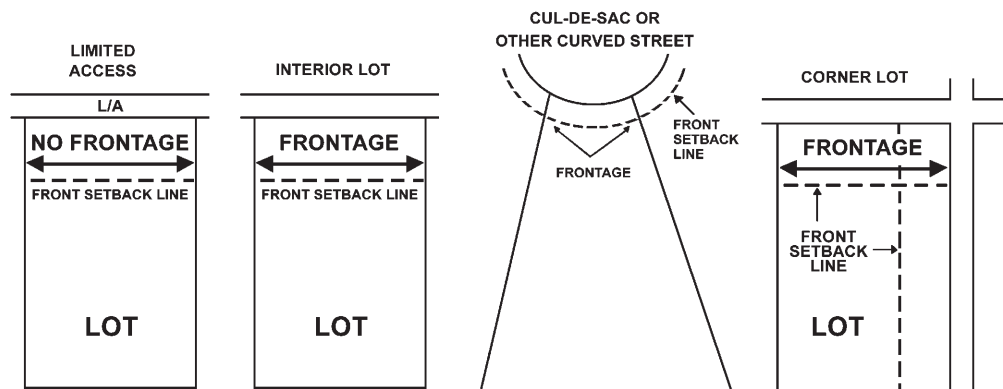
- A. Easement: Authorization by a property owner for use by another for a specified purpose, of any designated part of his property.
- B. Emergency: A reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action.
- C. Engineer: Any engineer licensed by the State of Ohio.
- D. Equipment Shelter: The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.
- E. Erection: The acts of building, construction, altering, reconstructing, moving upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like shall be considered a part of erection.
- F. Essential Services: The erection, construction, reconstruction, change, alteration, maintenance, removal or use of any underground or overhead equipment including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, signals, hydrants, or other similar accessories by any public utility or governmental agency for the purpose of furnishing adequate supply, transmission, distribution, collection, or disposal of gas, electric, water, steam, or communication service to the public in order to maintain the public health, safety, and welfare.
- G. Excavation: The act of digging, hollowing out, or any other breaking of ground resulting in a total quantity of more than one hundred (100) cubic yards of material or a vertical depth of more than four (4) feet. Common household gardening and ground care, or plowing of ground for agricultural purposes, shall be excepted from this definition.

**1102.06 Definitions Beginning with the Letter “F”.**

- A. FAA: The Federal Aviation Administration and any legally appointed, designated or elected agent or successor.
- B. Family: An individual; two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit or a mobile home; or a group of individuals, who need not be related, living together as a single housekeeping unit in a dwelling unit or a mobile home, provided that a ratio of two (2) persons or less per bedroom within the dwelling unit or mobile home be maintained.
- C. Farm: All of the contiguous neighboring or associated land operated as a single unit by the owner-operator himself, his family, or hired employees on which bona fide agriculture is conducted as the primary use.
- D. FCC: The Federal Communications Commission and any legally appointed, designated or elected agent or successor,
- E. Feed Lot: Land used for confining and feeding of livestock not connected with general farming for mass production for marketing. For the purposes of defining the size of a feed lot, animal units are used. One thousand (1,000) animal units equal: one thousand (1,000) slaughter and feeder cattle; seven hundred (700) mature dairy cattle; two thousand five hundred (2,500) swine weighing over fifty-five (55) pounds; five hundred (500) horses; ten thousand (10,000) sheep or lambs; fifty-five thousand (55,000) turkeys; one hundred thousand (100,000) laying hens or broilers if the facility has continuous overflow watering, thirty thousand (30,000) laying hens or broilers if the facility has a liquid manure handling system; or five hundred (500) ducks.
- F. Fence: Any free-standing structure, other than part of a building, which encloses or partially encloses any premises and is of sufficient strength and dimensions to prevent straying from within or intrusion from without. Live vegetation shall not be included in this definition.
- G. Fill: Soil, rock, earth, sand, gravel, or any other material exceeding a total of one hundred (100) cubic yards and more than four (4) feet in vertical height at its deepest point which may be deposited or placed onto or into the ground.
- H. Filling: The act of depositing or dumping of any fill onto or into the ground, except common household gardening and ground care.
- I. Fire Chief: The fire chief having jurisdiction over a property in question within Elizabeth Township, Miami County, Ohio.
- J. Flood Plain: That land area of Elizabeth Township which is subject to inundation by the 100-year flood as determined by the Flood Insurance Study: Unincorporated Areas of Miami County, Ohio prepared by the Federal Emergency Management Agency. (See Illustration)



- K. Floodway: That portion of the regulatory flood plain which is required to carry and discharge the flood waters of the 100-year flood without obstruction as designated in the Flood Insurance Study: Unincorporated Areas of Miami County, Ohio. (See Illustration)
- L. Floodway Fringe: That portion of the regulatory flood plain which serves primarily as a storage area for the flood waters of the 100-year flood as designated in the Flood Insurance Study: Unincorporated Areas of Miami County, Ohio. (See Illustration)
- M. Floor Area, Non-Residential: The sum of the gross horizontal area of all the floors of a nonresidential building measured from the interior faces of the interior walls, excluding stairs, washrooms, elevator shafts, maintenance shafts, and similar areas.
- N. Floor Area, Residential: The sum of the gross horizontal area of all floors of a residential building measured from the interior faces of the exterior walls. Floor area shall not include breezeways, carports, garages, storage areas with only outside access, porches, unfinished attics or other unheated and/or unfinished areas attached to the dwelling.
- O. Frontage: The distance between the side lot lines measured along the required front setback line, except in the case of a corner lot where minimum frontage shall be measured along the shortest such front setback line. Property lines which abut limited access roads shall not be construed to be included within any calculation of frontage. (See Illustration)





**1102.07 Definitions Beginning with the Letter “G”.**

- A. Garage, Private: A detached accessory building or a portion of a main building, intended for the parking or storage of automobiles, recreational vehicles, or boats of the occupants of the premises.
- B. Garage, Public: A principal or accessory building other than a private garage, intended for the parking or storage of automobiles, recreational vehicles, boats, or other vehicles.
- C. Glare: Excessively bright illumination.
- D. Grade, Average: The average elevation of the finished surface of the ground at the exterior walls of a building or structure.

**1102.08 Definitions Beginning with the Letter “H”.**

- A. Hazardous Material: A substance given such meaning by Section 1910.1200(c) of Title 29 of the Code of Federal Regulations. Such materials normally require a Material Safety Data Sheet (MSDS) to be prepared by the manufacturer of such substance.
- B. Home Occupation: An occupation conducted by a person on the same premises as his principal place of residence and is clearly subordinate and incidental to its use for residential purposes.

**1102.09 Definitions Beginning with the Letter “I”.**

**1102.10 Definitions Beginning with the Letter “J”.**

- A. Junk or Inoperable Vehicle: A vehicle shall be deemed junk or an inoperable vehicle whenever any two (2) or more of the following occur for a period of two (2) weeks prior to the filing of a cease and desist order:
  - 1. The vehicle is without a valid, current registration and/or license plate.
  - 2. The vehicle is apparently inoperable.
  - 3. The vehicle is without fully inflated tires and/or has any type of support under it.
  - 4. The vehicle has a substantially damaged or missing window, windshield, door, motor, transmission, or other similar major part.A bona fide collector’s vehicle as defined elsewhere in this zoning resolution is not included within the definition of junk or inoperable vehicle.
- B. Junk Yard: Any use primarily involved with buying, selling, exchanging, storing, baling, packing, disassembling, or handling of waste or scrap materials, including but not limited to vehicles, machinery, and equipment not in operable condition or parts thereof, and furniture, building materials, metals, paper, rags, rubber tires, and bottles. Such operations conducted entirely within completely enclosed buildings shall not be considered a Junk Yard. Two (2) or more junk or inoperable vehicles on a lot shall be considered a Junk Yard.

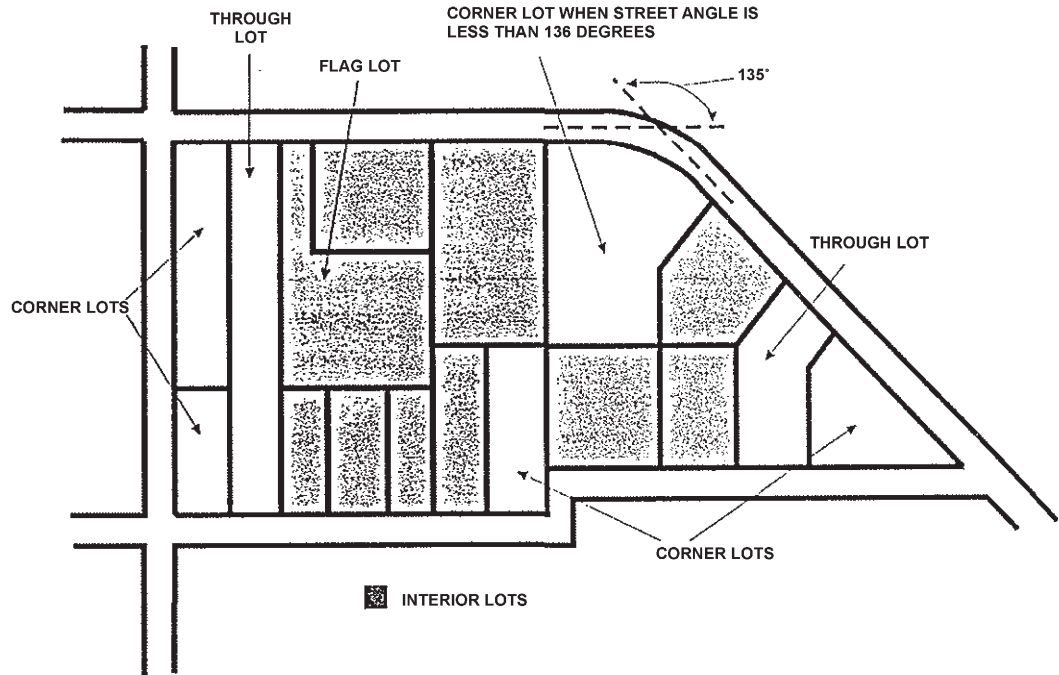
**1102.11 Definitions Beginning with the Letter “K”.**

- A. Kennel: Any lot or premises on which four (4) or more domesticated animals more than six (6) months of age are bred, boarded, trained, or sold.

**1102.12 Definitions Beginning with the Letter “L”.**

- A. Landing Strip, Private: Any runway, landing strip, or other facility designed or used by any person for the landing, take-off, and storage of aircraft on his own property principally for his own use.

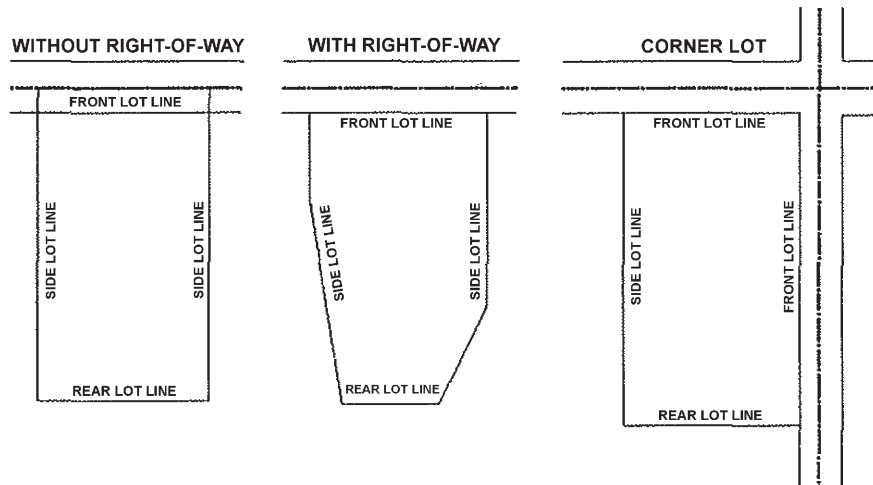
- B. Loading Space, Off-Street: A space or berth located totally outside of any street or alley right-of-way for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.
- C. Lot: A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and its accessory building and uses, including such open spaces as are required under the provisions of this zoning resolution. Every lot shall have the minimum required frontage upon a public street.



1. Corner Lot: A lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, and in either case forming an interior angle or one hundred thirty-five (135) degrees or less as measured at the center-line of the road or the interior right-of-way line, as applicable. (See Illustration above)
  2. Flag Lot: A lot with access provided to the bulk of the lot by means of a narrow corridor, such corridor usually having a width less than the normally required street frontage. A Flag Lot is an interior lot. (See Illustration)
  3. Interior Lot: A lot, other than a corner lot, with only one frontage on a public street. (See Illustration)
  4. Through Lot: A lot having frontage on two (2) non-intersecting streets or two (2) approximately perpendicular portions of the same street. (See Illustration)
- D. Lot Area: The computed area of horizontal plane within the lot bounded by vertical planes through the front, side, and rear lot lines, exclusive of any portion of the right-of-way of any public or private street.
- E. Lot Coverage: That percentage of the lot area which, when viewed directly from above, would be covered by the principal and accessory structure or structures, or any part thereof, excluding projecting roof caves of less than twenty-four (24) inches.

- F. Lot Depth: The distance between the midpoint of a straight line connecting the side lot lines along the building setback line in front with the midpoint of the rear lot line in the back.
- G. Lot Lines: Lines bounding the lot as shown in the accepted plat or survey record. (See Illustration)

1. Front Lot Line: A lot line which either falls along a street right-of-way line or falls approximately along the center of a road, forming the boundary of a lot. On a corner, lot lines along both streets shall be considered front lot lines. A lot line adjoining a limited-access right-of-way shall not be considered a front lot line for the purposes of calculating lot frontage.
2. Side Lot Line: A lot line which is neither a front lot line nor a rear lot line.
3. Rear Lot Line: The lot line that is most distant from, and most nearly parallel to, the front lot line. If a rear lot line is less than fifteen (15) feet long, or if the lot comes to a point, the rear lot line shall be a line at least fifteen (15) feet long, lying wholly within the lot, parallel to, and a maximum distance from the front lot line. In the case of a corner lot, the rear lot line shall be the lot line opposite the shortest front lot line.



- H. Lot Width: See Frontage.
- I. Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Miami County; or a parcel of land to which the deed or land contract was of record as of the effective date of this zoning resolution or any appropriate amendment thereto.

**1102.13 Definitions Beginning with the Letter “M”.**

- A. Manufactured Home: A building unit or assembly of closed construction that is fabricated in an off-site facility and meets all of the following specifications:
1. Construction and Labeling: The unit is constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A. 5401,5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards
  2. Foundation and Facilities. The unit is affixed to a permanent foundation and is connected to appropriate facilities.

3. **Size.** The unit has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred (900) square feet.
4. **Minimum Roof Pitch.** The structure has a minimum 3: 12 residential roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering.
5. **Date of Manufacture.** The structure was manufactured after January 1, 1995.
6. **Not In Mobile Home Park.** The structure is not located in a mobile home park as defined by Section 3733.01 of the Ohio Revised Code.

Any manufactured home not fully meeting this definition shall be considered a “mobile home” as defined elsewhere in this zoning resolution.

- B. **Manufacturing:** Fabrication, altering, converting, assembling, storing, testing, and similar industrial uses.
- C. **Miami County Comprehensive Plan:** A plan adopted by Miami County establishing the goals, objectives and policies for land use within the unincorporated areas of Miami County. It shows the recommended pattern of residential, commercial, industrial, recreational, and open space uses as well as agricultural protection areas.
- D. **Mineral Extraction Operation:** Any operation, including accessory buildings, roads, or structures, involving the excavation, mining, quarrying, storage, separation, cleaning and/or processing of clay, sand, gravel, limestone, shale, or other mineral resource. Such operation shall include all of the land or property that is used or owned in reserve by the person, firm, or corporation involved in such operation. Mineral extraction is an interim land use and such operations shall possess a plan for ultimate use of the property.
- E. **Mobile Home:** A manufactured relocatable residential unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, and sanitation and the design and construction of which meets the standards and specifications of the United States Department of Housing and Urban Development. A mobile home is not included within the definition of “Manufactured Home”, “Modular Home”, or “Dwelling Unit” and the removal of running gear shall not exempt a mobile home from this definition.
- F. **Mobile Home Park:** Any lot upon which two (2) or more mobile homes are located for residential use, either free of charge or for revenue purposes. A mobile home park shall include any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.
- G. **Modular Home:** A factory-fabricated transportable building consisting of two or more units designed to be assembled into a permanent structure at a building site on a permanent foundation and used for residential purposes by one family, and is built to meet the standards and specifications of the Industrial Unit Standards of the Ohio Building Code.
- H. **Monopole:** A support structure constructed to a single, self-supporting hollow metal tube securely anchored to a foundation.

#### **1102.14 Definitions Beginning with the Letter “N”.**

- A. **Non-Conforming Building or Structure:** A building or structure lawfully existing at the time of enactment of this zoning resolution or subsequent amendments, which does not conform to the regulations of the district in which it is situated or other applicable provisions of this zoning resolution.

- B. Non-Conforming Lot: A lot lawfully existing at the time of enactment of this zoning resolution or any subsequent amendments which does not conform to the lot area and frontage requirements of the district in which it is located.
- C. Non-Conforming Use: A use of land lawfully existing at the time of enactment of this zoning resolution or subsequent amendments, which does not conform to the regulations of the district in which it is situated or other applicable provisions of this zoning resolution.

**1102.15 Definitions Beginning with the Letter “O”.**

- A. Official Thoroughfare Plan: The Official Thoroughfare Plan for Miami County, Ohio, establishing the official right-of-way width of major streets on file in the office of the Recorder of Miami County, Ohio, and in the office of the Miami County Planning Commission, together with all amendments thereto subsequently adopted.
- B. Open Space: An area open and unobstructed to the sky which may be on the same lot with a building. The area may include natural environmental features, water areas, swimming pools, tennis courts, and other recreational facilities that the Zoning Commission, Board of Zoning Appeals, or Township Trustees, whichever is applicable, deems permissible. Streets, parking areas, structures for habitation, and the like shall not be included.
- C. Open Storage: Storing or keeping of chattel not enclosed in a building.

**1102.16 Definitions Beginning with the Letter “P”.**

- A. Parking Space, Off-Street: A space located totally outside of any street or alley right-of-way for the parking of an automobile or other vehicle.
- B. Person: Any natural person, firm, partnership, association, corporation, or other legal entity, private or public, whether for profit or not-for-profit.
- C. Prime Agricultural Soils: Prime agricultural soils are those soils within Elizabeth Township which display characteristics well-suited to agricultural activities such as field crops under normal or typical management practices. It has been determined through studies that the following soil types, as described in the Soil Survey of Miami County, Ohio, are prime agricultural soils:

Ag	Algiers Silt Loam
BIA	Blount Silt Loam (0 to 2 percent slopes)*
BIB	Blount Silt Loam (2 to 6 percent slopes)*
BIB2	Blount Silt Loam (2 to 6 percent slopes, moderately eroded)*
Bs	Brookston Silty Clay Loam *
CeA	Celina Silt Loam (0 to 2 percent slopes)
CeB	Celina Silt Loam (2 to 6 percent slopes)
CeB2	Celina Silt Loam (2 to 6 percent slopes, moderately eroded)
CoA	Corwin Silt Loam (0 to 2 percent slopes)
CoB	Corwin Silt Loam (2 to 6 percent slopes)
CrA	Crosby Silt Loam (0 to 2 percent slopes)*
CrB	Crosby Silt Loam (2 to 6 percent slopes)*
Ee	Eel Silt Loam
EIA	Eldean Loam (0 to 2 percent slopes)
EIB	Eldean Loam (2 to 6 percent slopes)
EIB2	Eldean Loam (2 to 6 percent slopes, moderately eroded)
EmA	Eldean Silt Loam (0 to 2 percent slopes)
EmB	Eldean Silt Loam (2 to 6 percent slopes)

ErB	Eldean-Miamian Complex (2 to 6 percent slopes)
GwB	Glynwood Silt Loam (2 to 6 percent slopes)
MaB	Martinsville and Ockley Loams (till substratum, 0 to 2 percent slopes)
Md	Medway Silt Loam
MhA	Miamian Silt Loam (0 to 2 percent slopes)
MhB	Miamian Silt Loam (2 to 6 percent slopes)
MhB2	Miamian Silt Loam (2 to 6 percent slopes, moderately eroded)
MkA	Miamian Silt Loam (limestone substratum, 0 to 2 percent slopes)
MkB	Miamian Silt Loam (limestone substratum, 2 to 6 percent slopes)
MkB2	Miamian Silt Loam (limestone substratum, 2 to 6 percent slopes, moderately eroded)
MnA	Millsdale Silt Loam (0 to 2 percent slopes)*
MnB	Millsdale Silt Loam (2 to 6 percent slopes)*
MoA	Millsdale Silty Clay Loam (0 to 2 percent slopes)*
MoB	Millsdale Silty Clay Loam (2 to 6 percent slopes)*
MpA	Milton Silt Loam (limestone substratum, 0 to 2 percent slopes)
MpB	Milton Silt Loam (limestone substratum, 2 to 6 percent slopes)
MpB2	Milton Silt Loam (limestone substratum, 2 to 6 percent slopes, moderately eroded)
Mt	Montgomery Silty Clay Loam *
OcA	Ockley Silt Loam (0 to 2 percent slopes)
OcB	Ockley Silt Loam (2 to 6 percent slopes)
OdA	Odell Silt Loam (0 to 2 percent slopes)*
OdB	Odell Silt Loam (2 to 6 percent slopes)*
Pe	Pewamo Silty Clay Loam *
Rs	Ross Silt Loam
Sh	Shoals Silt Loam
SIA	Sleeth Silt Loam *
St	Stonelick Loam
WdA	Warsaw Silt Loam (0 to 2 percent slopes)
WeA	Wea Silt Loam (0 to 2 percent slopes)
Wt	Westland Silty Clay Loam *

Soils marked with an asterisk (\*) are considered prime farmland when drained. The physical distribution of these soils within Elizabeth Township is a guide in considering zoning district amendments, variances, appeals, conditional use permits, and other administrative actions.

- D. Principal Building: A non-agricultural building in which is conducted the main or principal use of the lot on which said building is located; ordinarily the largest building on the lot.
- E. Principal Use: The main use to which the premises are devoted and the main purpose for which the premises exist, ordinarily the use conducted on the first story of the principal building above the basement.

**1102.17 Definitions Beginning with the Letter “Q”.**

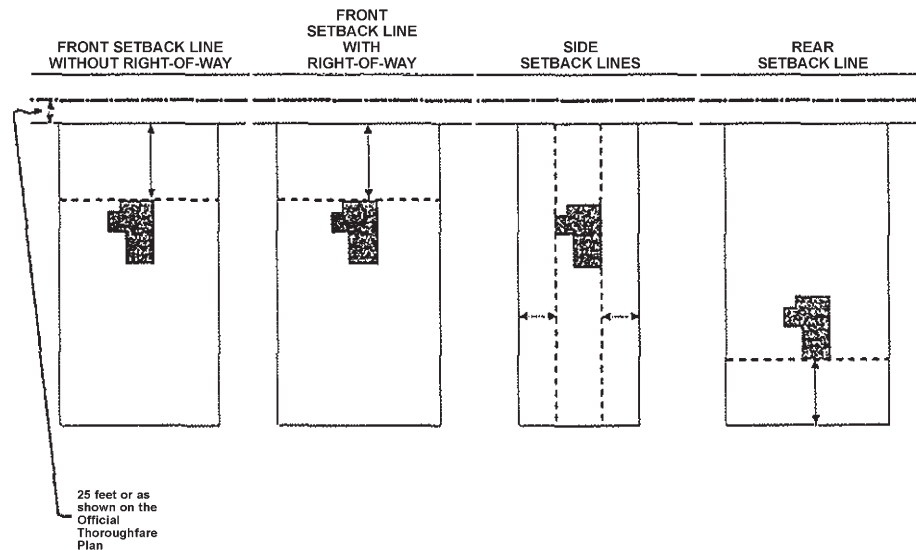
**1102.18 Definitions Beginning with the Letter “R”.**

- A. Recreational Vehicle: Any motor vehicle, or any other vehicle less than thirty-five (35) feet in length, designed or intended to be used primarily for short term dwelling or sleeping purposes away from the place of residence of the occupants; and not constituting the principal place of residence of the occupants.
- B. Research and Engineering Laboratory: Research, development and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside such building.
- C. Restaurant, Drive-In: An establishment offering food and beverages which are sold within the building, or to persons while in motor vehicles in an area designated for drive-in service, and may be consumed on or off the premises.

- D. Restaurant, Sit-Down: An establishment whose primary function is the offering of food and beverages which are sold and normally consumed within the restaurant building.
- E. Retail: Sale to the ultimate consumer for direct consumption and/or use and not for resale.
- G. Right-of-Way: A strip of land purchased 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.

**1102.19 Definitions Beginning with the Letter “S”.**

- A. Seat: For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.
- B. Screening: Structures, fences, or vegetation maintained for the purpose of concealing the area behind such structures or vegetation from view.
- C. Setback Line: A line parallel to a lot line, street, or right-of-way line at any story level of a building which defines the limits of a yard and represents the distance which all or any part of a building or structure is to be set back from said lot line, street, or right-of-way line.
  1. Front Setback Line: An imaginary line parallel to the front lot line extending the full width of the lot, representing the distance which all or any part of any structure or building is to be set back from the front lot line. In the event that the front lot line does not fall along a right-of-way line, then the front setback line shall be measured from a line parallel to and twenty-five (25) feet from the center line of the street. (See Illustration)
  2. Side Setback Line: An imaginary line parallel to any side lot line representing the distance which all or any part of any principal building is to be set back from the side lot line. (See Illustration)
  3. Rear Setback Line: An imaginary line parallel to any rear lot line representing the distance which all or any part of any principal buildings is to be set back from the rear lot line. (See Illustration)



- D. **Sign:** A name, identification, description, display, or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel, or lot and which directs attention to an object, product, place, activity, person, institution, organization or business.
1. **Billboard:** Any sign or advertisement used as an outdoor display by painting, posting, or affixing, on any surface, a picture, emblem, work, figure, numerals, or lettering for the purpose of directing attention to any business, service, or product, which is not conducted or sold on the lot where such sign is located.
  2. **Freestanding Sign:** Any sign which is not attached to, painted on, or supported by a building.
  3. **Projecting Sign:** Any sign which is attached perpendicular to any building or structure and extends more than twelve (12) inches beyond the surface of that portion of the building or structure.
  4. **Sign Area:** The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or figure of similar character together with any frame or material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which the sign is placed. Sign area shall be computed from measurements of the maximum silhouette of the largest sign face or combination of faces as viewed from a single point.
  5. **Temporary Sign:** Any sign which announces or refers to an event such as construction, sale or lease of property, or a temporary special event such as a grand opening, special sale, or a temporary sale of seasonal products on the property on which such sign is located, and is designed or intended to be displayed for a limited period of time.
  6. **Wall Sign:** Any sign attached to or painted on the wall of a building or structure with the face in a plane parallel to such wall, and not extending more than twelve (12) inches from the face of such wall.
- E. **Street:** See Thoroughfare.
- F. **Structure:** Anything constructed or erected, the use of which requires location on the ground or attachment to the ground. Among other things, structures include buildings, mobile homes, walls, fences, swimming pools, tennis courts, signs, and billboards.
- G. **Swimming Pool:** Any artificially constructed pool which contains a depth of water of at least one and one-half (1.5) feet at any point used or intended to be used for swimming or bathing, including any accessory recreational structures.
- H. **Swimming Pool, Community:** Any swimming pool, other than a private pool, which is the principal use upon a lot and operated with or without a charge for admission.
- I. **Swimming Pool, Private:** A swimming pool located on the same lot as the principal use and used or intended to be used without compensation by the residents and guests of a single-family residence, a two-family residence, or a motel.

**1102.20 Definitions Beginning with the Letter “T”.**

- A. **Temporary Use or Structure:** A transient, nonpermanent use or structure permitted to exist for a designated period of time during periods of construction of the principal use or structure, or for special events. A temporary structure shall not be intended to be permanently affixed to the ground.



- B. Thoroughfare, Street or Road: The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for access to a property by vehicular traffic and designated as follows:
1. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
  2. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route.
  3. Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
  4. Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end permanently terminating in a vehicular turn around.
  5. Dead-End Street: A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
  6. Local Street: A street primarily for providing access to residential, commercial, or other abutting property.
  7. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one-thousand (1,000) feet from said arterial or collector street and are not normally more than six hundred (600) feet from each other.
  8. Marginal Access Street: A local or collector street, parallel to and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street.)
- C. Tower: A self-supporting lattice, guyed, or monopole structure constructed from grade which supports wireless telecommunication facilities. The term tower shall not include amateur radio operator's equipment, as licensed by the FCC.
- D. Township Trustees: The Board of Township Trustees of Elizabeth Township, Miami County, Ohio.

**1102.21 Definitions Beginning with the Letter "U".**

- A. Use: The specific purpose for which land, a structure, or a building is designed, arranged, intended, occupied, or maintained.

**1102.22 Definitions Beginning with the Letter "V".**

- A. Variance: A variance is a modification of the strict terms of this zoning resolution where such modifications will not be contrary to the public interest and, where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this zoning resolution would result in unnecessary hardship, or in the case of area variances only, practical difficulties. Variances are granted only after the applicant has followed the procedures as stated in Article 10, Section 1003 of this zoning resolution.

- B. Veterinary Animal Hospital or Clinic: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention. Such use may include overnight accommodations on the premises for treatment, observation, and/or recuperation.
- C. Vicinity Map: A drawing which sets forth by dimensions or other means the relationship of a property or use to other nearby developments of landmarks and community facilities and services within Elizabeth Township in order to better locate and orient the area in question.

**1102.23 Definitions Beginning with the Letter “W”.**

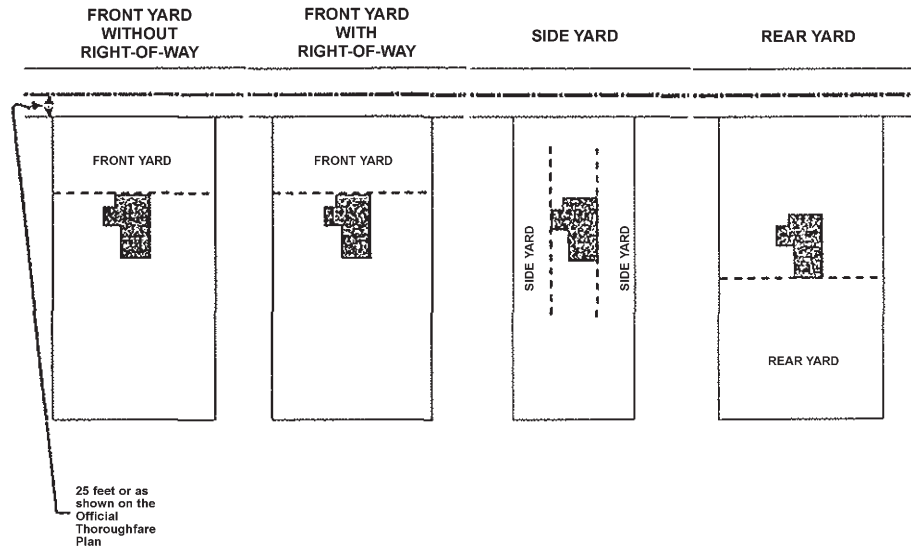
- A. Wastewater Disposal System, Central: A wastewater treatment system approved by the appropriate County, State, and/or Federal agencies which provides a collection network and a central wastewater treatment facility for a single development, a community, or a region.
- B. Wastewater Disposal System, On-Site: A septic tank or similar installation on an individual lot which utilizes an aerobic or anaerobic bacteriological process or equally satisfactory process for the treatment of sewage and provides for the proper and safe disposal of the effluent.
- C. Water System, Central: A water supply system approved by the appropriate County, State, and/or Federal agencies which provides a water supply to a single development, a community, or a region.
- D. Water System, On-Site: A well or other similar installation on an individual lot which provides a water supply to any structures or uses upon the lot, subject to the approval of health and sanitation officials having jurisdiction.
- E. Wireless Telecommunication Facility: Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a person seeks to locate or have installed upon a tower antenna support structure. However, the term wireless telecommunication facility shall not include:
  1. Any satellite earth station antenna two (2) meters or less in diameter which is located in a business or industrial zoning district.
  2. Any satellite earth station antenna one (1) meter or less in diameter, regardless of zoning district.
  3. Antennas used by amateur radio operators.

**1102.24 Definitions Beginning with the Letter “X”.**

**1102.25 Definitions Beginning with the Letter “Y”.**

- A. Yard: An open or unoccupied space other than a court on the same lot with a principal building and unobstructed by buildings or structures from ground to sky except by trees or shrubbery or as otherwise provided herein. The minimum depth of a yard shall be determined by the setback lines as defined in this zoning resolution. No part of a yard provided for any building or structure shall be included as a part of any yard required for any other building or structure unless specifically permitted herein.
  1. Front Yard: An open space extending the full width of the lot between a building or structure and the front lot line or a street, unoccupied and unobstructed from the ground upward except as hereinafter specified. Minimum depth shall be measured from the front lot line, existing right-of-way line, or proposed right-of-way line established on the Official Thoroughfare Plan or by any other method specified elsewhere in this zoning resolution, as appropriate. (See Illustration)

2. Side Yard: An open space extending from the front yard to the rear yard between a building or structure and the nearest side lot line unoccupied and unobstructed from the ground upward except as hereinafter specified. (See Illustration)
3. Rear Yard: An open space extending the full width of the lot between a building or structure and the rear lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified. (See Illustration)



#### 1102.26 Definitions Beginning with the Letter “Z”.

- A. Zoning Certificate: A document issued by the Zoning Inspector certifying that the use of a lot, a structure, or a building, and the location of a structure, a building, or a use upon a lot is in conformance with this zoning resolution.
- B. Zoning Commission: The Zoning Commission of Elizabeth Township, Miami County, Ohio.
- C. Zoning District: See District.
- D. Zoning Inspector: The Zoning Inspector or his/her authorized representative, appointed by the Township Trustees of Elizabeth Township, Miami County, Ohio.
- E. Zoning Map: The Official Zoning District Map of Elizabeth Township, or portion thereof, together with all amendments thereof subsequently adopted.