

**Article 200
Definitions**

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201 INTERPRETATION OF TERMS AND WORDS.

For the purposes of these regulations, certain terms and words used herein shall be interpreted as follows:

- a. The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- b. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- c. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
- d. The words “used” or “occupied” include the words “intended, designed or arranged to be used or occupied”.
- e. The word “lot” includes the words “plot” or “parcel”.

202 DEFINITIONS.

- a. Words used in this resolution are used in their ordinary English usage.
- b. For the purpose of this resolution the following terms, whenever used in this resolution, shall have the meaning herein indicated:
 - 1. ACCESSORY BUILDING – See “Building, Accessory”.
 - 2. ACCESSORY USE – See “Use, Accessory”.
 - 3. 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 disabled adults, but not including persons suffering from acute or chronic alcoholism or other drug dependency and persons who regularly require restraint.

4. **AGRICULTURE** – The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, forestry, animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided that the operation of such accessory use shall be secondary to that of the normal agricultural activities, and provided that the above uses shall not include the commercial feeding of garbage or offal to swine and other animals. A use shall be classified as agricultural only if agriculture is the principal use of the land.
5. **ALTERATIONS** – As applied to a building, a change or rearrangement in the structural parts or in the window or door openings, or an enlargement whether by extending on a side or by increasing in height, or the moving from one location or position to another.
6. **ALTERATIONS, STRUCTURAL** – Any change in the supporting members of a building such as bearing walls, columns, beams or girders.
7. **AUTOMOBILE REPAIR GARAGE** – A building, or portion of a building, arranged, intended or designed to be used for making structural repairs to or rebuilding or reconditioning 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 crankcase pan; repairs to radiators requiring the removal thereof.
8. **BAR / TAVERN** – A building wherein the principle business is the sale of alcoholic beverages to be consumed on the premises. Other sales such as food and snacks are secondary to the sale of alcohol.

A Hotel, Motel, or Restaurant that serves alcoholic beverages as a complement to their primary food or lodging business are not considered to be Bars, Taverns, or Nightclubs.
9. **BASEMENT** – A story partly underground but having at least one-half of its height below the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes.

10. **BILLBOARD** – A large panel designed to carry outdoor advertising or a wall of planks etc. for the display of advertisement posters.
11. **BOARD OF ZONING APPEALS** – See “Zoning Board of Appeals”.
12. **BUFFER STRIP** – An area of land of various widths, which separates one district from another district. All buffer strips shall have no structures thereon and shall be maintained as a lawn and/or planted with shrubs or trees.
13. **BUILDING** – Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, chattel, or equipment.
14. **BUILDING, ACCESSORY** – A subordinate building, which is incidental and accessory to that of the principal building, if such a building already exists on the land. Among the items not to be construed as accessory buildings are Utility Trailers and Shipping Containers.
15. **BUILDING, DETACHED** – Any accessory or main building that does not share a common wall and/or roof with any other accessory or main building.
16. **BUILDING, FRONT LINE OF** – The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.
17. **BUILDING, HEIGHT** – The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.
18. **BUILDING, PRINCIPAL** – A building in which is conducted the main or principal use of the lot on which said building is situated.
19. **CAMPGROUND** – A parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by or of travel trailers, recreational vehicles, two or more cabins, tents or other more or less temporary living purposes, regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise; or any land, including any building thereon, used for any assembly of persons for what is

commonly known as “day camp” purposes; and any of the foregoing establishments whether or not conducted for profit and whether or not occupied by adults or by children, either as individuals, families or groups.

20. **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.
21. **CHILD DAY-CARE** – Administering to the needs of infants, toddlers, pre-school 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 hour day in a place or residence other than a child's own home.
22. **CHILD DAY-CARE CENTER** – Any place other than a family day-care home in which child day-care is provided.
23. **CHURCH AND OTHER PLACES OF WORSHIP** – A building, structure, or other indoor or outdoor facility designed for and used for the purpose of assembly for religious worship and activities which are customarily related.
24. **CLUBHOUSE** – A community building that is accessory to a golf course, or low or high-density residential developments. A Clubhouse may include but is not limited to: fitness center, community/party room, swimming pool and retail sales.
25. **CLUSTER DWELLING** – See “Dwelling, Cluster”.
26. **COMMUNITY SUPPORT FACILITIES** – Include police and security, firefighting and emergency services, community transportation centers, media centers and similar public service uses and facilities.
27. **CONDITIONAL USE** – See “Use, Conditional”.
28. **CONDITIONAL USE CERTIFICATE** – A certificate issued by the Zoning Inspector upon approval by the Zoning Board of Appeals to allow a use other

than a principally permitted use to be established within the district on a specific parcel. See also: "Use, Conditional".

29. CONSTRUCTION – The erection of a new structure, as compared with alteration.
30. CORNER LOT – See "Lot, Corner".
31. COURT – An unoccupied open space, other than yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.
32. DECK, HOUSE – An open, unroofed porch or platform extending from a house or other building.
33. DEMOLITION MATERIAL – Materials from construction operations and materials from demolition operations and including but not limited to, those items that are affixed to a structure including driveways and highways, being constructed or demolished, such as brick, concrete, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing fixtures, wiring and insulation materials. The term shall not include flash of any kind or any items categorized as solid wastes or as substances inimical to public health by the Ohio or Federal EPA.
34. DENSITY – A unit of measurement; the number of dwelling units per acre of land.
35. DETACHED BUILDING – See "Building, Detached".
36. DIRECTIONAL SIGNS – See "Signs, Directional".
37. DISABLED – A person with physical or mental impairment, as defined in 42 U.S.C. 3602 (h), that substantially limits one or more of such person's major life activities so that such person is incapable of living independently. However, "disabled" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in a home would constitute a direct threat to the health and safety of other individuals.

38. **DISABLED (OR JUNK) VEHICLE** – Any motor vehicle licensed or unlicensed and regardless of age meeting one of the following conditions:
- A. It has extensive damage, such damage including, but not limited to, any of the following: a broken window or windshield, missing wheels, tires, motor or transmission;
 - B. It is in such condition that it could not be legally operated on the public streets; or
 - C. It is apparently inoperable as defined by the Ohio Revised Code as amended. *See Prohibited Uses (Ref. Section #313).
39. **DRIVE-THRU FACILITY** – Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-thru" shall also include "drive-up" and "drive-in" but shall not include Car Wash and/or Service Station.
40. **DUMP** – Any land area used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.
41. **DUPLEX** – See “Dwelling, Two-Family (Duplex)”.
42. **DWELLING** – A building designed or used as the living quarters for one or more families. The term “dwelling,” “single-family dwelling,” “two-family dwelling,” or “multi-family dwelling” shall not be deemed to include motel, rooming house, or tourist home.
43. **DWELLING, ATTACHED SINGLE-FAMILY** – Dwelling units which are structurally attached to one another, side by side, and erected as a single building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof and each such building being separated from any other building by space on all sides, and including such elements as separate ground floor entrances, services and attached garages.

44. DWELLING, CLUSTER – A dwelling unit which is designed and used exclusively by one family and separated from all other dwelling units by open space from ground to sky, which is grouped with other dwelling units on a site and which may be located on its own subdivided lot without a front, side and/or rear yard in compliance with the standard zoning district regulations.
45. DWELLING, MULTI-FAMILY – A building consisting of three or more dwelling units.
46. DWELLING, SENIOR CITIZEN APARTMENTS – A building or group of buildings containing dwelling units for households whose heads, or spouses, or sole members are “older persons” as defined by the Older Persons Act of 1995.
47. DWELLING, SINGLE-FAMILY – A building designed for or occupied exclusively by one family and separated from other dwelling units by open space.
48. DWELLING, TOWNHOUSES (ATTACHED SINGLE-FAMILY) – Dwelling units that are structurally attached to one another, side by side, and erected as one building, each dwelling unit being separated from the adjoining unit or units by a common wall without openings extending from the basement floor to the roof and each such building being separated from any other building by space on all sides, and including such elements as separate ground floor entrances, services and attached garages.
49. DWELLING, TWO-FAMILY (DUPLEX) – A building consisting of two dwelling units which may either be attached side by side or one above the other.
50. DWELLING UNIT – A building or portion thereof providing complete housekeeping facilities, including kitchen and toilet facilities for only one family.
51. EASEMENT – A grant by a property owner for the specific use of land by the general public, a corporation, or another person.

- 52. EDUCATIONAL INSTITUTION – A facility which provides a plan of academic or vocational study, and those activities customarily conducted by such facilities.
- 53. FAMILY – One or more persons occupying a dwelling unit and living, sleeping, cooking and eating on the same premises as a single housekeeping unit, but not including groups occupying a hotel or motel as herein defined. A transient occupant or transient occupants of a runaway shelter or homeless shelter does not constitute a family for purposes of this zoning resolution.
- 54. FAMILY DAY CARE HOME, TYPE B – According to ORC 5104.01(E), "type B family day-care home" and "type B home" mean a permanent residence of the provider in which child day-care or child day-care services are provided for one to six children at one time and in which no more than three children may be under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day-care home" does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings, nor does it include any child day camp.
*See Section #609.
- 55. FARM MARKET – See “Roadside Stand / Farm Market”.
- 56. FENCE – Any structure composed of wood, iron, steel, masonry, stone or other material and erected in such a manner and in such location as to enclose, secure, partially enclose or secure, provide privacy.
- 57. FLOOD PLAIN – Low lying area along a river, stream, or coast that is subject to flooding. Refer to County maps. (Also see “Hundred-Year Flood Plain”.)
- 58. FLOOD STAGE – The highest point at which floodwater has risen in the specific area in questions.
- 59. FLOOR AREA, GROSS – The sum of the horizontal area of the several floors of the building, measured from the faces of the exterior walls.

- 60. FLOOR AREA, USEABLE – The floor area of the specified use excluding stairs, wash rooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms and similar areas.
- 61. FRONT YARD – See “Yard, Front”.
- 62. GARAGE, PRIVATE – A detached accessory building on the same lot as a dwelling(s) or a portion of a dwelling designed or used for storage of a motor-driven vehicle and other normal household accessories of the residents of the principal building including travel trailers and/or boats, with no facilities for mechanical service or repair of a commercial or public nature.
- 63. GARAGE, PUBLIC – A principal or accessory building other than a private garage used for parking or temporary storage of passenger vehicles and in which no service shall be provided for remuneration.
- 64. GAS WELLS – Gas wells shall be permitted only with the following conditions and such other conditions as determined by the Amherst Township Trustees to be necessary to safeguard the health, safety, and welfare of the community. These regulations are prescribed as minimum standards and are in addition to all state requirements.
 - A. A copy of the State permit including the State’s drilling number shall be submitted to and kept on site with the conditional use permit.
 - B. A minimum distance of 300 feet from any habitable building in a residential district.
- 65. GASOLINE STATION – See “Service Station”.
- 66. GRADE, FINISHED – The average level of the finished surface of ground adjacent to the exterior walls of the building after final grading and normal settlement.
- 67. GRADE, NATURAL – The elevation of the undisturbed natural surface of the ground prior to any recent excavation or fill.
- 68. HAZARDOUS WASTES – Materials as are described in Ohio Revised Code Section 3734.01 (J) or in such statute as it may hereafter be amended.

69. HEIGHT OF BUILDING – See “Building, Height”.
70. HOME FOR DISABLED PERSONS, FAMILY – A residential facility that provides room and board, personal care, rehabilitative or habilitative services, and supervision in a family setting for 5 to 8 disabled persons. (See “Disabled”.) One to 4 persons, including resident staff, living in such a residential facility constitute a family for the purposes of this Zoning Ordinance (see “Family”), and are not subject to the conditional use regulations for family homes. The term "family home for disabled persons" does not include "halfway house" or other housing facilities serving as an alternative to incarceration, "nursing home", "rest home", "boarding house", "rooming house", "lodging house", "residential treatment home/center", "special care home" or any other such similar building or use of a building.
71. HOME FOR DISABLED PERSONS, GROUP – A residential facility that provides room and board, personal care, rehabilitative and habilitative services, and supervision in a family setting for at least 9 disabled persons. (See “Disabled”.) The term "group home for disabled persons" does not include "halfway house" or other housing facilities serving as an alternative to incarceration, "nursing home", "rest home", "boarding house", "rooming house", "lodging house", "residential treatment home/center", "special care home" or any other such similar building or use of a building.
72. HOME OCCUPATION – Any occupation or a profession which is carried on in a dwelling unit, is carried on by a member of the family residing in the dwelling unit, and is clearly incidental and secondary to the use of the dwelling unit for residential purposes. *See Section #608.
73. HOSPITAL – An institution providing primary health services and medical or surgical care to persons, primarily inpatients suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities. Unless otherwise specified, the term “hospital” shall be deemed to include sanitarium, sanatorium and preventorium.
74. HOSPITAL, ANIMAL – An establishment for the medical and/or surgical care of sick or injured animals and the boarding of animals is limited to short-term care incidental to the hospital use.

75. HOTEL – See “Motel, Hotel”.
76. HUNDRED-YEAR FLOOD PLAIN – A flood that has a 1% chance of being equaled or exceeded in any given year. (Also see “Flood Plain”.)
77. INSTITUTION – A building occupied by a nonprofit corporation or a nonprofit establishment for public use.
78. JUNK – Any worn-out, cast-off, or discarded article or material which is or may be salvaged for re-use, resale, reduction or similar disposition, or which is possessed, transported, owned, collected, accumulated, dismantled or assorted for the aforementioned purposes. Any article or material which unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new, shall not be considered junk.
*See Prohibited Uses (Ref. Section #313).
79. JUNK VEHICLE – See “Disabled (or Junk) Vehicle”.
80. JUNK YARD – The use of more than 200 square feet of the area of any lot, whether inside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping or abandonment of junk or scrap materials and/or tires, or the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.
*See Prohibited Uses (Ref. Section #313).
81. KENNEL – A structure used for the harboring, grooming, breeding, boarding, training or selling of dogs or cats.
82. LEISURE/SPORT USES – Uses shall **include, but not** be limited to, theaters, multi-screen cinemas, performing arts facilities, work out and fitness facilities, water sports, tennis (indoor and outdoor), equestrian facilities, ski slopes, ice skating (indoor), fishing, rock climbing and archery.
83. LIKE USE – See “Similar or Like Use”.
84. LINE, STREET – See “Street Line”.

85. **LIVE WORK UNIT** – A building that is used for both, conducting business usually in the first floor and living (includes a kitchen) in the upper floors. An owner could live and conduct business in the same building.
86. **LOT OR ZONING LOT** – For the purpose of this Resolution, a lot is a parcel of land of sufficient size to be occupied by a principal structure or group of structures and accessory structures together with such yards, open spaces, lot width, lot frontage, and lot area in compliance with this Zoning Resolution. Unless otherwise stated by this Resolution, such lot shall have frontage on an improved public street (but will not include any portion thereof) or on a dedicated street and may consist of:
- A. A single lot of record;
 - B. A portion of a lot of record;
 - C. A combination of complete lots of record, portions of lots of record, or any combinations thereof.

See also “Lot of Record (or Parcel of Record)”.

87. **LOT, AREA** – The area contained within the lot lines exclusive of any portion of the right-of-way of any public street.
88. **LOT, CORNER** – A lot which has an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135 degrees.
89. **LOT, COVERAGE** – The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
90. **LOT, DEPTH** – The mean horizontal distance between the front lot line and the rear lot line, measured in a general direction parallel with its side lot lines. Unless otherwise specified, length shall be measured from the edge of street right-of-way. Lot length and lot depth have the same meaning.
91. **LOT, FRONTAGE** – The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner

lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.

92. LOT, INTERIOR – A lot other than a corner lot with only one frontage on a street.
93. LOT LINES – Any line dividing one lot from another, synonymous with property line.
- A. FRONT LOT LINE – The line separating an interior lot from the street right-of-way on which the lot fronts. For the purpose of determining yard requirements on corner lots and through lots, all lot lines adjacent to streets shall be considered front lot lines, and yards shall be provided as indicated under yard regulations.
 - B. REAR LOT LINE – The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
 - C. SIDE LOT LINE – Any lot line other than a front or rear lot line.
94. LOT MEASUREMENTS – A lot shall be measured as follows:
- A. Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost point of the side lot lines in the rear.
 - B. Width of a lot shall be considered to be the distance between straight lines connecting from the front and rear lot lines at each side of the lot, measured at the building setback line, provided, however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than one hundred (100%) of the required lot width.
95. LOT OF RECORD (or PARCEL OF RECORD) – Land designated as a separate parcel on a plat, map or deed which has been recorded in the office of the County Recorder prior to the effective date of this Zoning Resolution.
96. LOT, THROUGH – A lot having frontage on two parallel or approximately parallel streets.

97. LOT, WIDTH – The mean width measured at right angles to its depth.
98. MANUFACTURED HOME – A building or unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the “Manufacturing 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 5415, certifying compliance with all applicable federal construction and safety standards. [ORC 3781.06(C)(4)].
99. MEASUREMENT (STRUCTURE TO LOT LINE) – When measuring the distance from a structure to any lot line, the measurement shall be taken from that part of the structure which extends the closest to such lot line even if such structure extends beyond the foundation of the structure. However, roof overhangs and external accessories such as eave downspouts, utility meters, and bay windows shall not be included in such measurement.
100. MINI-STORAGE / WAREHOUSE FACILITY – A series of storage buildings incorporating several cells of separate individual storage units. These facilities are rental units and may include an outside storage area for and not limited to vehicles, trailers and watercraft. The facility can be a secured area.
101. MOBILE HOME – A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of Section 3781.06 of the Revised Code or as an industrial unit as defined in division (C)(3) of Section 3781.06 of the Revised Code. [ORC 4501.01(O)].
102. MOTEL, HOTEL – A building in which lodging or boarding and lodging are provided and offered to the public for compensation.
103. MULTIPLE FAMILY, RESIDENTIAL – See “Residential – Multiple Family”.

104. NIGHTCLUB – A building wherein the principle business is entertainment and dancing. The sale of alcohol, soft drinks, and food are secondary to the entertainment and dancing.
105. NONCONFORMING LOT – A lot lawfully existing on the effective date of this Zoning Resolution or any amendment thereto, which on such effective date, does not conform to the lot area, width or frontage requirements of the district in which it is located.
106. NONCONFORMING STRUCTURE – A building or other structure existing when this resolution or any amendment thereto became effective which does not conform to the regulations governing structures of the district in which it is located.
107. NONCONFORMING USE – A use of a building, structure or land existing at the time of enactment of this Resolution, and which does not conform to the use regulations of the district or zone in which it is situated.
108. NURSERY SCHOOL – A school designed to provide daytime care or instruction for two or more children from two to five years of age inclusive, and operated on a regular basis.
109. NURSING HOME – An extended or intermediate care facility which provides skilled nursing and dietary care for persons who are ill or incapacitated or which provides service for the rehabilitation of the persons who are convalescing from illness or incapacitation, excluding homes or similar institutions or facilities for persons suffering from acute or chronic alcoholism, or other drug dependency, or persons who are mentally incapacitated from causes other than simple senility or who regularly require restraint.
110. OPEN SPACE – An unoccupied space open to the sky on the same lot with the building.
111. OUTDOOR DISPLAYS – The placing of merchandise in an outdoor area that is open to the general public when the merchandise on display is removed from its shipping packaging and is representative of merchandise that is available for purchase inside the building and/or is available for purchase by the general public directly from the display area.

Outdoor display shall comply with the following:

- A. Be limited to products that are customarily associated with the operation of the principal business located on the premises and conducted by employees of such principal business. There shall be no outdoor display of merchandise for sale by any person operating or conducting a business that is different or distinct from the principal business conducted at that location.
- B. Not exceed fifteen (15) percent of the ground floor area of the building(s) on the lot.
- C. Comply with the building setback requirements set forth in Schedule 1207 or the sub-district in which the lot is located.
- D. Not be located in areas intended for traffic circulation as identified on the Final Development Plan.

112. **OUTDOOR STORAGE** – The keeping, in an area outside of a building, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours, except for merchandise placed in an area and which satisfies the criteria for outdoor display.

The outdoor storage of goods and materials shall be an accessory use associated with a permitted use and shall comply with the following:

- A. Outdoor storage of materials shall include the storage of goods, materials, or products associated with the principal use. The storage of radioactive, toxic or otherwise hazardous materials shall not be permitted.
- B. All outdoor storage of goods and materials shall be enclosed with a solid wall or fence, including solid gates. The wall or fence shall have a height tall enough to conceal all materials therein from the view of any observer standing at the grade level at an abutting residential district line or a public street. However, in no case shall the height of the fence or wall be less than six feet.
- C. All materials shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.

Areas devoted to outdoor storage shall be located in a side or rear yard and shall comply with the building setbacks set forth in Schedule 1207.

113. PARK – A public, private and/or commercial area, which is to be used for recreational purposes. Any such area, which requires a fee or a use fee, shall first secure a zoning permit.
114. PARKING SPACE – An off-street space available for the parking of one motor vehicle with room for opening the doors on both sides together with properly related access to a public street or alley and maneuvering room.
115. PERMANENTLY SITED MANUFACTURED HOME – A manufactured home that meets all of the following criteria. [ORC 3781.06(C)(6)].
- A. The structure is affixed to a permanent foundation and is connected to appropriate facilities;
 - B. The structure, excluding any addition, 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 area, excluding garages, porches, or attachments, of at least nine hundred (900) square feet; or meets minimum square feet requirements of the zone it is located;
 - C. The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and six-inch (6”) minimum eave overhang, including appropriate guttering;
 - D. The structure was manufactured after January 1, 1995; and
 - E. The structure is not located in a manufactured home park as defined by section 37733.01 of the Revised Code.
116. PERMITTED USE – See “Use, Permitted”.
117. PLAYHOUSE – See “Theater / Playhouse”.
118. POND – A water impoundment facility as defined by USDA Soil Conservation Service. See Lorain County Soil and Water Conservation District dated 4/23/98 (See Article 2700).
119. PRINCIPAL BUILDING – See “Building, Principal”.
120. PRINCIPLE USE – See “Use, Principle”.

- 121. PUBLIC SAFETY FACILITY – Police, fire, emergency medical, and similar essential safety services which are needed and required to be located in areas to primarily meet the emergency and safety needs of the residents of Amherst Township.
- 122. PUBLIC SERVICE FACILITY – The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants, or pumping stations, sewage disposal or pumping plants, and other similar public service structures by a public utility, a railroad, whether publicly or privately owned, or a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.
- 123. QUARRY, SAND PIT, GRAVEL PIT, TOPSOIL STRIPPING – A lot or land or part thereof used for the purpose of extracting stone, gravel, or top soil for sale, as an industrial or commercial operation, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a zoning permit has been made.
- 124. REAR HOUSE – A second house on a single lot to the rear of the house closest the street.
- 125. REAR YARD – See “Yard, Rear”.
- 126. RECREATION VEHICLE – A vehicle or portable structure built on a chassis or designed to be mounted on or drawn by a motor vehicle and intended to be used for temporary living and sleeping purposes for travel, recreation, or vacation use.
- 127. REQUIRED YARD – See “Yard, Required”.
- 128. RESIDENTIAL – MULTIPLE FAMILY – A building with two (2) or more dwelling units and in which the dwelling units do not satisfy the definition of “townhouses.”
- 129. RETAIL ESTABLISHMENT – An establishment engaged in the selling of goods or merchandise to the general public for personal or household

consumption, 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. In determining a use to be a retail use, the Zoning Board of Appeals may consider the proportion of display area vs. storage area and the proportion of the building facade devoted to display windows.

130. **RIGHT-OF-WAY** – A strip of land taken, dedicated, or otherwise recorded as an irrevocable right-of-passage for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, water and sewer lines, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.
131. **ROADSIDE STAND / FARM MARKET** – A booth or stall located on a lot in association with an agricultural use where produce is sold to the general public provided 50 percent or more of the gross income received from the stand is derived from produce raised on agricultural land owned or operated by the market operator in a normal crop year.
132. **SALVAGE YARD** – A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packaged, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment but not including the purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged materials as a part of a manufacturing operation.
133. **SCHOOLS OF ACADEMIC INSTRUCTION** – A facility which provides a plan of academic or vocational study, and those activities customarily conducted by such facilities.
134. **SERVICE STATION** – Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, or otherwise servicing motor vehicles (except those repairs described as major repairs in “Automobile Repair Garage” shall not be permitted), and which may or may not include selling food, beverages, and other sales.
135. **SETBACK** – The minimum distance from the street line to the building line measured along a line perpendicular to the street line or property line or, in the

case of an arc street, measured along the radius of such an arc. For lots abutting on a thoroughfare, as shown on the Major Thoroughfare Plan for Lorain County, the setback shall be measured from the proposed right-of-way line specified for that thoroughfare on the Thoroughfare Plan for Lorain County.

136. SIDE YARD – See “Yard, Side”.
137. SIGN – Any letters, pictorial representation, symbol, flag, emblem, illuminated or animated devise displayed in any manner whatsoever, which directs attention of persons to any object, subject, person, activity, product, service, institution, organization or business, and as further defined and categorized in Section 1602.
138. SIGNS, DIRECTIONAL – A sign located on private property which is used for the direction of traffic and parking; such as a no parking, disabled parking, entrance, exit, or delivery entrance sign; and which does not contain the name of the facility and does not contain any advertising matter.
139. SIMILAR OR LIKE USE – A use not specifically listed in any of the schedules of permitted uses of any district, but which is found like or similar to said permitted uses by the Zoning Inspector and added to a schedule for a particular district.
140. SOLID WASTES (TRANSFER STATION) – Materials as are described in Ohio Revised Code Section 3734.01 (E) or in such statute as it may hereafter be amended.
141. STABLE, RIDING, BOARDING AND/OR SHOW – A facility where one or more horse is used, kept or maintained for commercial leasing or hiring purposes for remuneration.
142. STORY – That portion of a building included between the surface on any floor and surface of the floor next above it, then the space between and floor and the ceiling next above it.
143. STORY, HALF – A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

144. STREET – A public or private way which affords the principal means of vehicular access to abutting properties. The street includes the land between the right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulder, gutters, sidewalks, division strips, or any other areas within the street right-of-way lines. The terms “street” and “right-of-way” are used interchangeably.
145. STREET LINE – The dividing line between the street and the lot identifying the limits of the street right-of-way. The right-of-way line of any road, street, or highway as proposed on the Major Thoroughfare Plan of Lorain County, Ohio, as amended. All setback distances on the Zoning Map shall be measured from the street line.
146. STRUCTURAL ALTERATIONS – See “Alterations, Structural”.
147. STRUCTURE – Anything constructed or erected, the use of which requires location on the ground, or attachment to something having fixed location on the ground.
148. TAVERN – See “Bar / Tavern”.
149. THEATER / PLAYHOUSE – A building or a part of a building devoted to the showing of the live entertainment and/or moving pictures on a paid admission basis.
150. THROUGH LOT – See “Lot, Through”.
151. TOWNHOUSE DWELLING – See “Dwelling, Townhouses (Attached Single-Family)”.
152. UNLICENSED MOTOR VEHICLE – A motor vehicle used or useful for the conveyance of persons or property which does not bear a license plate or plates issued for current license year by the state of Ohio or one of the other states.
153. USE – The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

- 154. USE, ACCESSORY – A use of land incidental to the principal use of a lot or building located on the same lot.
- 155. USE, CONDITIONAL – A use of land that is of such nature that its unlimited operation could be detrimental to the health, safety, morals and general welfare of residents in the surrounding area or to the property or property values, and on which the public has reserved the right to permit the use, subject to certain general and specific conditions stated in the Resolution which are deemed necessary to protect the permitted uses of other affected properties.
- 156. USE, PERMITTED – Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
- 157. USE, PRINCIPAL – The primary or main use or activity of a building or lot.
- 158. VARIANCE – A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.
- 159. WETLAND – Those areas, which are classified as “wetlands”, based on the most current definition of “wetland” issued by the U.S. Army Corps of Engineers.
- 160. YARD – An unoccupied space open to the sky, on the same lot with a building or structure.
- 161. YARD, FRONT – An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line.
- 162. YARD, REAR – An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear lot line and the rear line of the building projected to the side lines of the lot. The

depth of the rear yard shall be measured between the rear line of the lot or the centerline of the alley, if there be an alley, and the rear line of the building.

- 163. YARD, REQUIRED – The open space between a lot line and a building, parking area or use that is the minimum area required to comply with the regulations of the district in which the lot is located, and within which no structure shall be located except as expressly permitted in this Zoning Resolution.
- 164. YARD, SIDE – An open, unoccupied space on the same lot with a principal building situated between that building and the side line of the lot and extending from the front yard to the rear yard.
- 165. ZONING BOARD OF APPEALS – A five (5) member Board appointed by the Township Trustees to exercise those powers granted under Section 519.14 of the Ohio Revised Code, as amended, and Section 2015 of this Zoning Resolution.
- 166. ZONING COMMISSION – A five (5) member Commission appointed by the Township Trustees to exercise the powers and duties granted under Chapter 519 of the Ohio Revised Code, as amended, and Section 2008 of this Zoning Resolution.
- 167. ZONING INSPECTOR – The Zoning Inspector of Amherst Township, Ohio.
- 168. ZONING LOT – See “Lot or Zoning Lot”.
- 169. 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. Also known as a zoning certificate.
- 170. ZONING RESOLUTION – The officially adopted zoning regulations as contained in the Zoning Resolution of Amherst Township.

REVISION HISTORY

<u>Date</u>	<u>Section #</u>	<u>Description of Change</u>	<u>Req. By</u>
7/10/01	ALL	Original Update	Tw. Trustees
7/23/02	202	Modified Definition #12 for Accessory Buildings. Ref. Motion 7/9/02. Effective date 8/22/02.	Tw. Trustees
3/11/04	202	Added definition for “Bar, Tavern” and for “Nightclub”. Reference: Resolution 2/3/04	Tw. Trustees
10/12/06	202	Definition of “Line, Street” was changed to “See ‘Street Line’”. Definition of “Street Line”; added the first sentence, which was originally the definition for “Line, Street”. Added new definitions for: “Building, Detached”, “Clubhouse”, “Community Support Facilities”, “Dwelling, Cluster”, “Dwelling, Townhouses (Attached Single-Family)”, “Leisure/Sport Uses”, “Live Work Unit”, “Outdoor Displays”, “Outdoor Storage”, & “Residential – Multiple Family”. For “Reference” purposes, added new definitions for: “Board of Zoning Appeals”, “Cluster Dwelling”, “Corner Lot”, “Farm Market”, “Front Yard”, “Height of Building”, “Hotel”, “Junk Vehicle”, “Multiple Family, Residential”, “Permitted Use”, “Playhouse”, “Principle Use”, “Rear Yard”, “Required Yard”, “Side Yard”, “Structural Alterations”, “Tavern”, “Through Lot”, & “Townhouse Dwelling”. Removed “*See Article 700” from definition for “Manufactured Home”. Ref. Motion 9/7/06. Effective Date 10/12/06.	Zoning Commission

Amherst Township Zoning Resolution
Article 200 - Definitions

6/26/08

<u>Date</u>	<u>Section #</u>	<u>Description of Change</u>	<u>Req. By</u>
6/26/08	202	Added new definition for “Educational Institution” and “Schools of Academic Instruction”. Ref. Motion 5/19/08. Effective Date 6/26/08.	Twp. Trustees