

## ARTICLE 2

### 201 INTERPRETATION AND DEFINITIONS

For the purpose of this resolution, certain terms or 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. The present tense includes the future tense, the singular number includes the plural and plural number includes the singular.
- B. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- C. The words "used" and "occupied" include the words "intended, designed or arranged to be used or occupied."
- D. The word "lot" includes the words "lot" or "parcel".
- E. Conflict: Where a definition within the Lorain County Subdivision Regulations is more restrictive than the definition for the same term within the Zoning Resolution, the definition within the Lorain County Subdivision Regulations shall apply. (11/20/04)

### 202 DEFINITIONS

**Accessory Use or Structure:** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use structure.

**Adult Arcade:** Any place to which the public is permitted or invited where either or both (a) motion picture machines, projectors, video or laser disc players, or other video or image-producing devices are available, run via coin, token or any other form of consideration, to show images to five (5) or fewer persons per machine at any one time; or (b) live entertainment is available in a format designed for viewing by five (5) or fewer persons at one time; and where the images shown and/or live entertainment presented are characterized by the depiction or description of specified sexual activities or specified anatomical areas. (08/05/00)

**Adult Bookstore, Adult Novelty Store, or Adult Video Store:** A Commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

(08/05/00, 11/20/04)

- (A) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that are characterized by the depiction or description of specified sexual activities or specified anatomical area; or
- (B) instruments, devices, or paraphernalia, other than prophylactics, that are designed for use in connection with specified sexual activities.

A commercial establishment shall be deemed to have as a principal business purpose the offering for sale or rental of materials depicting or describing specified sexual activities or specified anatomical areas, or materials designed for use in connection with specified sexual activities if: (i) such commercial establishments devotes more than 15 percent of its total floor area to such sales or rental, (ii) such commercial establishment devotes more than 15 percent of its product display space to such sales or rentals, or (iii) on an annual basis, more than 15 percent of the gross revenues generated by such commercial establishment are attributable to such sales or rentals. A commercial establishment may have other principal business purposes that do not involve offering for sale or rental materials depicting or describing specified sexual activities or specified sexual activities and still be categorized as an Adult Bookstore, Adult Novelty Store, or Adult Video Store. Such other business purposes will not serve to exempt such a commercial establishment from being categorized as an Adult Bookstore, Adult Novelty Store, or Adult Video store so long as one of its principal business purposes is offering for sale or rental for consideration the specified materials, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas or are designed for use in connection with specified sexual activities. (08/05/00)

**Adult Cabaret:** A nightclub, bar, restaurant, theater, concert hall, auditorium or other commercial establishment that for the purpose of arousing, stimulating or gratifying the sexual desire of employees or customers, features:

- (A) persons who appear in a state of nudity or semi-nudity;
- (B) live entertainment characterized by the depiction or description of specified anatomical areas; or
- (C) live entertainment of an erotic nature including erotic dancers, strippers, male or female impersonators, or similar entertainment. (08/05/00)

**Adult Motel:** A hotel, motel or similar commercial establishment that:

- (A) offers accommodations to the public for any form of consideration; and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions, which are characterized by the depiction or description of

(08/05/00)

specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this sex-oriented type of photographic reproductions;

- (B) offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- (C) allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten (10) hours. (08/05/00)

**Adult Motion Picture Theater:** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. (08/05/00)

**Adult Motion Picture Drive-In Theater:** An open air drive-in theater where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. (08/05/00)

**Adult Use/Sexually Oriented Business:** Any of the following: Adult Arcade, Adult Bookstore, Adult Cabaret, Adult Novelty Store, Adult Video Store, Adult Motion Picture Theater, Adult Drive-In Theater, Adult Motel, Nude Model Studio, or Sexual Encounter Center. (08/05/00)

**Adult Use/Sexually Oriented Business Employee:** A person who performs any service or work on the premises of any Adult Use/Sexually Oriented Business, including but not limited to providing entertainment, performing work of a management or supervisory nature, or performing functions, on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary wage or other compensation by the operator of said business. Employee does not include a person on the premises exclusively for repair or maintenance of the premises or equipment on the premises, or the delivery of goods to the premises. (08/05/00)

**Agricultural Production:** The production for commercial purposes and sale for the purpose of obtaining a profit in money by the raising, harvesting and selling of crops and forage; by feeding or breeding or management and sale of, or the produce of, livestock, poultry, rabbit raising or honey bees; or for dairying and the sale of dairy products of animal husbandry or any combination thereof; or any other agricultural, horticultural or floricultural use such as fruits, plants, ornamental trees, timber, shrubs, nursery stock and vegetables.

(08/05/00)

**Airport:** Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces.

**Alley:** See Thoroughfares.

**Alterations, Structural:** Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

**Arterial Street:** See Thoroughfares.

**Automotive Repair:** The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

**Automotive, Trailer and Farm Implement Sales and Service:** The sale, rental or service of new and used motor vehicles, mobile homes, trailers or farm implements.

**Basement:** The lowest story of a building having at least half (1/2) its height below the natural grade of the adjoining ground, measured at a distance of six (6) feet from the building face. (11/20/04)

**Buildable Lot Area:** The area of a lot behind all required setback lines. (07/12/07)

**Building:** Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property.

**Building, Accessory:** A subordinate building detached from, but located on the same lot as, the principal building, or use of which is incidental and accessory to that of the main building or use.

**Building, Principal:** A building in which is conducted the main or principal use of the lot on which said building is situated.

**Building Height:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to be the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

**Building Line:** See Setback Line.

**Business, Convenience:** Commercial establishments which cater to, and can be located in close proximity to, Residential Districts without creating unduevehicular congestion, excessive noise or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to,

(11/20/04, 07/12/07)

drugstores, beauty salons, barber shops, carry-outs, and dry cleaning and laundry pick-up facilities, and in this classification tend to serve a day-to-day need in the neighborhood.

**Business, General:** Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day-to-day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets; stores that sell hardware, apparel, foot wear, appliances and furniture; department stores; and discount stores. Highway business uses include, but need not be limited to, such activities as filling stations; truck and auto sales and service; restaurants and motels; and commercial recreation.

**Business, Services:** Any activity conducted for gain which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes or business.

**Capability:** The ability of the land to accommodate certain land uses without creating significant problems for either the inhabitants of the area or its environment.

**Cattery:** See Kennel.

**Cemetery:** Land used, or intended to be used, for the burial of the human dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery. (06/04/93)

**Cemetery:** see **Pet Cemetery**

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

**Club:** A building or portion thereof or premises owned or operated by person(s) for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests.

**Cluster single-family attached unit:** one (1) of two (2) or more residential buildings, each having separate ground floor access, and separated from abutting housing units by a common wall free of openings, and 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 dwellings 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. (11/20/04)

(06/04/93, 11/20/04)

**Cluster single-family detached unit:** A dwelling 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 dwellings 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. (11/20/04)

**Cold Frame:** A temporary structure covered with glass or plastic, and open to the bed of earth that it covers; used to protect plants and seedlings. (12/06/07)

**Comprehensive (General or Master) Plan:** The plan made and adopted by the Lorain County Planning Commission and hereafter amended and supplemented indicating the general locations recommended for the principal streets, parks, public buildings, zoning districts, character and extent of community development and other physical aspects of urban and rural planning on file in the office of the Recorder of Lorain County, Ohio, and in the office of the Commission. It shall also include those plans made by or for individual communities or Townships which have been adopted and are being used as guidelines for community development but which are not necessarily recorded in the office of the County Recorder of Lorain County, Ohio. (11/20/04)

**Conditional Use:** A use of buildings or land which, by the nature of the use, requires review by the Board of Zoning Appeals, as set forth in Sections 1606 and 1607 in order to determine its effect upon adjacent existing uses.

**Conditional Use Permit:** A use permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow for any of the conditionally permitted uses as set forth in Article IV of this Resolution. Also known as a Conditional Use Certificate.

**Corner Lot:** See Lot Types.

**Covering:** Any clothing or wearing apparel, including pasties, but does not include any substance that can be washed off the skin, such as paint or make-up, or any substance designed to simulate the appearance of the anatomical area beneath it. (08/05/00)

**Cul-de-Sac:** See Thoroughfares.

**Dead-End Street:** See Thoroughfares.

**Deck:** A platform usually constructed of wood attached to the house or constructed within several inches of the home used for access in and out of the home or recreational purposes. (04/05/02)

**Density:** A unit of measurement indicating the number of dwelling units per acre of land.

(A) Gross Density - the number of dwelling units per acre of the total land to be developed, including street rights of way. (11/20/04)

08/05/00, 04/05/02, 11/20/04, 12/06/07)

**(B) Net Density** - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, and does not include street rights of way, retention/detention areas, flood plains, wetlands and parking lots. (11/20/04)

**Disabled Vehicle:** Any vehicle meeting the following two (2) conditions:

- A. Extensively damaged, such damage including, but not limited to, any of the following: A broken window or windshield, missing wheels, tires, motor or transmission.
- B. Apparently inoperable as defined by the Ohio Revised Code as amended. (Revised 12/17/87)

**Dumpster:** A container used for the outside storage for disposal of refuse of any sort, whether the container is emptied on-site, or transported for disposal. (12/06/07)

**Dwelling:** Any building or structure (except a house trailer or mobile home as defined by the Ohio Revised Code, Section 4501.01) which is wholly or partly used, or intended to be used, for living or sleeping by one (1) or more human occupants.

**Dwelling, Farm:** Any building or portion thereof which is designated as the primary dwelling structure on the farm and designed for human habitation.

**Dwelling, Single-Family:** Any group of rooms located within a residential building.

**Dwelling, Single-Family Attached:** one (1) of two (2) or more residential buildings, each having separate ground floor access, and which is both separated from abutting housing units by a common wall or party wall free of openings and is located on a parcel having a separate front, side and rear yard, except on the attached side/s (11/20/04)

**Dwelling, Single-Family Detached:** A dwelling unit that is not attached to any other dwelling unit, and is located on a parcel having a front, side and rear yard.(11/20/04)

**Dwelling Unit:** Space, within a dwelling, comprising living, dining and/or storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one (1) family and its household employees.

**Dwelling, Two-Family:** A building consisting of two (2) dwelling units which may be either attached side by side or one above the other, and each unit having separate entrances or a combined entrance.

(12/17/87, 11/20/04, 12/06/07)

**Dwelling, Multiple-Family/Multi-Family:** A building consisting of three (3) or more dwelling units, including condominiums, with varying arrangements of entrances and party walls.

**Entertainment Facility:** Any profit-making activity which is generally related to the entertainment field.

**Essential Services:** The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, sewers, pipes, traffic signals, hydrants or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

**Eyebrow:** A bulb or extension of the paved surface along the side of a street or at the inside corner of an intersection that follows an arc or other curve to provide additional frontage for lots. (11/20/04)

**Family:** One or more persons occupying a single dwelling, provided that there shall not be more than three (3) persons in addition to those related by blood, adoption or marriage or who are children placed in the dwelling by a social agency.

**Farm:** Includes:

- A. Tracts, lots and/or parcels of land totaling not less than thirty (30) acres which are devoted exclusively to commercial agricultural production; or
- B. Tracts, lots and/or parcels totaling less than thirty (30) acres that are devoted exclusively to commercial agricultural production and produce a yearly gross income as determined annually by the County Auditor, on a yearly basis to a new three (3) year average. These averages are then compared to the expected yields and/or current livestock market prices which would be expected during at least three (3) of the last five (5) years on the individual farm. The submission of a 1040F Federal Income Tax Form or sales receipts will be accepted as evidence in place of the above method.

(11/20/04)

**Fee Simple:**

(1) simple without limitation (as to heirs) and unrestricted (as to transfer of ownership): (2) a fee that is alienable (as by deed, will or intestacy and of potentially indefinite duration Merriam-Webster's Dictionary of Law 1996) (11/20/04)

**Financial Institution:** Those institutes engaged in receiving, exchanging, lending and safeguarding monies.

**Flood:** A general and temporary condition of partial or complete inundation of normally dry land areas.

- A. Base Flood: A flood having at least a one (1) percent chance of being equaled or exceeded in any given year.
- B. Flood Plain: Any land area susceptible to being inundated from any source.
- C. Floodway Fringe: That portion of the base flood plain located outside the regulatory floodway.
- D. Regional Flood Plain: The area inundated by the base flood. This is the flood plain area which shall be regulated by the standards and criteria of this Resolution.
- E. Regulatory Floodway: The channel of a river or the watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one-half (1/2) foot in measure.

**Floor Area of a Residential Dwelling:** The sum of the gross horizontal area of the several floors of a residential dwelling, excluding basement floor areas not devoted to residential use, but including the enclosed area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

**Floor Area of a Non-Residential Dwelling:** The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms and similar areas. To be used in calculating parking requirements.

**Floor Area, Usable:** The sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

(11/20/04)

**Food Processing:** The preparation, storage or processing of food products. Examples of these activities include bakeries, dairies, canneries and other similar businesses.

**Fuel Marts:** A place of business that sells fuel and convenience items. (02/02/03)

**Garage, Private:** A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises, provided that not more than one (1) commercial vehicle per dwelling unit is parked or stored.

**Garage, Public:** A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

**Grade:** The slope of land, street or road, or any other public way, specified in percentage (%) terms. (11/20/04)

**Grade, Natural:** The elevation of the undisturbed natural surface of the ground prior to any excavation, fill and/or compaction. (02/02/03)

**Greenhouse:** a building with large windows or with exterior walls consisting primarily of glass, and in which the temperature is maintained within a desired range; used to protect, cultivate, and force plants and seedlings. (12/06/07)

**Highway, Major:** A street or road of considerable continuity and primarily as a traffic artery for intercommunication among large areas.

**Home Occupation:** See Residential Occupation.

**Hotel or Motel:** A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or separate exterior entrances. As such, it is open to the public in contrast to a boarding house, a lodging house or an apartment which are herein separately defined.

**Institution:** Building and/or land designed to aid individuals in need of mental therapeutic, rehabilitative counseling or correctional services.

**Junk:** Any worn out, cast off or discarded article or material which is or may be salvaged for refuse, resale or 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.

(Revised 12/17/87)

(12/17/87, 02/02/03, 11/20/04, 12/06/07)

**Junk Yard:** The use of more than one hundred (100) square feet of any land, building or structure, whether for private and/or commercial purposes, where waste, discarded or salvaged materials such as scrap metals, tires, used building materials, used appliances, used lumber, used glass, discarded motor vehicles, paper, rags, rubber, barrels, etc., are sold, bought, exchanged, baled, packed, sorted, disassembled, dismantled or handled. Two (2) or more disabled motor vehicles or deteriorated and/or inoperable equipment constitutes a junk yard, or as amended by the State of Ohio.

**Kennel:** Any lot or premises on which three (3) or more dogs or cats more than three (3) months of age are housed, groomed, bred, boarded, trained or sold.

**Lattice Tower:** A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation. (01/16/98)

**Living-Area:** The total square footage of usable living floor space within the defined areas created by the walls of a dwelling. Such area does not include open patios; open terraces or courts, open breezeways, outside steps, garages and/or carports and/or unheated but covered porches. (04/05/02) (11/20/04)

**Loading Space:** A space within the main building or on the same lot therewith providing for the standing, loading or unloading of trucks and having a minimum dimension of twelve (12) feet wide by forty (40) feet long and vertical clearance of at least fourteen (14) feet.

**Local Street:** See Thoroughfare.

**Lot:** A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an approved dedicated public 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, of complete lots of record and portions of lots of record, or of portions of lots of record.

**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.

(01/16/98, 04/05/02, 11/20/04)

**Lot Frontage:** The front of a lot shall be construed to be that portion of the lot 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, and yards shall be provided as required under the Zoning Resolution. (11/20/04)

**Lot Measurements:** A lot shall be measured as follows:

(A) The depth of a lot shall be considered to be the average horizontal distance between the front and rear lot lines.

(B) The width of the lot shall be considered to be the horizontal distance between side lot lines, measured at the required front 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 eighty (80) percent of the required lot width when situated along a curved street or cul-de-sac type street. (11/20/04).

**Lot, Minimum Area of:** The area of the lot which is computed exclusive of any portion of the right-of-way of any public street or private street. (11/20/04)

**Lot of Record:** A lot, whose existence, location, and dimensions have been legally recorded in a deed or on a plat, provided such lot is of a size that met the minimum dimensions for the district in which it was located at the time of recording. (11/20/04)

**Lot Types:** Terminology used in this Resolution with reference to corner lots, interior lots and through lots is as follows:

- A. Corner Lot - A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred, thirty-five (135) degrees.
- B. Interior Lot - A lot other than a corner lot with only one (1) frontage on a street.
- C. Through Lot - A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as a double frontage lot.
- D. Reversed Frontage Lot - A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

**Major Thoroughfare Plan:** The plan adopted by the Lorain County Planning Commission indicating the general location recommended for arterial, collector and local thoroughfares within the unincorporated areas.

(11/20/04)

**Maintenance and Storage Facilities:** Land, buildings and structures devoted primarily to the maintenance and storage of construction equipment and material.

**Manufacturing, Heavy:** Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character requiring large sites, open storage and service areas, extensive services and facilities with ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution and water pollution, but not beyond the District boundary.

**Manufacturing, Light:** Manufacturing or other industrial uses which are usually controlled operations, relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor or dust, operating and storing within enclosed structures and generating little industrial traffic and nuisances.

**Manufacturing, Extractions:** Any mining, quarrying, excavating processing, storing, separating, cleaning or marketing of any mineral or natural resource.

**Mineral Extraction, Storage and Processing:** See Manufacturing, Extractions.

**Monopole:** A support structure constructed of a single, self supporting hollow metal tube securely anchored to a foundation. (01/16/98)

**More Restrictive:** In reference to a nonconforming use, the changing of a use to more nearly conform to the permitted use, thus increasing the requirements such as side yards, etc., or generally increasing compatibility of a non-conforming use to the requirements of the District in which it is located.

**Nonconformities:** A building, structure or use of land existing at the time of enactment of this Resolution, and which does not conform to the regulations of the District or zone in which it is situated.

**Nude Model Studio:** Any place where a person who appears nude or semi-nude or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Nude Model Studio does not include:

- (A) a proprietary school licensed by the State of Ohio, or a college, junior college or university supported entirely or in part by public taxation.
- (B) a private college or university that offers educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

(01/16/98)

- (C) an establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; where in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than one nude or semi-nude model is on the premises at any one time. (08/05/00)

**Nudity or Nude:** Exposing to view the genitals, pubic area, vulva, perineum, anus, and cleft or cleavage, or pubic hair with less than fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume, or covering that gives the appearance of or simulates any of these anatomical areas. (08/05/00)

**Nursery, Nursing Home:** A home or facility for the care and/or treatment of babies, children, pensioners or elderly people.

**Office:** A room, set of rooms or building where the business of a commercial or industrial organization or of a professional person is transacted.

**Opacity:** in fences, hedges and walls, the percentage of the construction or plant material opaque to light when viewed perpendicularly to it. In fences and walls, all supports and panels shall be included in the calculation of opacity. In hedges, the calculation of opacity shall be made on the basis of the estimated percentage of opaque plant material at maturity, and in full leaf. (07/12/07)

**Open Spaces:** An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environment features, water areas, swimming pools, tennis courts and any other recreational facilities that the Zoning Commission deems permissible. Streets, parking areas, structures for habitation and the like shall not be included.

**Owner:** Includes, but is not limited to, any person owning a fee simple, life estate or a buyer on a land installment contract.

**Parking Space, Off-Street:** An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, no part of which is in the street, alley or road right-of-way. (06/18/04)

**Party Wall:** A wall erected between two individually owned properties, for the use of both owners. (11/20/04)

**Patio:** A paved space for dining or recreation, adjacent to a house. (04/05/02)

**Personal Services:** Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shop, beauty parlors and similar activities.

(04/05/02, 06/18/04, 04/05/04, 07/12/07)

**Personal Wireless Service:** A broad range of spectrum-based services including commercial mobile services such as personal communications services (PCS), cellular radio mobile services and paging services. (01/16/98)

**Pet Cemeteries:** A Certified and Licensed Pet Cemetery, intended to be used for the burial of animals including crematories and mausoleums if operated in connection with and within the boundaries of such cemetery. (07/14/94)

**Place of Worship:** A building used primarily for the purpose of worship by a legally established nonprofit religion, sect, or denomination. (01/06/07)

**Pond: Aquaculture/Agriculture Ponds:** A pond constructed on-farm for watering livestock, raising fish/bait or other agricultural purposes. Agricultural ponds are not subject to zoning. (08/07/98)

**Pond: Decorative Ponds, Landscape Pools, Water Gardens:** A man-made water impoundment generally less than 1/4 acre in size and less than eight feet deep will have a liner and pumps. Generally landscaped with plant materials for decorative purposes. (08/07/98)

**Pond: Golf Course Commercial Ponds:** A man-made body of water generally greater than 1/4 acre and eight feet deep. Used for recreation and/or landscaping purposes. In areas of commercial/industrial development and public/private golf courses. (08/07/98)

**Pond: Retention/Detention Basin:** A dry or wet basin constructed for flood control purposes. Usually in subdivisions or on commercial/industrial property. No size/depth restriction. (08/07/98)

**Pond: Wetlands:** A natural or constructed body of water generally less than six feet deep with no minimum/maximum size. Made by constructing a dam, excavating a pit or destroying a drainage system. Constructed wetlands shall be placed in areas that are conducive to wildlife (A minimum of 500 feet from a residence). (08/07/98)

**Porch:** A covered entrance to a building, usually with a roof that is held up by posts. An open or enclosed room on the outside of a building. (04/05/02)

**Portable Storage Container:** A portable, enclosed receptacle, without its own wheels, designed and used for the temporary storage or shipment of household items, commercial items, and building materials. (12/06/07)

**Printing and Publishing:** See Manufacturing, Light.

**Private Street:** Any non-dedicated street or road, which provides access to any structure or lot. (11/20/04)

**Professional Activities:** The use of offices and related spaces for such professional services as are provided by doctors, dentists, lawyers, architects, engineers and similar professions.

**Public Improvements:** Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree planting, grading or lawn seeding, off-street parking area, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. (11/20/04)

**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, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage service.

**Public Uses:** Public parks, schools, administrative and cultural buildings and structures not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

**Public Way:** An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, tunnel, viaduct, walk, bicycle path, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not. (11/20/04)

**Recreation Camp:** An area of land on which two (2) or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated, with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

**Recreational Facilities, Non-Commercial:** Private and semi-public recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, golf courses, game preserves, hunting and trapping, and other private non-commercial recreation areas and facilities or recreation centers including private community swimming pools.

**Recreational Vehicle:** A vehicle, regardless of its size, which was not designed to be used as a permanent dwelling, and in which the plumbing, heating, electrical and air conditioning systems included within the structure may be operated without connection to outside utilities and which are self-propelled or towed by a light duty vehicle for use as a temporary dwelling for travel, recreation and vacation use such as travel trailers, folding tent trailers, pickup campers and motorized homes, and for the purpose of this Resolution, it must carry a current vehicle license as required by law. The use of such vehicles shall be used only in authorized campgrounds.

(11/20/04)

**Residential, Buildings:** Any structure consisting of foundations, walls, columns, beams, girders, floors and roof, or a combination of any number of these parts, with or without other parts of appurtenances, which is designed for occupancy as a dwelling and conforms to the County and State Health Codes.

**Residential Occupation:** An accessory use of a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services.

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

**Road:** See Thoroughfare.

**Roadside Stand:** A temporary structure designed or used for the display or sale of agricultural and related products.

**Seasonal Commercial:** Sale of produce in season, a majority of which was raised on the land owned or leased by the same organization as where the sale is occurring.

**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.

**Semi-Nudity or Semi-Nude:** Exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposing in whole or in part. (08/05/00)

**Semi-Public Use:** Churches, Sunday schools, parochial schools, colleges, hospitals and other structures of an educational, religious, charitable or philanthropic nature.

**Service Station:** Any building, structure or land used for the dispensing sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work or spray painting.

(08/05/00)

**Setback line:** Setback Line: a line parallel to, or concentric to, the street right-of-way line and at a distance there from equal to the required depth of the front yard for each District and extending across the full width of the lot. Where the right-of-way line is not established, the right-of-way width shall be assumed to be sixty (60) feet, and the right-of-way line shall be assumed to be the outer edge of that right-of-way. Where a major thoroughfare or collector thoroughfare is designated on the Land Use and Thoroughfare Plan, the setback line shall be measured from the proposed right-of-way line. (07/12/07)

**Setback Line, Building:** A line indicating the required minimum horizontal distance between the building line and the related front, side or rear property line. (11/10/04)

**Sewers, Central or Group:** An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

**Sewers, Individual:** A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

**Sexual Encounter Center:** A business or commercial enterprise that offers for any form of consideration.

- (A) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (B) activities between male and female persons and/or of the same sex when one or more of the persons is semi-nude. (08/05/00)

**Shade Tree:** A tree in a public place, road right-of-way or special easement as provided for in these Regulations. (11/20/04)

**Sidewalk:** That portion of the road right-of-way outside the paved roadbed, which is paved for pedestrian traffic. (11/20/04)

**Sign:** any display, figure, painting, drawing, placard, poster or other device visible from a public way which is designed, intended or used to convey a message, advertise, inform or direct attention to a building, person, institution, organization, activity, place, object or product. It may be a structure or part thereof painted on or attached directly or indirectly to a structure. (07/12/07)

(08/05/00, 11/20/04, 07/12/07)

**Sign face:** A sign face is the portion of a sign on which the sign copy is printed; the sign face does not include any supports or structural members. If the sign consists of individual letters, the sign face is the smallest rectangle or triangle completely bounding the letters. (07/12/07)

**Specified Anatomical Areas means:**

- (A) the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- (B) less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola. (08/05/00)

Specified Sexual Activities means any of the following:

- (A) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (B) sex acts normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
- (C) excretory functions as a part of or in connection with any of the activities set forth in (a) or (b) above. (08/05/00)

**Stable, Private:** A building for the feeding and lodging of domesticated animals, especially having stalls for horses.

**Story:** That part of a building between the surface of a floor and the ceiling immediately above.

**Street:** See Thoroughfare.

**Structure:** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences and billboards.

**Swimming Pool:** A pool of water for swimming; especially a tank specifically built for that purpose containing at least one and one-half (1½) feet of water at any point. (04/05/02)

A. Private - Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel, and accessory use.

B. Community - Operated with a charge for admission; a primary use.

(08/05/00, 07/12/07)

**Thoroughfare, Street or Road** (See Appendix): The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- A. Alley - A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- B. Arterial Street - A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
- C. 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.
- D. Cul-de-Sac: A local street with one (1) end open to traffic and the other terminating in a vehicular turn-around. Cul-de-Sacs shall be provided at the closed end with a turnaround having a street pavement line diameter of at least one hundred twenty (120) feet. The street right-of-way lines and the one-hundred twenty (120) feet diameter with additional fifteen (15) feet for the road right-of-way. Entire Cul-de-Sac area shall be constructed and meet the same requirements of the street it is on. (05/15/03)
- E. Dead-End Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- F. Local Street: A street primarily for providing access to residential or other abutting property.
- G. 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) degrees system of turns are not more than one thousand (1,000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.

**Technically Suitable:** The location of a wireless telecommunication antenna(s) reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna(s) has been licensed by the FCC to operate without a significant loss of communication capability within development areas of the Township. (01/16/98)

(01/16/98, 05/15/03)

**Telecommunications:** The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or magnetic systems. Revised (01/16/98)

**Tower Height:** The height above grade of the fixed portion of the tower, excluding the wind turbine itself. (04/16/09)

**Trailer, Small Utility:** Any trailer drawn by passenger automobile, used for occasional transport of personal effects.

**Two-Family Residence:** A building containing exactly two (2) independent dwelling units, and which one or more common walls or floors separate, including the walls of attached garages. (11/20/04)

**Use:** The specific purposes for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained.

**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. (09/05/97)

**Variance-Area-** variance area, size, and setback requirements, etc. (09/05/97)

**Variance-Use-**variance use of land, building or other structure. (09/05/97)

**Veterinary Animal Hospital or Clinic:** A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those which are in need of medical or surgical attention, and may include overnight accommodations on the premises for their treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

**Warehousing:** Any building or structure used for the storage of goods, raw or finished materials.

**Wind Turbine Energy System:** A wind energy conversion system consisting of a wind energy turbine, a tower, and associated control or conversion electronics, which is intended to primarily reduce on-site consumption of utility power. (04/16/09)

**Wireless Telecommunications Antenna:** The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition. Revised (01/16/98)

(01/16/98, 09/05/97, 11/20/04, 04/16/09)

**Wireless Telecommunication Accessory Buildings:** The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed. Revised (01/16/98)

**Wireless Telecommunications Facility:** A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land based telephone lines. Revised (01/16/98)

**Wireless Telecommunications Tower:** Any structure which elevates the wireless communication antenna and may include accessory transmission and receiving equipment. Revised (01/16/98)

**Yard:** An open space other than a court unoccupied and unobstructed by any principal structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; except that accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility. Required Yards are illustrated in Table 202. (07/12/07)

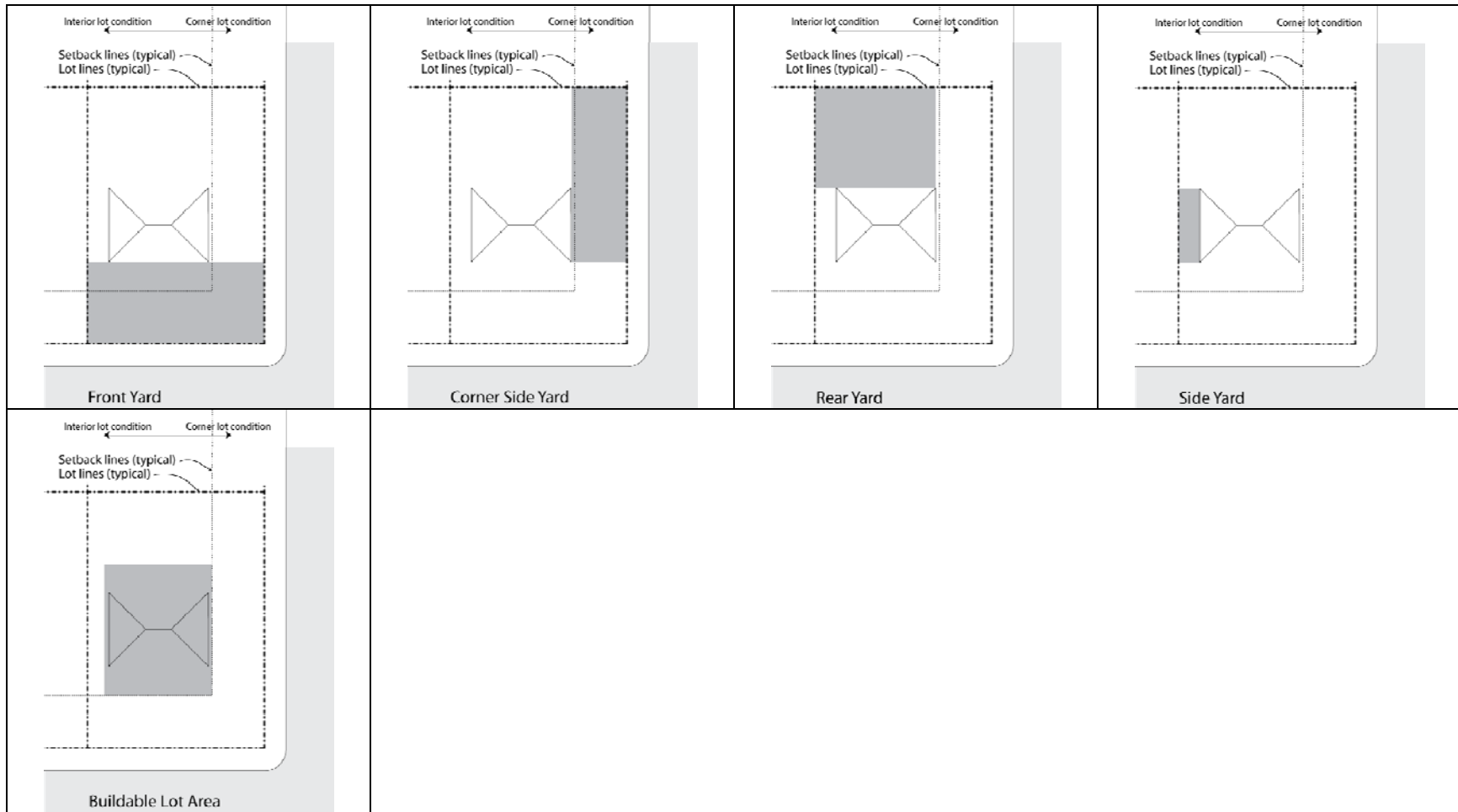
1. Yard, Front – A yard extending between side lot lines across the front of a lot and from the road-right-of-way to the front of the principal building.
2. Yard, Corner Side – A yard extending between the line of the front of the principal building to the rear lot line and from the side street road right-of-way to the side of the principal building. (07/12/07)
3. Yard, Rear – A yard extending between the building and the rear lot line, and outside of any corner side yard. (07/12/07)
4. Yard, Side – A yard extending between the lines of the front and rear of the principal building and from the side lot line to the side of the principal building.

**Zoning Inspector:** The person designated by the local government to enforce the Zoning Resolution. (11/20/04)

**Zoning Permit:** The document issued by the Zoning Inspector authorizing the use of land or buildings. Also known as a Zoning Certificate.

(01/16/98, 07/12/07)

Table 202 Yards and Buildable Area



(07/12/07)