

ARTICLE 2

DEFINITIONS

INTERPRETATION OF TERMS OR WORDS: For the purpose of this resolution certain terms or words used herein shall be interpreted as follows:

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

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 or structure.

ADULT ARCADE: Means an establishment or place to which the public is permitted or invited wherein coin operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to one or more persons, per machine, at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas”, as later defined in this Article.

ADULT BOOK STORE OR ADULT VIDEO STORE: Means 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:

- a) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, slides, or other visual representations, which materials have, as their major or dominate theme, matter which depicts or describes “specified sexual activities” or “specified anatomical areas”; or
- b) Instruments, devices, paraphernalia that are designed for connection with “specified sexual activities”.

ADULT CABARET: Means a nightclub, bar, restaurant, or similar commercial establishment, which regularly features the following:

- a) Persons who appear and display “specified anatomical areas” or engage in “specified sexual activities”, as later defined in this Article, or
- b) Live performances which are characterized by the exposure of “specified anatomical areas” or engage in “specified sexual activities”, as later defined in this Article, or
- c) Films, motion pictures, video cassettes, slides or other photographic reproductions which materials have as their major or dominate theme, matters which are characterized by the depiction or description of “specified sexual activities”, or “specified anatomical areas”, as later defined in the Article.

ADULT CARE FACILITIES – Any residence, institution, hotel, assisted living facility, congregate housing project or similar facility that provides personal care services to fewer than three residents or that provides, for any number of residents, only housing, housekeeping, laundry, meal preparation, social, or recreational activities, maintenance, security, transportation and similar services that are not personal care services or skilled nursing care.

ADULT MOTEL: Means a hotel, motel, or similar commercial establishment, which 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 with said materials having, as their major dominate theme, matters which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” as defined herein, and has a sign visible from the public right-of-way which advertised the availability of this type of photographic reproduction. (Rev. 01/03/2001)

ADULT MOTION PICTURE THEATER: Means a commercial establishment where, for any form of consideration, films, motions pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which materials have as their major or dominate theme matters which are characterized by the depiction or the description of “specified sexual activities” or “specified anatomical areas”, as later defined in this Article.

ADULT THEATER: Means a theater, concert hall, auditorium, or similar commercial establishment, which regularly features live performances, which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”, as later defined in this Article.

AGRICULTURE: The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce, provided, however that;

- 1) The operation of any such accessory uses shall be secondary to that of normal agricultural activities; and
- 2) The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within 100 feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feed yard.

AIRPORT: Any runway, land area or other facility designed or used either publicly or privately by any persons 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 space.

ALLEY: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.

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

ANIMAL HUSBANDRY: The breeding, judging, care, and production of farm animals.

ANTENNA: A system of electrical conductors that emit or receive radio waves.

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

APPLICANT: An individual, business, or corporation applying for a Zoning Permit or Conditional Use Permit issued by the Zoning Inspector or Board of Zoning Appeals in conformance with the provisions of the Resolution shall be the owner of record of the property or the owner’s authorized agent. Signature by an authorized agent must be accompanied by documented proof of the agent’s authority. The application will hold the owner responsible for the truth and exactness of all information supplied on the application as started at the start of the Ashtabula Township Zoning Application for Zoning Permit.

AUTOMOTIVE, MANUFACTURED HOME, RECREATIONAL VEHICLE, AND FARM IMPLEMENT SALES: The sale or rental of new and used motor vehicles, manufactured homes, recreational vehicles, or farm implements, including repair work of same, to be displayed and sold on the premises.

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

AUTOMOTIVE WRECKING: The dismantling or wrecking of used motor vehicles, manufactured homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

BASEMENT: Is that portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. Basement and story can be one of the same.

BED-N-BREAKFAST: An establishment operated in a dwelling unit, or portion thereof, that provides short-term lodging, with or without the service of a morning meal only, for compensation and where the operator lives on the premises.

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

BOTTOMLESS: Less than full opaque covering of male or female genitals, pubic area or buttocks.

BREEZEWAY: A roofed open passage connecting two buildings.

BUFFER STRIP: A designated strip of land, unoccupied by buildings, structures, parking areas, streets, or required yard setbacks, where rear or side lines or property in one zoning district are contiguous with property of another zoning district, designed, and intended to provide protection and screening and which shall remain unoccupied by any structure. It is the intent and purpose to provide for a year round vertical screening of at least eight feet in height which would obscure the view of the property and must be permanently maintained.

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, the use of which is incidental and accessory to that of the main building or use.

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 the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE: Line perpendicular to the setback line at the specified distance or to a point of the building nearest the right-of-way where the building or structure does not parallel the road or street.

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated.

BUSINESS, GENERAL: The purpose of the General Business District is to encourage the establishment of areas for general business uses to meet the needs of the regional market area. Activities in this district are often large space users. Shopping centers will be the predominant building approach.

BUSINESS, HIGHWAY: Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend to serve the motoring public. Highway business uses include, but need not be limited to, such activities as service stations; truck and auto sales and service; restaurants and motels; and commercial recreation.

BUSINESS, LOCAL: The purpose of the Local Business District is to encourage the establishment of areas for convenience business uses.

BUSINESS, OFFICE TYPE: Quasi-commercial uses which may often be transitional between retail business and/or manufacturing, and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting. Institutional offices of a charitable, philanthropic, or religious or educational nature are also included in this classification.

BUSINESS SERVICES: Any profit making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in home and businesses.

BUSINESS, WHOLESALE: Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

CELLAR: A room or set of rooms, wholly or partly underground and usually beneath a building.

CEMETERY: Land used or intended to be used for burial of human or animal remains.

CHANNEL: A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

CHILD DAY CARE: Any person or entity administering to the needs of infants, toddlers, pre-school children and school children, by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption, and is not the permanent residence of the licensee or administrator in which the child day care is provided. Said person or entity must be licensed under the Ohio Revised Code Section 5104.03, or any amendment thereto.

CLINIC: A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical, surgical, dental, psychological, psychiatric, and mental attention, but who are not provided with board or room or kept overnight on the premises.

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

COMMERCIAL ENTERTAINMENT FACILITIES: Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, nightclubs, cocktail lounges, and similar entertainment activities.

COMPREHENSIVE DEVELOPMENT PLAN: A plan, or any portion thereof, adopted by the Planning Commission and the legislative authority of the Township of Ashtabula showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

CONDITIONAL USE: (Same as Special Use) A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Conditional Use Schedule of District Regulations.

CONDITIONAL USE PERMIT: A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

CONDOMINIUM: Individually owned dwelling unit located in a multi-unit structure or on land in common

and operated by an association of owners whereby the owner has a recordable deed enabling him to sell, mortgage, transfer, exchange, or other wise convey ownership thereof. Condominium development is governed under Chapter 5311 of the Ohio Revised Code and all such development in Ashtabula Township shall be in conformity with all applicable laws.

CORNER LOT: A lot two sides of which are bounded by margins of intersecting dedicated public highways.

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

- 1) Gross Density - the number of dwelling units per acre of the total land to be developed.
- 2) Net Density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

DWELLING: Any building or structure which is wholly, or partly used or intended to be used for living or sleeping by one or more human occupants.

DWELLING UNIT: Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

DWELLING, TWO-FAMILY: A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

DWELLING, SINGLE FAMILY: A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

DWELLING, MULTI-FAMILY: A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrial units.

DWELLING, INDUSTRIAL UNIT: An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit but not a manufactured home.

DWELLING, ROOMING HOUSE, (BOARDING HOUSE, LODGING HOUSE, DORMITORY): A dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

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

ELECTROMAGNETIC SPECTRUM: The range of all electromagnetic energy. Ionizing Electromagnetic Energy (IER) The upper portion of the electromagnetic spectrum; includes cosmic, atomic, and x-rays; alters molecular structure of living tissue through which it passes.

NON-IONIZING ELECTROMAGNETIC RADIATION (NIER) The lower portion of the electromagnetic spectrum; includes household electrical current, radio, television, and microwave communication, radar, and visible light. It may cause nonthermal effects.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, or underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal system or sites, including poles, wires, mains, drains, 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.

EXTRACTIVE MANUFACTURING: Land use for the mining, processing and storage of mineral resources. Regulated by the Ohio Department of Natural Resources, Division of Mines, refer to Ohio Revised Code 1514.

FAMILY: One or more persons occupying a single dwelling unit, provided that all members are related by blood, adoption, or marriage.

FARM VACATION ENTERPRISES (PROFIT OR NON-PROFIT): Farms adapted for use as vacation farms, picnicking and sports areas, fishing waters, camping, scenery, and nature recreational areas; hunting preserves and watershed projects.

FLOOR AREA OF A RESIDENTIAL BUILDING: The area of a dwelling devoted to living purposes, including stairways, halls, and closets, but excluding cellars, basements, decks, porches, garages, breezeways, terraces, attics, or partial stories and measured in square footage.

FLOOR AREA OF A NON-RESIDENTIAL BUILDING (TO BE USED IN CALCULATING PARKING REQUIREMENTS): The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

FLOOR AREA, USABLE: Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

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

FOOTPRINT OF ENTIRE PRINCIPAL STRUCTURE: The measured dimension from the most projecting dimension of the structure, such as overhangs, gable ends, decks, or any permanent projection. These dimensions shall be used when considering yard setbacks.

FOOTPRINT OF PRINCIPAL USE RESIDENTIAL BUILDING: The enclosed ground floor area using the exterior wall dimensions of that part of the residential building, which is exclusive of decks and overhangs.

FREQUENCY: The number of cycles completed each second by a sound wave; measured in hertz (Hz). 1 Hz = 1 cycle per second; 1 kilohertz (kHz) = 1,000 Hz; and 1 megahertz = (mHz) = 1,000 kHz or 1,000,000 Hz.

FRONT LOT LINE: That property line or lines which coincide with a dedicated Road or Street Right-of-Way, boundary or boundaries.

GARAGES, 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.

GOVERNMENTAL USE--IGL (Institutional Government Land): Buildings and/or lands used exclusively by Federal, State, County or Township Governments for public purposes.

HIGHWAY, MAJOR: A street or road of considerable continuity and used primarily as a traffic artery for passage among large areas. A highway is generally located and constructed within a public right-of-way, however such highway may be classified for public administrative and maintenance purposes as a municipal, township, county, state, or federal street, road, or thoroughfare.

HOME OCCUPATION: An occupation conducted in a dwelling unit.

HOSPITAL: A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, and who are provided with board and room or kept overnight on the premises.

HOTEL OR MOTEL AND APARTMENT HOTEL: A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

INSTITUTION: An organization having a social, educational, medical, or religious purpose such as a school, church, hospital, reformatory, and the building housing such organization.

JUNK, JUNK CAR, JUNK YARD:

- 1) “Junk” means old or scrap copper, brass, rope, rags, batteries, paper, rubber, junked or dismantled or wrecked vehicles or parts thereof, iron, steel and other old or scrap ferrous or non-ferrous materials which are not held for sale for melting purposes by an establishment having facilities for processing such materials.
- 2) “Junk Car”, (Disabled Vehicle) means any type of motor vehicle that meets any one of the following criteria:
 - a.) The vehicle does not have a current license,
 - b.) The vehicle is apparently mechanically inoperable,
 - c.) The vehicle is extensively damaged (i.e. missing wheels, motor, tires or transmission),
 - d.) The vehicle is in a dilapidated or broken down state.
- 3) “Junk Yard” means an establishment or place of business other than an establishment having facilities for processing iron, steel, or non-ferrous scrap and whose principal product is scrap iron and steel or non-ferrous scrap for sale for re-melting purposes, which is maintained or operated for the purpose of storing, keeping, buying or selling junk or for the maintenance or operation of a vehicle graveyard, except an establishment or place where vehicles, wrecked or otherwise, are held exclusively for storage, repair or resale without alteration.

KENNEL: Any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

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

LOADING SPACE, OFF-STREET: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading space shall be located totally outside of any street or alley right-of- way.

LOT: For the purpose of this resolution, a lot is 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 space as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street.

LOT AREA: The number of square feet included by the metes and bounds of the property line.

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.

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 and yards shall be provided as indicated under “Yards” in this section.

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

LOT MEASUREMENTS: A lot shall be measured as follows:

- 1) Depth: The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- 2) Width: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

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

LOT SPLIT: A recorded permanent tax parcel resulting upon the conclusion of a division of land as approved by the Ashtabula County Planning Commission pursuant to Section 711.131 of the Ohio Revised Code and the Ashtabula County Subdivision Regulations.

LOT TYPES: Terminology used in this resolution with reference to corner lots, interior lots and through lots is as follows:

- 1) Corner Lot: A lot located at the intersection of two or more streets.
- 2) Interior Lot: A lot with only one frontage on a street.
- 3) Through Lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- 4) 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.

MAINTENANCE AND STORAGE FACILITIES: Land, building, and structures devoted primarily to the maintenance and storage of household goods, recreational vehicles and other personal items.

MANUFACTURED HOME: Any non-self propelled vehicle transportable in one or more sections, which in the traveling mode, is twelve feet or more in width or seventy body feet or more in length or, when erected on site, is eight hundred forty or more square feet, and which is built on a permanent chassis and originally designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Any such structure as defined in the preceding sentence shall be a Manufactured Home for purposes of this resolution whether or not such structure is subject to taxation under Section 4503.06 of the Ohio Revised Code or its successor provisions as a manufactured home, and whether or not such structure is permanently attached to a site and no longer has the potential for mobility, by reason of, but not limited to, lack or surrender of any manufactured home title, physical alteration such as removal of towing tongue, and/or situation on property owned by the owner of such structure. Calculations used to determine the number of square feet in a structure are based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets and other projections containing interior space, but do not include bay windows. Furthermore, this use should be specifically noted in the Schedule of Uses. This dwelling unit shall bear a label certifying that is built in compliance with the Federal Manufactured Housing Construction and Safety Standards (see 24CFR3280 for legal definition.)

MANUFACTURED HOME PARK: Any tract of land upon which three or more "manufactured homes" as defined in this resolution, used for habitation or parked, either free of charge or for revenue purposes and includes any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park. A tract of land which is subdivided and where the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park even though three or more manufactured homes are parked thereon if the roadways are dedicated to the local government authority. "Manufactured Home Park" does not include any tract of land used solely for the storage or display for sale of manufactured homes. Furthermore, this use should be specifically noted in the Schedule of Uses.

MANUFACTURING, HEAVY: Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, 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 no nuisances.

MASSAGE PARLOR: An establishment that offers therapeutic, non-sexual manipulation and massage by a licensed or certified therapist.

MECHANICAL AMUSEMENT DEVICE: A machine or device, other than a telephone or coin operated ride, which upon insertion of a coin or token, operates or may be operated for use as a game, amusement or contest of any description.

MEASUREMENT OF DISTANCE: Means the distance between any two (2) specific geographic points measured in a straight line without regard to intervening vertical structures or other obstructions between those two (2) points.

MICROWAVE: Electromagnetic radiation with frequencies higher than 1,000 mHz; highly directional when used for radio frequency transmissions; transmitted from point to point at relatively low power levels compared to other forms of transmission.

MODULAR HOMES: Factory-built housing certified as meeting the BOCA Basic Building Code as applicable to modular housing. Once certified by the Ashtabula County Department of Building Regulations, modular homes shall be subject to the same standards as site-built homes.

NON-CONFORMING USE: 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: Means any place which regularly has persons display “specified anatomical areas” to be photographed, filmed, or video taped by other persons who pay money or any other form of consideration for such service.

NUDE OR NUDITY: The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full opaque covering of any portion thereof, or female breast(s) with less than a full opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

NURSERY, NURSING HOME: A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

NURSERY, PLANT MATERIALS: Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

OPEN SPACE: An area substantially open to the sky which may be on the same lot with a building.

PARKING AREA: That area which is set aside for the parking of motor vehicles and non-motorized vehicles on any premises.

PARKING SPACE, OFF-STREET: For the purpose of this resolution, an off-street parking space shall consist of an area 10’x20’ 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, but shall be located totally outside of any street or alley right-of-way.

PERMANENTLY CONSTRUCTED: Anything constructed, the use of which requires a permanent foundation on the ground. For purposes of this definition, trellises, fences, and uncovered and covered walkways shall not be considered permanently constructed connections.

PERSON: Means an individual, proprietorship, partnership, corporation, association, or other legal entity.

PERSONAL SERVICES: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

PLANNED UNIT DEVELOPMENT: An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

PORCH: Wherever mentioned is a roofed area, projecting from the front, side or rear wall of the building.

PORTABLE ITEM USED FOR ADVERTISING: A movable, temporary, portable, non-permanently attached device, object, or structure that is not designed, intended, or installed to be permanently located or affixed to real property or other personal property whether it is permanently or not affixed to any property that may be used for advertising purposes. There may be exceptions for right-of-way installations, however must be permitted by the Zoning Inspector. The right-of-way installations should be intended to benefit a utility company or public works project.

PROFESSIONAL ACTIVITIES: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

PUBLIC SERVICE FACILITY: The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping station, 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 services.

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, ditch, easement, expressway, freeway, highway, land, parkway right-of-way, road, sidewalk, street, subway, 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.

QUASI-PUBLIC USE: Churches, Sunday schools, parochial schools, colleges, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

RADIO: A generic term referring to communication of impulses, sounds, and pictures through space by means of an electromagnetic wave; specifically, refers to transmission of sound within short-wave, FM, AM, and land-mobile radio frequencies.

REAR LOT LINE: That property line opposite the designated front line.

RECREATION CAMP: An area of land on which two 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: Public or private facilities that may be classified as either “extensive” or “intensive” depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to, hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

RECREATIONAL VEHICLE: A tent trailer, travel trailer, motor home, fifth wheel camper, pick-up camper, ATV's, mini-bikes, golf cart, or jet ski, ect.

RESEARCH ACTIVITIES: Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

RESOLUTION: This term refers to the Zoning Text and Zoning Map of Ashtabula Township.

RESTAURANT: A building where upon or in which food or beverages are cooked, prepared, and offered for sale and where consumption is permitted on said lot, premises or building, whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns, and fast food establishments.

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.

ROADSIDE STAND: A structure designed or used for the display and or sale of merchandise including but not limited to agricultural and related products.

SATELLITE DISH ANTENNA: A signal receiving device (dish antenna or dish type antenna), whose purpose is to receive communication or other signals from satellites in earth orbit.

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.

SERVICE STATION: Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered and sales made:

- 1) Sales and service of spark plugs, batteries, and distributors parts;
- 2) Tire servicing and repair, but not recapping or re-grooving;
- 3) Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like;
- 4) Radiator cleaning and flushing;
- 5) Washing, polishing, and sale of washing and polishing materials;
- 6) Greasing and lubrication;
- 7) Providing and repairing fuel pumps, oil pumps, and lines;
- 8) Minor servicing and repair of carburetors;
- 9) Adjusting and repairing brakes;
- 10) Minor motor adjustment;
- 11) Sale of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations;
- 12) Provisions of road maps and other informational material to customers, provision of restroom facilities;
- 13) Warranty maintenance and safety inspections.

Uses permissible at a service station, do not include major mechanical and body work, straightening of body parts, painting, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations.

SETBACK LINE: A distance from a property line within which structure is prohibited.

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, ON-SITE: 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 ACTIVITY: Sexual conduct or sexual contact, or both.

SEXUAL CONTACT: Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

SEXUAL ENCOUNTER CENTER: Means business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration the following:

- 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 persons of the same sex when one or more of the persons is displaying "specified anatomical areas" or engaging in "specified sexual activities", as defined herein.

SEXUAL EXCITEMENT: The condition of the human male or female genitals, when in a state of sexual stimulation or arousal.

SIDE LOT LINE: Any line which is neither a front property line nor a rear property line.

SIDEWALK: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

SIGN: Any device designated to inform or attract the attention of persons not on the premises on which the sign is located. Specific Definitions of General Terms, Sign Types, and Sign Uses as included under Article 12, Sections 1204, 1210, and 1211.

SITE-BUILT HOMES: Dwelling unit constructed on a lot in accordance to the BOCA Basic Building Code and inspected/approved by the Ashtabula County Department of Building Regulations.

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

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

SMALL WIND FARM: Wind Turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than five megawatts.

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

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

SPECIFIED ANATOMICAL AREAS: Are defined as human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top or the areola, and human male genitals in a discernibly turgid state, all of which are less than completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Means and includes any of the following:

- a) The fondling, erotic, or other intentional touching of the human genitals, pubic region, buttocks, anus, or female breasts by the individual upon whose body the same is located or another individual;
- b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- c) Masturbation, actual or simulated;
- d) Human genitals in a state of sexual stimulation, arousal or tumescence; or
- e) Excretory functions as part of or in connection with any of the activities set forth in subdivisions (a) through (d), above of the subsection.

STORY: That part of a building between the upper surface of a floor and the upper surface of the floor next above.

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, manufactured homes, walls, fences, billboards, satellite dish antenna and towers.

SUPPLY YARDS: A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

SWIMMING POOLS: A pool, lake, or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager.

- 1) **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; an accessory use.

- 2) Community: Operated with a charge for admission; a primary use.

THOROUGHFARE, STREET, OR ROAD: The full width between property lines bounding every dedicated or private public way, with a part thereof to be used for vehicular traffic and designated as follows:

- 1) Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- 2) Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
- 3) Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- 4) Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- 5) Dead-end Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- 6) Local Street: A street primarily for providing access to residential or other abutting property.
- 7) Loop Street: A type of local street, in which each end terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1,000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
- 8) Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets.

TOWER: A building or structure typically higher than its diameter or relatively high by its position.

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

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

TRANSPORTATION, DIRECTOR OF: The Director of the Ohio Department of Transportation.

TRANSMISSION TOWER: The structure on which transmitting and/or receiving antennas are located. An AM radio tower is its own transmitting antenna.

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

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 variance is 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. No variance may be granted whereby the end result would in effect be a zoning change.

VETERINARY ANIMAL HOSPITAL OR CLINIC: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

VICINITY MAP: A drawing located on the plat which sets dimensions or other means, the relationship of the proposed subdivision or use of other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

WALKWAY: A public way, four (4) feet or more in width, for pedestrian use only, whether along side of a road or not.

WAREHOUSE: A storehouse for wares, or merchandise for wholesale or retail.

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

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

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

YARD: A required open space other than a court unoccupied and unobstructed by any structure from three (3) feet above the general ground level of the graded lot upward; provided accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

- 1) **Yard, Front:** A yard extending between side lot lines across the front of a lot and from lot line to the front of the principal building.
- 2) **Yard, Rear:** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
- 3) **Yard, Side:** A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

ZONES OR DISTRICTS: Areas designated on zoning map for development of a particular use.

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.