

CHAPTER 1105
Definitions

1105.01 Interpretation of terms or words.

1105.02 Definitions.

1105.01 INTERPRETATION OF TERMS OR WORDS.

For the purpose of this Ordinance, 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.
- (b) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (c) The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- (d) The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- (e) The word "lot" includes the words "plot" or "parcel."
- (f) The word "permanent" includes any fixture in which concrete, asphalt, masonry blocks or bricks are used in its construction. A fixture is enduring or meant to last indefinitely, and is not expected to change in status, condition, or place.

1105.02 DEFINITIONS.

As used in this Zoning Ordinance:

- (1) **"Accessory Use (or Structure)"** means any use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "accessory use" includes anything of a subordinate nature attached to or detached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels and billboards. Except as otherwise required in this Ordinance, an accessory use shall be permitted.
- (2) **"Adult Care Facility"** means any residence, facility, institution, hotel, congregate housing accommodations and supervision provided to 3 to 16 unrelated adults and providing supervision and personal care services to at least three (3) adults; it shall not include, assisted living facility, elderly housing facility, group residential facility, nursing home or similar facilities that provide skilled nursing care, which are herein separately defined. There are two types of adult care facilities:

- A. "Adult Family Home" means a facility or residence providing accommodations for 3 to 5 unrelated adults and providing supervision and personal care services to at least 3 adults.
- B. "Adult Group Home" means a facility or residence that provides accommodations for 6 to 16 unrelated adults and providing supervision and personal care services to at least three (3) adults.
- (3) **"Agriculture"** means 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:
 - A. The operation of any such accessory uses shall be secondary to that of normal agricultural activities and
 - B. 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.
- (4) **"Airport"** means 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.
- (5) **"Alley"**. (*See Thoroughfare.*)
- (6) **"Alteration"** means any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, or any substantial change in the roof and exterior walls, or the moving from one location or position to another.
- (7) **"Apartment House."** (*See Dwelling, Multi-Family.*)
- (8) **"Assisted Living Facility"** means a multiple-unit residential facility which may be licensed by the Ohio Department of Health, that provides or arranges for skilled nursing care for one or more unrelated individuals who reside in the facility. For the purpose of this definition, "assisted living facility" shall not include adult care facility, elderly housing facility, group residential facility or nursing home, which are herein separately defined.
- (9) **"Automotive Repair"** means the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service and painting.
- (10) **"Automotive (Manufactured/Mobile Home, Travel Trailer or Farm Implement) Sales"** means the sale or rental of new and used motor vehicles, mobile/manufactured homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.
- (11) **"Automotive Wrecking"** means the dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts.
- (12) **"Basement"** means a story, suitable for business or habitation, partially below the level of the adjoining street or ground, and below the first tier of floor beams or joists. When a basement floor is less than 2 feet below the average grade, it will be rated as the first story or ground floor. (*See Story.*)

- (13) **"Building"** means any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property. (*See Structure.*)
- (14) **"Building, Accessory"** means 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.
- (15) **"Building, Height"** means the vertical dimension measured from the average elevation of the finished lot 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 average height between the eaves and ridge for gable hip and gambrel roofs.
- (16) **"Building Line."** (*See Setback Line.*)
- (17) **"Building, Principal"** means a building in which is conducted the main or principal use on which said building is situated.
- (18) **"Business, Convenience"** means commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores, if less than 10,000 square feet in gross floor area. Uses in this classification tend to serve a day-to-day need in the neighborhood.
- (19) **"Business, General"** means 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, footwear, appliances, and furniture, department stores, and discount stores.
- (20) **"Business, Highway"** means 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/filling stations, truck and auto sales and service, restaurants, motels and commercial recreation.
- (21) **"Business, Office Type"** means 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.
- (22) **"Business, Service"** means any profit making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.
- (23) **"Business, Wholesale"** means 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.

- (24) **"Cemetery"** means land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.
- (25) **"Channel"** means a natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.
- (26) **"Child Day Care"** means administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardian, custodians, or relatives by blood, marriage, or adoption for any part of the 24 hour day in a place or residence other than the child's own home.
- The following are child day-care facilities:
- A. **"Child Day-Care Center"** means any facility licensed by the Ohio Department of Jobs and Family Services in which child day-care is provided, with or without compensation, to 13 or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for 7 to 12 children at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.
- B. **"Type A Family Day-Care Home"** means a permanent residence of the administrator, licensed by the Ohio Department of Jobs and Family Services, in which child day-care is provided for 4 to 12 children at any one time, if 4 or more children are under 2 years of age. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the immediate family and the residence is their home.
- C. **"Type B Family Day-Care Home"** means a permanent residence of the provider, licensed by the Northwest Ohio Community Action Commission, in which child daycare or child day-care services are provided for one (1) to six (6) children at one time and in which no more than three (3) children may be under 2 years of age at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.
- (27) **"Clinic (or Medical Center)"** means 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, but limited to out-patients only.
- (28) **"Club"** means a building or portion thereof or premises owned or operated by a person or association of persons for some common nonprofit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

- (29) **"Commercial Entertainment Facility"** means any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.
- (30) **"Conditional Use"** means a use permitted within a zoning district other than a principally permitted use, requiring a conditional zoning certificate.
- (31) **"Conditional Zoning Certificate"** means a certificate issued by the Zoning Inspector upon approval by the Planning Commission, to allow a use other than a principally permitted use to be established within a zoning district.
- (32) **"Condominium"** means a building or group of buildings in which units are individually owned but the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners.
- (33) **"Convalescent Home (or Rest Home)."** (*See Nursing Home.*)
- (34) **"Corner Lot."** (*See Lot Types.*)
- (35) **"Cul-de-Sac."** (*See Thoroughfare.*)
- (36) **"Dead End Street."** (*See Thoroughfare.*)
- (37) **"Density"** means a unit of measurement expressing the number of dwelling units per acre of land.
A. **"Gross Density"** means the number of dwelling units per acre of the total land to be developed.
B. **"Net Density"** means the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.
- (38) **"District"** means a part, zone, or geographic area within the municipality within which certain zoning or development regulations apply.
- (39) **"Dwelling"** means any building or structure which is wholly or partly used or intended to be used for living or sleeping by one (1) or more human occupants.
- (40) **"Dwelling, Industrialized Unit"** means 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/mobile home. (*See Factory-Built Housing.*)
- (41) **"Dwelling, Multi-Family"** means a dwelling consisting of 3 or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units, but not including hotels or motels.
- (42) **"Dwelling, Rooming House (or Boarding House, Lodging House or Dormitory)"** means a dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three (3) or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.
- (43) **"Dwelling, Single-Family"** means a dwelling consisting of one (1) dwelling unit only, separated from other dwelling units per lot.
- (44) **"Dwelling, Two-Family"** means a dwelling consisting of two (2) 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.
- (45) **"Dwelling Unit"** means 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 (1) family and its household employees.

- (46) **"Easement"** means authorization by a property owner for the use by another, and for a specified purpose of any designated part of his property.
- (47) **"Elderly Household"** means not more than three (3) persons, related or unrelated, who occupy a single dwelling unit, of whom one person is elderly.
- (48) **"Elderly Housing Facility"** means a multiple-unit residential facility which may be licensed by the Ohio Department of Health, where occupancy is restricted to elderly persons or households. Such facility may include personal care service, skilled nursing care, recreational facilities, and provide for independent or semi-independent living. For the purpose of this definition, "elderly housing facility" shall not include adult care facility, assisted living facility, group residential facility or nursing home, which are herein separately defined.
- (49) **"Elderly Person"** means any person who is 62 years of age or older, or any person under 62 years of age who is handicapped such that his physical impairments are of a long-term duration and impede his ability to live independently without a suitable housing environment.
- (50) **"Essential Service"** means 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, supply or disposal systems 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. (*See Public Service Facility.*)
- (51) **"Factory-Built Housing"** means factory-built housing means a factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this definition, "factory-built housing" shall include the following:
 - A. **"Manufactured Home"** means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable construction and safety standards.
 - B. **"Modular Home"** means a dwelling unit constructed in accordance with the standards set forth in the local building code as applicable to modular housing and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home may consist of two (2) or more sections transported to the site in a manner similar to a manufactured home, or a series of panels or room sections transported on a truck and erected or jointed together on site. Modular homes shall be considered as conventional single-family dwellings and are not regulated as manufactured homes defined above.

- (52) **"Family"** means a person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house, provided, however, that "family" shall not include more than four (4) persons unrelated to each other by blood, marriage or legal adoption, except for Class I Type B group residential facilities. (*See Group Residential Facility.*)
- (53) **"Floodplain"** means land areas, including the flood fringe and the floodway, subject to inundation by the 100-year flood, as shown on the Village of McClure's Flood Insurance Rate Map (FIRM).
- (54) **"Floodway"** means the channel of a river or other 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 foot.
- (55) **"Floor Area, Gross"** means the sum of the gross horizontal area of each floor intended for occupancy or storage, including basements devoted to residential use, and roofed porches, measured from the exterior face of exterior walls of the principal building.
- (56) **"Floor Area, Minimum"** shall consist of areas such as living room, bedroom, bathroom, dining room, rooms for cooking, den, library, and family rooms, but shall not include areas such as porches, breezeways, terraces, basement recreation rooms, utility rooms, garages and basements.
- (57) **"Garage, Private"** means a building or part thereof accessory to a principal building and providing for the storage of motor vehicles and other household materials, supplies, tools and equipment, in which no occupation or business for profit is carried on other than that conditionally permitted under home occupation, and not reducing the storage of that number of vehicles for which such garage was designed.
- (58) **"Garage, Public"** means a principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and which not-for-profit service station activities may be carried on.
- (59) **"Garage Sales"** means the conducting of a sale, including yard sales, porch sales, barn sales, or any other activity in which merchandise is sold, on private property which has not been designated as a business.
- (60) **"Garage, Service Station"** means 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:
- A. Sales and service of spark plugs, batteries, and distributor parts;
 - B. Tire servicing and repair, but not recapping or regrooving;
 - C. Replacement of mufflers and tail pipes, water hose, fan belts-brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease containers, wheel bearings, mirrors, and the like;
 - D. Radiator cleaning and flushing;
 - E. Radiator welding and repair;
 - F. Greasing and lubrication;
 - G. Providing and repairing fuel pumps, oil pumps, and lines;
 - H. Minor servicing and repair of carburetors;
 - I. Adjusting and repairing brakes;

- J. Minor motor adjustment not involving removal of the head or crankcase or racing the motor.
 - K. Washing, polishing and cleaning of vehicle's exterior and interior body;
 - L. Sales of drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations;
 - M. Provisions of road maps and other informational material to customers, provision of restroom facilities;
 - N. Warranty maintenance and safety inspections.
- Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operational condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. (*See Automotive Repair/Wrecking.*)
- (61) **"Garden Apartment Development"** means an architectural and functional grouping of dwelling units which may include townhouses, row houses, terrace apartments and other structures similar in character and density to such development.
- (62) **"Group Home Residential Facility"** means a group residential facility is a community residential facility licensed by the State of Ohio, which provides rehabilitative or residential care services. For the purpose of this definition, "group residential facility" shall not include adult care facility, assisted living facility, elderly housing facility or nursing home, which are herein separately defined. There are two classes of group residential facilities.
- A. Class I: Any dwelling or place used as a foster home for children or adults, or as a home for the care or rehabilitation of dependent or pre-delinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff.
 - B. Class II: Any dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff.
- (63) **"Home Occupation"** means an accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby carried on by the inhabitant(s) thereon, which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, or elsewhere on the premises, without any significant adverse effect upon the surrounding neighborhood.

1125.10 WALL SIGNS PERTAINING TO NONCONFORMING USES.

On-premises wall signs pertaining to a non-conforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed 12 square feet.

1125.11 POLITICAL SIGNS.

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal, and shall not exceed four (4) square feet. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than 30 days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove all such material within 72 hours following election day.

1125.12 SIGN SETBACK REQUIREMENTS.

Except as modified in Section 1125.13, on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least 10 feet, provided such sign does not obstruct traffic visibility at thoroughfare intersections. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

1125.13 INCREASED SETBACK.

For every square foot by which any on-premises sign exceeds 50 square feet, the setback shall be increased by one-half (1/2) foot but need not exceed 100 feet.

1125.14 SPECIAL YARD PROVISIONS.

On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed within eight (8) feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than 12 feet, the latter shall apply.

1125.15 MAINTENANCE.

All signs shall be maintained in safe and sound structural condition at all times and shall be presentable. The Zoning Inspector shall remove any off-premises advertising signs or structure found to be unsafe or structurally unsound within 30 days of issuing a notification. The Zoning Inspector shall remove any on-premises sign which is determined to be unsafe or structurally unsound within 10 days of issuance of notification.

1125.16 NONCONFORMING SIGNS AND STRUCTURES.

Advertising signs and structures in existence prior to the effective date of adoption of this Ordinance which violate or are otherwise not in conformance with the provisions of this Article shall be deemed nonconforming. All such legal nonconforming signs and structures shall be maintained in accordance with this chapter. (*See Chapter 1129: Nonconformities.*)

1125.17 LOSS OF LEGAL NONCONFORMING STATUS.

A legal nonconforming sign shall immediately lose its legal non-conforming status, and therefore must be brought into conformance with this chapter or be removed, if the sign is altered in copy (except for changeable copy signs) or structure; or if it is enlarged, relocated, or replaced; or if it is part of an establishment which discontinues operation for 90 consecutive days; or if it is structurally damaged to an extent greater than one half of its estimated replacement value. Similarly, any legal non-conforming advertising structure so damaged must be brought into compliance or be removed. (*See Chapter 1129: Nonconformities.*)

1125.18 VIOLATIONS.

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Ordinance, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Ordinance. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Sections 1149.14 and 1149.15. Political signs posted in violation of Section 1125.11 of this Ordinance are subject to removal by the Zoning Inspector 5 days after written notice of violation of Section 1125.11 has been given.